

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2009-0760-IHW-E TCEQ ID: RN101130755 CASE NO.: 37676**  
**RESPONDENT NAME: W-TEK, INC.**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> W-TEK, 230 Irby Lane, Irving, Dallas County</p> <p><b>TYPE OF OPERATION:</b> Circuit board manufacturing facility</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 16, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. David Wetzel, President, W-TEK, INC., 230 Irby Lane, Irving, Texas 75061-7046  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> February 25, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 13, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WASTE</b></p> <p>1) Failure to conduct hazardous waste determinations and waste classifications on waste generated at the Facility. Specifically, hazardous waste determinations on a lead-bearing mixed router and scorer dust waste had not been conducted [30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS § 262.11].</p> <p>2) Failure to classify and maintain all hazardous waste determination records. Specifically, documentation for the non-hazardous drill dust was not being maintained [30 TEX. ADMIN. CODE §§ 335.503(a)(4) and 335.513].</p> <p>3) Failure to update the Notice of Registration ("NOR"). Specifically, the NOR was not updated to reflect contact information, all solid waste management units being used, and recycling activities being conducted [30 TEX. ADMIN. CODE § 335.6(c)].</p> <p>4) Failure to submit a manifest exception report within 45 days of the date that waste was accepted by an initial transporter. Specifically, the Facility had no confirmation regarding Manifest No. 001607202 nor had an exception report been submitted [30 TEX. ADMIN. CODE § 335.13(k) and 40 CODE OF FEDERAL REGULATIONS § 262.42].</p>	<p><b>Total Assessed:</b> \$18,340</p> <p><b>Total Deferred:</b> \$3,668  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$14,672</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Began conducting hazardous waste determinations on the lead-bearing mixed router and scorer dust waste on March 30, 2009;</p> <p>b. Submitted a copy of the original, destination facility-signed Manifest No. 001607202 on March 27, 2009;</p> <p>c. Updated the NOR reflecting contact information, solid waste management units, and recycling activities including the palladium container storage area and the dust wastestreams on July 29, 2009;</p> <p>d. Began maintaining sufficient aisle space on March 27, 2009;</p> <p>e. Implemented and conducted an annual emergency response training refresher program for personnel on March 27, 2009;</p> <p>f. Began conducting weekly inspections of the permit-exempt hazardous waste accumulation areas on March 27, 2009; and</p> <p>g. Submitted maps of the Facility's locations of hazardous waste satellite accumulation areas on March 27, 2009.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease causing or allowing hazardous waste to be transported by, or disposed at, unauthorized facilities.</p> <p>b. Within 15 days after the effective date of this Agreed Order, develop and implement procedures to ensure hazardous waste is transported by and disposed at properly authorized facilities.</p> <p>c. Within 30 days after the effective date of</p>

<p>5) Failure to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of operation in an emergency, unless aisle space is not needed for any of these purposes. Specifically, the Facility was not maintaining sufficient aisle space [30 TEX. ADMIN. CODE § 335.69(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 265.35].</p> <p>6) Failure to have personnel successfully complete an annual refresher training program regarding emergency response and to ensure the proper management of hazardous waste. Specifically, the Respondent did not have a training refresher program in place to ensure Facility personnel received the required annual training [30 TEX. ADMIN. CODE § 335.69(a)(4)(A) and 40 CODE OF FEDERAL REGULATIONS § 265.16(a)(4)(c)].</p> <p>7) Failure to meet the requirements of hazardous waste accumulated on-site for 90 days or less regarding closed, labeled, or marked containers. Specifically, the hazardous waste containers were not properly labeled nor being kept closed during storage [30 TEX. ADMIN. CODE § 335.69(a)(2) and 40 CODE OF FEDERAL REGULATIONS § 262.34(a)(2)].</p> <p>8) Failure to conduct weekly inspections of permit-exempt hazardous waste accumulation areas [30 TEX. ADMIN. CODE § 335.69(a)(1)(A) and 40 CODE OF FEDERAL REGULATIONS § 265.174].</p> <p>9) Failure to maintain records of hazardous and industrial solid waste activities. Specifically, there were no records of the locations of the hazardous waste satellite accumulation areas [30 TEX. ADMIN. CODE § 335.9(a)(1)(G)].</p> <p>10) Failure to prevent the transport and disposal of hazardous waste to an unauthorized facility. Specifically, the Respondent generated router and scorer dust waste which exhibited the toxicity characteristics for lead (D008), and transported it to a facility not authorized to accept hazardous waste [40 CODE OF FEDERAL REGULATIONS § 261.2(a)].</p>		<p>this Agreed Order:</p> <ul style="list-style-type: none"><li>i. Begin classifying and documenting all hazardous waste determinations; and</li><li>ii. Establish and implement procedures to ensure hazardous waste accumulated on-site for 90 days or less is properly managed regarding closing, labeling and marking containers.</li><li>d. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through c.ii.</li></ul>
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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

## TCEQ

<b>DATES</b>	Assigned	18-May-2009	Screening	20-May-2009	EPA Due	
	PCW	26-May-2009				

## RESPONDENT/FACILITY INFORMATION

Respondent	W-TEK, INC.		
Reg. Ent. Ref. No.	RN101130755		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	37676	No. of Violations	10
Docket No.	2009-0760-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Judy Kluge
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$21,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	-10.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	-\$2,100
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Notes: Adjustment due to High Performer classification.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$2,250
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$1,766	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$5,400		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$16,650
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	10.2%	<b>Adjustment</b>	\$1,690
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Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with violation nos. 6 and 10.

<b>Final Penalty Amount</b>	\$18,340
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$18,340
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$3,668
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Reduces the Final Assessed Penalty by the Indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$14,672
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Screening Date 20-May-2009

Docket No. 2009-0760-IHW-E

PCW

Respondent W-TEK, INC.

Policy Revision 2 (September 2002)

Case ID No. 37876

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101130755

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Judy Kluge

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
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%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Adjustment due to High Performer classification.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) -10%

<b>Screening Date</b> 20-May-2009	<b>Docket No.</b> 2009-0760-IHW-E	<b>PCW</b>		
<b>Respondent</b> W-TEK, INC.		Policy Revision 2 (September 2002)		
<b>Case ID No.</b> 37676		PCW Revision October 30, 2009		
<b>Reg. Ent. Reference No.</b> RN101130755				
<b>Media [Statute]</b> Industrial and Hazardous Waste				
<b>Enf. Coordinator</b> Judy Kluge				
<b>Violation Number</b> 1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.62 and 40 Code of Federal Regulations § 262.11			
<b>Violation Description</b>	Failed to conduct hazardous waste determinations and waste classifications on waste generated at the Facility. Specifically, hazardous waste determinations on a lead-bearing mixed router and scorer dust waste had not been conducted.			
	<b>Base Penalty</b>	\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="25%"/>	
<b>&gt;&gt;Programmatic Matrix</b>				
	<b>Falsification</b>	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to the pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>		
			<input type="text" value="\$2,500"/>	
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="33"/> <b>Number of violation days</b>	
mark only one with an x	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="text" value="x"/>		
	One single event is recommended.			
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/> <b>Reduction</b>	<input type="text" value="\$625"/>	
	Before NOC	NOV to EDCRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)		
<b>Notes</b>	The Respondent came into compliance on March 30, 2009, prior to the NOE dated May 13, 2009.			
	<b>Violation Subtotal</b>	<input type="text" value="\$1,875"/>		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$2"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$1,790"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$1,790"/>	

## Economic Benefit Worksheet

**Respondent** W-TEK, INC.  
**Case ID No.** 37676  
**Reg. Ent. Reference No.** RN101130755  
**Media** Industrial and Hazardous Waste  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**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)	\$500	25-Feb-2009	30-Mar-2009	0.09	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to conduct waste determinations on the lead-bearing mixed router and scorer dust waste. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$2

<b>Screening Date</b> 20-May-2009	<b>Docket No.</b> 2009-0760-IHW-E	<b>PCW</b>
<b>Respondent</b> W-TEK, INC.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 37676	<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN101130755		
<b>Media [Statute]</b> Industrial and Hazardous Waste		
<b>Enf. Coordinator</b> Judy Kluge		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code §§ 335.503(a)(4) and 335.513"/>	
<b>Violation Description</b>	<input type="text" value="Failed to classify and maintain all hazardous waste determination records. Specifically, documentation for the non-hazardous drill dust was not being maintained."/>	
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>

  

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

  

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>

  

**Matrix Notes**

**Adjustment**

  

**Violation Events**

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="84"/>	Number of violation days														
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">weekly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input checked="" type="checkbox"/>															

  
  

**Good Faith Efforts to Comply**

	<b>0.0% Reduction</b>	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>	
<b>Violation Subtotal</b>		<input type="text" value="\$1,000"/>

  

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

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** W-TEK, INC.  
**Case ID No.** 37678  
**Reg. Ent. Reference No.** RN101130765  
**Media** Industrial and Hazardous Waste  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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No commas or \$

**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	\$500	25-Feb-2009	25-Jan-2010	0.92	\$23	n/a	\$23
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to classify and maintain hazardous waste determination records. The date required is the investigation date and the final date is the expected date of compliance.

**Avoided Costs**

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$23

<b>Screening Date</b> 20-May-2009	<b>Docket No.</b> 2009-0760-IHW-E	<b>PCW</b>	
<b>Respondent</b> W-TEK, INC.		<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 37676		<small>PCW Revision October 30, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN101130755			
<b>Media [Statute]</b> Industrial and Hazardous Waste			
<b>Enf. Coordinator</b> Judy Kluge			
<b>Violation Number</b> 3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.6(c)		
<b>Violation Description</b>	Failed to update the notice of registration ("NOR"). Specifically, the NOR was not updated to reflect contact information, all solid waste management units being used, and recycling activities being conducted.		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Harm</b>		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<b>Percent</b> 0%
<b>&gt;&gt; Programmatic Matrix</b>			
	Major	Moderate	Minor
Falsification	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<b>Percent</b> 10%
<b>Matrix Notes</b>	100% of the rule requirement was not met.		
	<b>Adjustment</b>	\$9,000	
		\$1,000	
<b>Violation Events</b>			
Number of Violation Events	1	84	Number of violation days
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
			<b>Violation Base Penalty</b> \$1,000
	One single event is recommended.		
<b>Good Faith Efforts to Comply</b>			
	0.0% Reduction		\$0
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
<b>Notes</b>	The Respondent came into compliance on July 29, 2009, after the proposed order was mailed, therefore the Respondent does not meet the good faith effort criteria for this violation.		
	<b>Violation Subtotal</b>	\$1,000	
<b>Economic Benefit (EB) for this violation</b>			
<b>Statutory Limit Test</b>			
Estimated EB Amount	\$2	Violation Final Penalty Total	\$991
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$991

## Economic Benefit Worksheet

**Respondent** W-TEK, INC.  
**Case ID No.** 37676  
**Reg. Ent. Reference No.** RN101130755  
**Media** Industrial and Hazardous Waste  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Item Description** No commas or \$

**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)	\$100	25-Feb-2009	28-Jul-2009	0.42	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to update the solid waste registration. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$2

<b>Screening Date</b> 20-May-2009	<b>Docket No.</b> 2009-0760-IHW-E	<b>PCW</b>
<b>Respondent</b> W-TEK, INC.		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 37676		<small>PCW Revision October 30, 2008</small>
<b>Reg. Ent. Reference No.</b> RN101130755		
<b>Media [Statute]</b> Industrial and Hazardous Waste		
<b>Enf. Coordinator</b> Judy Kluge		
<b>Violation Number</b> <input type="text" value="4"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 335.13(k) and 40 Code of Federal Regulations § 262.42"/>	
<b>Violation Description</b>	<input type="text" value="Failed to submit a manifest exception report within 45 days of the date that waste was accepted by an initial transporter. Specifically, the Facility had no confirmation regarding Manifest No. 001607202 nor had an exception report been submitted."/>	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
<b>OR</b>	<b>Harm</b>	
	Major      Moderate      Minor	
Actual	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>
	<b>Percent</b>	<input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification      Major      Moderate      Minor	
	<input type="text"/>	<input type="text" value="x"/>
	<b>Percent</b>	<input type="text" value="10%"/>
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirement was not met."/>	
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>
		<input type="text" value="\$1,000"/>
<b>Violation Events</b>		
<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b> <input type="text" value="30"/>
<small>mark only one with an x</small>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$1,000"/>
	<input type="text" value="One single event is recommended."/>	
<b>Good Faith Efforts to Comply</b>		
	<b>25.0% Reduction</b>	<input type="text" value="\$250"/>
	<small>Before NOV      NOV to EDCRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text" value="(mark with x)"/>
<b>Notes</b>	<input type="text" value="The Respondent came into compliance on March 27, 2009, prior to the NOE dated May 13, 2009."/>	
	<b>Violation Subtotal</b>	<input type="text" value="\$750"/>
<b>Economic Benefit (EB) for this violation</b>		
	<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="text" value="\$9"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$716"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$716"/>	

## Economic Benefit Worksheet

**Respondent** W-TEK, INC.  
**Case ID No.** 37676  
**Reg. Ent. Reference No.** RN101130755  
**Media** Industrial and Hazardous Waste  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	16

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	31-May-2007	27-Mar-2009	1.82	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to submit a manifest exception report. The date required is 45 days after the initial transporter acceptance date of April 16, 2007, and the final date is the compliance date.

**Avoided Costs**

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$9

<b>Screening Date</b> 20-May-2009	<b>Docket No.</b> 2009-0760-IHW-E	<b>PCW</b>				
<b>Respondent</b> W-TEK, INC.		<small>Policy Revision 2 (September 2002)</small>				
<b>Case ID No.</b> 37676		<small>PCW Revision October 30, 2008</small>				
<b>Reg. Ent. Reference No.</b> RN101130755						
<b>Media [Statute]</b> Industrial and Hazardous Waste						
<b>Enf. Coordinator</b> Judy Kluge						
<b>Violation Number</b> 5						
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.69(a)(4) and 40 Code of Federal Regulations § 265.35					
<b>Violation Description</b>	Failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of operation in an emergency, unless aisle space is not needed for any of these purposes. Specifically, the Facility was not maintaining sufficient aisle space.					
	<b>Base Penalty</b>	\$10,000				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
<b>OR</b>	<b>Harm</b>					
	Release    Major    Moderate    Minor					
	Actual	<table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td> </td></tr></table>				
	Potential	<table border="1" style="display: inline-table;"><tr><td>x</td><td> </td><td> </td></tr></table>	x			
x						
	<b>Percent</b>	25%				
<b>&gt;&gt; Programmatic Matrix</b>						
	Falsification    Major    Moderate    Minor					
		<table border="1" style="display: inline-table;"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>				
	<b>Percent</b>	0%				
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to the pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.					
	<b>Adjustment</b>	\$7,500				
		\$2,500				
<b>Violation Events</b>						
	Number of Violation Events	1				
		30				
		Number of violation days				
<small>mark only one with an x</small>	daily	<input type="checkbox"/>				
	weekly	<input type="checkbox"/>				
	monthly	<input checked="" type="checkbox"/>				
	quarterly	<input type="checkbox"/>				
	semiannual	<input type="checkbox"/>				
	annual	<input type="checkbox"/>				
	single event	<input type="checkbox"/>				
	<b>Violation Base Penalty</b>	\$2,500				
	One monthly event is recommended based on documentation of the violation during the February 25, 2009 investigation to the March 27, 2009 compliance date.					
<b>Good Faith Efforts to Comply</b>						
	<b>25.0% Reduction</b>	\$625				
	Before NOV    NOV to EDRP/Settlement Offer					
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>				
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
N/A	<input type="checkbox"/>	(mark with x)				
<b>Notes</b>	The Respondent came into compliance on March 27, 2009, prior to the NOE dated May 13, 2009.					
	<b>Violation Subtotal</b>	\$1,875				
<b>Economic Benefit (EB) for this violation</b>						
	<b>Estimated EB Amount</b>	\$3				
<b>Statutory Limit Test</b>						
	<b>Violation Final Penalty Total</b>	\$1,790				
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$1,790				

## Economic Benefit Worksheet

**Respondent** W-TEK, INC.  
**Case ID No.** 37676  
**Reg. Ent. Reference No.** RN101130755  
**Media** Industrial and Hazardous Waste  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings	\$500	25-Feb-2009	27-Mar-2009	0.08	\$0	\$3	\$3
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain sufficient aisle space. The date required is the Investigation date and the final date is the date of compliance.

**Avoided Costs**

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$3

<b>Screening Date</b> 20-May-2009	<b>Docket No.</b> 2009-0760-IHW-E	<b>PCW</b>		
<b>Respondent</b> W-TEK, INC.	<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 37676	<small>PCW Revision October 30, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN101130755				
<b>Media [Statute]</b> Industrial and Hazardous Waste				
<b>Enf. Coordinator</b> Judy Kluge				
<b>Violation Number</b> 6				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.69(a)(4)(A) and 40 Code of Federal Regulations § 265.16(a)(4)(c)			
<b>Violation Description</b>	Failed to have personnel successfully complete an annual refresher training program regarding emergency response and to ensure the proper management of hazardous waste. Specifically, the Respondent did not have a training refresher program in place to ensure Facility personnel received the required annual training.			
<b>Base Penalty</b>		\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> 10%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> 0%
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
<b>Adjustment</b>				\$9,000
				\$1,000
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b>	365
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input checked="" type="checkbox"/>		
	single event	<input type="checkbox"/>		
One annual event for the 12-month period preceding the February 25, 2009 investigation.				<b>Violation Base Penalty</b> \$1,000
<b>Good Faith Efforts to Comply</b>				
		<b>25.0%</b> Reduction	\$250	
		<small>Before NOV    NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
N/A	<input type="checkbox"/>	<small>(mark with x)</small>		
<b>Notes</b>	The Respondent came into compliance on March 27, 2009, prior to the NOE dated May 13, 2009.			
<b>Violation Subtotal</b>			\$750	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
	<b>Estimated EB Amount</b>	\$550	<b>Violation Final Penalty Total</b> \$716	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$716	

## Economic Benefit Worksheet

**Respondent** W-TEK, INC.  
**Case ID No.** 37676  
**Reg. Ent. Reference No.** RN101130765  
**Media** Industrial and Hazardous Waste  
**Violation No.** 6

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$500	25-Feb-2008	27-Mar-2009	2.00	\$50	\$500	\$550

Notes for AVOIDED costs

Estimated cost to conduct an annual review of the initial personnel training. The date required is one year prior to the investigation and the final date is the compliance date.

Approx. Cost of Compliance

\$500

**TOTAL**

\$550

<b>Screening Date</b> 20-May-2009	<b>Docket No.</b> 2009-0760-IHW-E	<b>PCW</b>	
<b>Respondent</b> W-TEK, INC.		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 37676		<i>PCW Revision October 30, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN101130755			
<b>Media [Statute]</b> Industrial and Hazardous Waste			
<b>Enf. Coordinator</b> Judy Kluge			
<b>Violation Number</b> 7			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.69(a)(2) and 40 Code of Federal Regulations § 262.34(a)(2)		
<b>Violation Description</b>	Failed to meet time requirements of hazardous waste accumulated on-site for 90 days or less regarding closed, labeled, or marked containers. Specifically, the hazardous waste containers were not properly labeled nor being kept closed during storage.		
	<b>Base Penalty</b>	\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Potential	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major      Moderate      Minor	
	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.		
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>	
		<input type="text" value="\$2,500"/>	
<b>Violation Events</b>			
	<input type="text" value="3"/>	<input type="text" value="84"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	
	weekly	<input type="checkbox"/>	
	monthly	<input checked="" type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
		<b>Violation Base Penalty</b>	<input type="text" value="\$7,500"/>
	Three monthly events are recommended based on documentation of the violation during the February 25, 2009 investigation to the May 20, 2009 screening date.		
<b>Good Faith Efforts to Comply</b>			
	<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
	Before NOV	NOV to ED/PRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
	<b>Violation Subtotal</b>	<input type="text" value="\$7,500"/>	
<b>Economic Benefit (EB) for this violation</b>			
	<b>Estimated EB Amount</b>	<input type="text" value="\$25"/>	
<b>Statutory Limit Test</b>			
	<b>Violation Final Penalty Total</b>	<input type="text" value="\$7,435"/>	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$7,435"/>	

## Economic Benefit Worksheet

**Respondent** W-TEK, INC.  
**Case ID No.** 37676  
**Reg. Ent. Reference No.** RN101130755  
**Media** Industrial and Hazardous Waste  
**Violation No.** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	25-Feb-2009	25-Feb-2010	1.00	\$25	n/a	\$25

**Notes for DELAYED costs**  
 Estimated cost to meet requirements of hazardous waste accumulated on-site for 90 days or less regarding closed, labeled, or marked containers. The date required is the investigation date and the final date is the expected date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** **TOTAL**  
\$500 \$25

<b>Screening Date</b> 20-May-2009	<b>Docket No.</b> 2009-0760-IHW-E	<b>PCW</b>															
<b>Respondent</b> W-TEK, INC.		<small>Policy Revision 2 (September 2002)</small>															
<b>Case ID No.</b> 37676		<small>PCW Revision October 30, 2008</small>															
<b>Reg. Ent. Reference No.</b> RN101130755																	
<b>Media [Statute]</b> Industrial and Hazardous Waste																	
<b>Enf. Coordinator</b> Judy Kluge																	
<b>Violation Number</b> 8																	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 335.69(a)(1)(A) and 40 Code of Federal Regulations § 265.174																
<b>Violation Description</b>	Failed to conduct weekly inspections of permit-exempt hazardous waste accumulation areas.																
	<b>Base Penalty</b>	\$10,000															
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																	
	<b>Harm</b>																
	Major	Moderate	Minor														
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"><b>Release</b></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		<b>Release</b>			Actual			Potential	x		<b>Percent</b> 10%					
<b>Release</b>																	
Actual																	
Potential	x																
<b>&gt;&gt;Programmatic Matrix</b>																	
	Major	Moderate	Minor														
			<b>Percent</b> 0%														
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																
	<b>Adjustment</b>	\$9,000															
			\$1,000														
<b>Violation Events</b>																	
	1	30	Number of violation days														
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	x	semiannual		annual		single event			<b>Violation Base Penalty</b> \$1,000
daily																	
weekly																	
monthly																	
quarterly	x																
semiannual																	
annual																	
single event																	
	One quarterly event is recommended based on documentation of the violation during the February 25, 2009 investigation to the March 27, 2009 compliance date.																
<b>Good Faith Efforts to Comply</b>																	
	25.0% Reduction		\$250														
	Before NOV	NOV to EDPRP/Settlement Offer															
Extraordinary																	
Ordinary	x																
N/A		(mark with x)															
<b>Notes</b>	The Respondent came into compliance on March 27, 2009, prior to the NOE dated May 13, 2009.																
	<b>Violation Subtotal</b>		\$750														
<b>Economic Benefit (EB) for this violation</b>																	
	<b>Estimated EB Amount</b>	\$0															
<b>Statutory Limit Test</b>																	
	<b>Violation Final Penalty Total</b>		\$716														
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$716														

## Economic Benefit Worksheet

**Respondent** W-TEK, INC.  
**Case ID No.** 37676  
**Reg. Ent. Reference No.** RN101130755  
**Media** Industrial and Hazardous Waste  
**Violation No.** 8

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	25-Feb-2009	27-Mar-2009	0.08	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct weekly inspections of hazardous waste accumulation areas. The date required is the investigation date and the final date is the compliance date.

**Avoided Costs**

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$0

<b>Screening Date</b> 20-May-2009	<b>Docket No.</b> 2009-0760-IHW-E	<b>PCW</b>
<b>Respondent</b> W-TEK, INC.		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 37676		<small>PCW Revision October 30, 2008</small>
<b>Reg. Ent. Reference No.</b> RN101130755		
<b>Media [Statute]</b> Industrial and Hazardous Waste		
<b>Enf. Coordinator</b> Judy Kluge		
<b>Violation Number</b> <input type="text" value="9"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 335.9(a)(1)(G)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to maintain records of hazardous and industrial solid waste activities. Specifically, there were no records of the locations of the hazardous waste satellite accumulation areas."/>	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>

  

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

		<b>Harm</b>				
		Major	Moderate	Minor		
<b>OR</b>	<b>Release</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b>	<input type="text" value="0%"/>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

**>> Programmatic Matrix**

		Major	Moderate	Minor		
	<b>Falsification</b>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b>	<input type="text" value="10%"/>
		<input type="text"/>	<input type="text"/>	<input type="text"/>		

**Matrix Notes**

**Adjustment**

  

**Violation Events**

Number of Violation Events        Number of violation days

		daily				
		weekly	<input type="text"/>	<input type="text"/>		
		monthly	<input type="text"/>	<input type="text"/>		
		quarterly	<input type="text"/>	<input type="text"/>		
		semiannual	<input type="text"/>	<input type="text"/>		
		annual	<input type="text"/>	<input type="text"/>		
		single event	<input type="text" value="x"/>	<input type="text"/>		

**Violation Base Penalty**

  

**Good Faith Efforts to Comply**

		<b>25.0%</b> Reduction				
		Before NOV	NOV to EDPRP/Settlement Offer			<input type="text" value="\$250"/>
	<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>			
	<b>Ordinary</b>	<input type="text" value="x"/>	<input type="text"/>			
	<b>N/A</b>	<input type="text"/>	<input type="text"/>	<small>(mark with x)</small>		

**Notes**

**Violation Subtotal**

  

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

<b>Estimated EB Amount</b> <input type="text" value="\$6"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$716"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$716"/>	

## Economic Benefit Worksheet

**Respondent** W-TEK, INC.  
**Case ID No.** 37676  
**Reg. Ent. Reference No.** RN101130755  
**Media** Industrial and Hazardous Waste  
**Violation No.** 9

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$1,500	25-Feb-2009	27-Mar-2009	0.08	\$6	n/a	\$6
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records for waste regulated activities including records of satellite accumulation areas. The date required is the investigation date and the final date is the compliance date.

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance TOTAL

\$1,500	\$6
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<b>Screening Date</b> 20-May-2009	<b>Docket No.</b> 2009-0760-IHW-E	<b>PCW</b>		
<b>Respondent</b> W-TEK, INC.		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 37676		<small>PCW Revision October 30, 2009</small>		
<b>Reg. Ent. Reference No.</b> RN101130755				
<b>Media [Statute]</b> Industrial and Hazardous Waste				
<b>Enf. Coordinator</b> Judy Kluge				
<b>Violation Number</b>	10			
<b>Rule Cite(s)</b>	40 Code of Federal Regulations § 261.2(a)			
<b>Violation Description</b>	Failed to prevent the transport and disposal of hazardous waste to an unauthorized facility. Specifically, the Respondent generated router and scorer dust waste which exhibited the toxicity characteristics for lead (D008), and transported it to a facility not authorized to accept hazardous waste.			
	<b>Base Penalty</b>	\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	x	<input type="text"/>	<input type="text"/>
	<b>Percent</b>	25%		
<b>&gt;&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Percent</b>	0%		
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	<b>Adjustment</b>	\$7,500		
		\$2,500		
<b>Violation Events</b>				
	Number of Violation Events	1	1	
			Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
	<b>Violation Base Penalty</b>	\$2,500		
	One single event is recommended for one unauthorized disposal.			
<b>Good Faith Efforts to Comply</b>				
	0.0% Reduction	\$0		
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
	<b>Violation Subtotal</b>	\$2,500		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	\$1,144	<b>Violation Final Penalty Total</b>	\$2,478	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$2,478	

## Economic Benefit Worksheet

**Respondent** W-TEK, INC.  
**Case ID No.** 37676  
**Reg. Ent. Reference No.** RN101130765  
**Media** Industrial and Hazardous Waste  
**Violation No.** 10

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

**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	\$100	25-Feb-2009	28-Dec-2009	0.83	\$4	n/a	\$4
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to develop and implement procedures to ensure hazardous waste is properly transported and disposed of at an authorized facility. The date required is the investigation date and the final date is the estimated date of compliance.

**Avoided Costs**

**ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	9-Apr-2007	25-Feb-2009	2.80	\$140	\$1,000	\$1,140
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 Estimated avoided cost to dispose of the hazardous waste at an authorized facility. The date required is the date of the transport of hazardous waste to the unauthorized facility and the final date is the investigation date.

**Approx. Cost of Compliance** \$1,100

**TOTAL** \$1,144

# Compliance History Report

Customer/Respondent/Owner-Operator: CN601483738 W-TEK, INC. Classification: HIGH Rating: 0.00  
Regulated Entity: RN101130755 W-TEK Classification: HIGH Site Rating: 0.00  
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD988026597  
SOLID WASTE REGISTRATION # 39671  
Location: 230 IRBY LN, IRVING, TX, 75061  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: May 21, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: May 21, 2004 to May 21, 2009  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Judy Kluge Phone: (817) 588-5825

## Site Compliance History Components

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
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 01/11/2008 (614095)  
2 05/13/2009 (709684)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
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  
W-TEK, INC.  
RN101130755

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2009-0760-IHW-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding W-TEK, INC. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a circuit board manufacturing facility at 230 Irby Lane in Irving, Dallas County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission 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 May 18, 2009.
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 Eighteen Thousand Three Hundred Forty Dollars (\$18,340) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Six Hundred Seventy-Two Dollars (\$14,672) of the administrative penalty and Three Thousand Six Hundred Sixty-Eight Dollars

- ((\$3,668) 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.
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 of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
    - a. Began conducting hazardous waste determinations on the lead-bearing mixed router and scorer dust waste on March 30, 2009;
    - b. Submitted a copy of the original, destination facility-signed Manifest No. 001607202 on March 27, 2009;
    - c. Updated the Notice of Registration ("NOR") reflecting contact information, solid waste management units, and recycling activities including the palladium container storage area and the dust wastestreams on July 29, 2009;
    - d. Began maintaining sufficient aisle space on March 27, 2009;
    - e. Implemented and conducted an annual emergency response training refresher program for personnel on March 27, 2009;
    - f. Began conducting weekly inspections of the permit-exempt hazardous waste accumulation areas on March 27, 2009; and
    - g. Submitted maps of the Facility's locations of hazardous waste satellite accumulation areas on March 27, 2009.
  10. 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.
  11. 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.
  12. 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:

1. Failed to conduct hazardous waste determinations and waste classifications on waste generated at the Facility, in violation of 30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS § 262.11, as documented during an investigation conducted on February 25, 2009. Specifically, hazardous waste determinations on a lead-bearing mixed router and scorer dust waste had not been conducted.
2. Failed to classify and maintain all hazardous waste determination records, in violation of 30 TEX. ADMIN. CODE §§ 335.503(a)(4) and 335.513, as documented during an investigation conducted on February 25, 2009. Specifically, documentation for the non-hazardous drill dust was not being maintained.
3. Failed to update the NOR, in violation of 30 TEX. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on February 25, 2009. Specifically, the NOR was not updated to reflect contact information, all solid waste management units being used, and recycling activities being conducted.
4. Failed to submit a manifest exception report within 45 days of the date that waste was accepted by an initial transporter, in violation of 30 TEX. ADMIN. CODE § 335.13(k) and 40 CODE OF FEDERAL REGULATIONS § 262.42, as documented during an investigation conducted on February 25, 2009. Specifically, the Facility had no confirmation regarding Manifest No. 001607202 nor had an exception report been submitted.
5. Failed to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of operation in an emergency, unless aisle space is not needed for any of these purposes, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 265.35, as documented during an investigation conducted on February 25, 2009. Specifically, the Facility was not maintaining sufficient aisle space.
6. Failed to have personnel successfully complete an annual refresher training program regarding emergency response and to ensure the proper management of hazardous waste, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(4)(A) and 40 CODE OF FEDERAL REGULATIONS § 265.16(a)(4)(c), as documented during an investigation conducted on February 25, 2009. Specifically, the Respondent did not have a training refresher program in place to ensure Facility personnel received the required annual training.
7. Failed to meet the requirements of hazardous waste accumulated on-site for 90 days or less regarding closed, labeled, or marked containers, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(2) and 40 CODE OF FEDERAL REGULATIONS § 262.34(a)(2), as documented during an investigation conducted on February 25, 2009. Specifically, the hazardous waste containers were not properly labeled nor being kept closed during storage.
8. Failed to conduct weekly inspections of permit-exempt hazardous waste accumulation areas, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(1)(A) and 40 CODE OF FEDERAL REGULATIONS § 265.174, as documented during an investigation conducted on February 25, 2009.

9. Failed to maintain records of hazardous and industrial solid waste activities, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1)(G), as documented during an investigation conducted on February 25, 2009. Specifically, there were no records of the locations of the hazardous waste satellite accumulation areas.
10. Failed to prevent the transport and disposal of hazardous waste to an unauthorized facility, in violation of 40 CODE OF FEDERAL REGULATIONS § 261.2(a), as documented during an investigation conducted on February 25, 2009. Specifically, the Respondent generated router and scorer dust waste which exhibited the toxicity characteristics for lead (D008), and transported it to a facility not authorized to accept hazardous waste.

### 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: W-TEK, INC., Docket No. 2009-0760-IHW-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, cease causing or allowing hazardous waste to be transported by, or disposed at, unauthorized facilities.
  - b. Within 15 days after the effective date of this Agreed Order, develop and implement procedures to ensure hazardous waste is transported by and disposed at properly authorized facilities.
  - c. Within 30 days after the effective date of this Agreed Order:
    - i. Begin classifying and documenting all hazardous waste determinations, in accordance with 30 TEX. ADMIN. CODE §§ 335.503 and 335.513;

- ii. Establish and implement procedures to ensure hazardous waste accumulated on-site for 90 days or less is properly managed regarding closing, labeling and marking containers, in accordance with 30 TEX. ADMIN. CODE § 335.69 and 40 CODE OF FEDERAL REGULATIONS § 262.34.
- d. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c.ii. 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:

Waste Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. 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.
4. 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.
5. 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.

6. 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.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Sullivan  
For the Executive Director

10/13/2009  
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.

David Wetzel  
Signature

9-2-2009  
Date

David Wetzel  
Name (Printed or typed)  
Authorized Representative of  
W-TEK, INC.

President  
Title

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

