

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 47650
Eureka! Computer Scrap Recycler's L.L.C.
RN106875099
Docket No. 2013-1752-MSW-E

Order Type:

Agreed Order

Media:

Municipal Solid Waste ("MSW")

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

6791 State Highway 276, Royse City, Rockwall County

Type of Operation:

electronics recycling facility

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: March 27, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: \$14,413

Total Paid to General Revenue: \$413

Total Due to General Revenue: \$14,000

Payment Plan: 35 payments of \$400 each

Supplemental Environmental Project ("SEP") Conditional Offset:

N/A

Compliance History Classifications:

Person/CN – Unclassified
Site/RN – Unclassified

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: July 12 through August 14, 2013

Date(s) of NOV(s): N/A

Date(s) of NOE(s): September 3, 2013

Eureka! Computer Scrap Recycler's L.L.C.

RN106875099

Docket No. 2013-1752-MSW-E

Violation Information

1. Failed to provide a notice of intent ("NOI") to operate an electronics recycling facility to the Executive Director prior to commencement of new operations [30 TEX. ADMIN. CODE §§ 328.133(e)(1) and 328.5(b)].
2. Failed to provide a written cost estimate showing the cost of hiring a third party to close the Facility by disposition of all processed or unprocessed materials [30 TEX. ADMIN. CODE § 328.5(c)].
3. Failed to make available a copy of the Fire Prevention and Suppression Plan to the local fire prevention authority having jurisdiction over the Facility for review and coordination [30 TEX. ADMIN. CODE § 328.5(h)].
4. Failed to demonstrate financial assurance for closure, post closure, and corrective action for the Facility [30 TEX. ADMIN. CODE §§ 37.921 and 328.5(d)].
5. Failed to provide recycling records and make them immediately available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE §§ 328.4(b)(3) and 328.5(f)(1)].
6. Failed to clearly label the universal waste containers with the words "Universal Waste – Batteries" and failed to demonstrate the length of time the universal waste has been accumulated [30 TEX. ADMIN. CODE § 335.261(b) and 40 C.F.R. §§ 273.14(a) and 273.15(c)].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

All electronic waste and MSW was removed from the Facility by April 14, 2014.

Technical Requirements:

None

Litigation Information

Date Petition(s) Filed: February 25, 2014

Date Answer Filed: August 12, 2014

Settlement Date: February 24, 2015

Contact Information

TCEQ Attorneys: Elizabeth Carroll Harkrider, Litigation Division, (512) 239-3400

Lena Roberts, Litigation Division, (512) 239-3400

Aaron Tucker, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Steven VanLandingham, Enforcement Division, (512) 239-5717

TCEQ Regional Contact: Sam Barrett, Dallas/Fort Worth Regional Office, (817) 588-5800

Respondent Contact:

Larry Kaslov, Member, Eureka! Computer Scrap Recycler's L.L.C., 8114 Eagle Drive, Rowlett, Texas 75088

Jimmy Kaslov, Member, Eureka! Computer Scrap Recycler's L.L.C., 8114 Eagle Drive, Rowlett, Texas 75088

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	9-Sep-2013		
	PCW	27-Jan-2015	Screening	13-Sep-2013
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Eureka! Computer Scrap Recycler's L.L.C.
Reg. Ent. Ref. No.	RN106875099
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	47650	No. of Violations	6
Docket No.	2013-1752-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Van Landingham
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,221
 Estimated Cost of Compliance: \$10,922
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	15.3%	Adjustment	\$1,913
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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 no. 4.

Final Penalty Amount	\$14,413
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,413
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$14,413
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Screening Date 13-Sep-2013

Docket No. 2013-1752-MSW-E

PCW

Respondent Eureka! Computer Scrap Recycler's L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47650

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN106875099

Media [Statute] Municipal Solid Waste

Enf. Coordinator Steven Van Landingham

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No adjustment for compliance history.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 0%

Screening Date 13-Sep-2013 **Docket No.** 2013-1752-MSW-E **PCW**
Respondent Eureka! Computer Scrap Recycler's L.L.C. *Policy Revision 3 (September 2011)*
Case ID No. 47650 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN106875099
Media [Statute] Municipal Solid Waste
Enf. Coordinator Steven Van Landingham

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 328.133(e)(1) and 328.5(b)

Violation Description

Failed to provide a notice of intent ("NOI") to operate an electronic recycling facility to the Executive Director prior to commencement of new operations. Specifically, the Respondent did not submit a NOI prior to collecting and processing used computer equipment.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	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="text" value="x"/>	(mark with x)

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Eureka! Computer Scrap Recycler's L.L.C.
Case ID No. 47650
Reg. Ent. Reference No. RN106875099
Media Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
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	\$5,000	12-Jul-2013	12-Mar-2014	0.67	\$166	n/a	\$166
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit an NOI. 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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$166

Screening Date 13-Sep-2013

Docket No. 2013-1752-MSW-E

PCW

Respondent Eureka! Computer Scrap Recycler's L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47650

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN106875099

Media [Statute] Municipal Solid Waste

Enf. Coordinator Steven Van Lanningham

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 328.5(c)

Violation Description

Failed to provide a written cost estimate showing the cost of hiring a third party to close the Facility by disposition of all processed or unprocessed materials.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

63 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$1,441

This violation Final Assessed Penalty (adjusted for limits) \$1,441

Economic Benefit Worksheet

Respondent Eureka! Computer Scrap Recycler's L.L.C.
Case ID No. 47650
Reg. Ent. Reference No. RN106875099
Media Violation No. Municipal Solid Waste
 2

Percent Interest	Years of Depreciation
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	\$1,000	12-Jul-2013	22-Mar-2014	0.69	\$35	n/a	\$35
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 submit an accurate cost closure estimate to the TCEQ. 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

\$1,000

TOTAL

\$35

Screening Date 13-Sep-2013

Docket No. 2013-1752-MSW-E

PCW

Respondent Eureka! Computer Scrap Recycler's L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47650

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN106875099

Media [Statute] Municipal Solid Waste

Enf. Coordinator Steven Van Landingham

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 328.5(h)

Violation Description

Failed to make available a copy of the Fire Prevention and Suppression Plan to the local fire prevention authority having jurisdiction over the Facility for review and coordination.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

63 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A		(mark w th x)

Notes

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$87

Violation Final Penalty Total \$1,441

This violation Final Assessed Penalty (adjusted for limits) \$1,441

Economic Benefit Worksheet

Respondent Eureka! Computer Scrap Recycler's L.L.C.
Case ID No. 47650
Reg. Ent. Reference No. RN106875099
Media Violation No. Municipal Solid Waste
 3

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
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	\$2,500	12-Jul-2013	22-Mar-2014	0.69	\$87	n/a	\$87
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 prepare and submit a copy of the Fire Prevention and Suppression Plan to the local fire department authority. 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 \$2,500

TOTAL \$87

Screening Date 13-Sep-2013

Docket No. 2013-1752-MSW-E

PCW

Respondent Eureka! Computer Scrap Recycler's L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47650

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN106875099

Media [Statute] Municipal Solid Waste

Enf. Coordinator Steven Van Landingham

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 328.5(d) and 37.921

Violation Description

Failed to demonstrate financial assurance for closure, post closure, and corrective action for the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$1,250

One annual event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,913

Violation Final Penalty Total \$1,441

This violation Final Assessed Penalty (adjusted for limits) \$1,441

Economic Benefit Worksheet

Respondent Eureka! Computer Scrap Recycler's L.L.C.
Case ID No. 47650
Reg. Ent. Reference No. RN106875099
Media Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
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)				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)

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]	\$1,822	12-Jul-2012	12-Jul-2013	1.00	\$91	\$1,822	\$1,913
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to obtain financial assurance. The date required is one year prior to the investigation, and the final date is the investigation date.

Approx. Cost of Compliance

\$1,822

TOTAL

\$1,913

Screening Date 13-Sep-2013

Docket No. 2013-1752-MSW-E

PCW

Respondent Eureka! Computer Scrap Recycler's L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47650

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN106875099

Media [Statute] Municipal Solid Waste

Enf. Coordinator Steven Van Landingham

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 328.4(b)(3) and 328.5(f)(1)

Violation Description

Failed to provide recycling records and make them immediately available for inspection upon request by agency personnel. Specifically, the Respondent failed to maintain records to demonstrate that during each subsequent six-month period, the amount of material that was recycled or transferred to a different site for recycling equaled at least 50% by weight or volume of the material accumulated at the beginning of the period.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

63 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$1,441

This violation Final Assessed Penalty (adjusted for limits) \$1,441

Economic Benefit Worksheet

Respondent Eureka! Computer Scrap Recycler's L.L.C.
Case ID No. 47650
Reg. Ent. Reference No. RN106875099
Media Violation No. Municipal Solid Waste
 5

Percent Interest	Years of Depreciation
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	\$500	12-Jul-2013	12-Mar-2014	0.67	\$17	n/a	\$17
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 recycling 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 \$17

Screening Date 13-Sep-2013

Docket No. 2013-1752-MSW-E

PCW

Respondent Eureka! Computer Scrap Recycler's L.L.C.

Policy Revision 3 (September 2011)

Case ID No. 47650

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN106875099

Media [Statute] Municipal Solid Waste

Enf. Coordinator Steven Van Lanningham

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 335.261(b) and 40 Code of Federal Regulations § 273.14(a) and 273.15(c)

Violation Description Failed to clearly label the universal waste containers with the words "Universal Waste - Batteries". Also, failed to demonstrate the length of time the universal waste has been accumulated.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (5.0%).

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3 Number of violation days 63

Table with frequency options: daily, weekly, monthly (marked with x), quarterly, semiannual, annual, single event.

Violation Base Penalty \$3,750

Three monthly events are recommended from the July 12, 2013 investigation to the September 13, 2013 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$4,324

This violation Final Assessed Penalty (adjusted for limits) \$4,324

Economic Benefit Worksheet

Respondent Eureka! Computer Scrap Recycler's L.L.C.
Case ID No. 47650
Reg. Ent. Reference No. RN106875099
Media Violation No. Municipal Solid Waste
 6

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
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	12-Jul-2013	11-Apr-2014	0.75	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to properly label twenty-six waste containers. 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 \$100

TOTAL \$4

The TCEQ is committed to accessibility.

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



Compliance History Report

PUBLISHED Compliance History Report for CN604364786, RN106875099, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN604364786, Eureka! Computer Scrap Recycler's L.L.C. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN106875099, EUREKA COMPUTER SCRAP RECYCLERS **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 6791 STATE HIGHWAY 276 ROYSE CITY, TX 75189-5944, ROCKWALL COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s): MUNICIPAL SOLID WASTE NON PERMITTED ID NUMBER R04106875099

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: September 12, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 12, 2008 to September 12, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Judy Kluge

Phone: (817) 588-5825

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? NO
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
EUREKA! COMPUTER SCRAP
RECYCLER'S L.L.C.;
RN106875099**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2013-1752-MSW-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Eureka! Computer Scrap Recycler's L.L.C. ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owned and operated a recycling facility located at 6791 State Highway 276 in Royse City, Rockwall County, Texas (the "Facility"). The Facility contained and/or involved the management of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.051 and 7.070, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 361 and TCEQ rules.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of fourteen thousand four hundred thirteen dollars (\$14,413.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid four hundred thirteen dollars (\$413.00) of the penalty. The remaining amount of fourteen thousand dollars (\$14,000.00) shall be paid in thirty-five (35) monthly payments of four hundred dollars (\$400.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.
5. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

6. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
7. 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 Respondent has not complied with one or more of the terms or conditions contained in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
10. The Executive Director recognizes that all electronics waste and MSW was removed from the Facility by April 14, 2014.

II. ALLEGATIONS

1. During an investigation conducted July 12, 2013 through August 14, 2013, an investigator documented that Respondent:
 - a. Failed to provide a notice of intent ("NOI") to operate an electronics recycling facility to the Executive Director prior to commencement of new operations, in violation of 30 TEX. ADMIN. CODE §§ 328.133(e)(1) and 328.5(b). Specifically, Respondent did not submit an NOI prior to collecting and processing used computer equipment;
 - b. Failed to provide a written cost estimate showing the cost of hiring a third party to close the Facility by disposition of all processed or unprocessed materials, in violation of 30 TEX. ADMIN. CODE § 328.5(c);
 - c. Failed to make available a copy of the Fire Prevention and Suppression Plan to the local fire prevention authority having jurisdiction over the Facility for review and coordination, in violation of 30 TEX. ADMIN. CODE § 328.5(h);
 - d. Failed to demonstrate financial assurance for closure, post closure, and corrective action for the Facility, in violation of 30 TEX. ADMIN. CODE §§ 37.921 and 328.5(d);
 - e. Failed to provide recycling records and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE §§ 328.4(b)(3) and 328.5(f)(1). Specifically, Respondent failed to maintain records to demonstrate that during each subsequent six-month period, the amount of material that was recycled or transferred to a different site for recycling equaled at least 50% by weight or volume of the material accumulated at the beginning of the period; and
 - f. Failed to clearly label the universal waste containers with the words "Universal Waste – Batteries" and failed to demonstrate the length of time the universal waste has been accumulated, in violation of 30 TEX. ADMIN. CODE § 335.261(b) and 40 C.F.R. §§ 273.14(a) and 273.15(c).

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Eureka! Computer Scrap Recycler's L.L.C., Docket No. 2013-1752-MSW-E" to:

Financial Administration Division, Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
2. All relief not expressly granted in this Order is denied.
3. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner,

person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. 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 of hand delivery of the fully executed Order to Respondent, or three days after the date on which the Commission mails a copy of the fully executed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of the fully executed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

April 13, 2015
Date

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

I also understand that failure to comply with the Ordering Provisions 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature - Larry Kaslov, Member
Eureka! Computer Scrap Recycler's L.L.C.
8114 Eagle Drive
Rowlett, Texas 75088

02/24/15
Date

[Signature]
Signature - Jimmy Kaslov, Member
Eureka! Computer Scrap Recycler's L.L.C.
8114 Eagle Drive
Rowlett, Texas 75088

2-24-15
Date

If mailing address has changed, please check this box and provide the new address below:
