

Executive Summary – Enforcement Matter – Case No. 47859
SIFCO Applied Surface Concepts, LLC
RN104964929
Docket No. 2013-2073-IHW-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IHW

Small Business:

No

Location(s) Where Violation(s) Occurred:

SIFCO Applied Surface Concepts, 7620 Bluff Point Drive, Houston, Harris County

Type of Operation:

Electroplating processing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 12, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$119,521

Amount Deferred for Expedited Settlement: \$23,903

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$3,938

Total Due to General Revenue: \$91,680

Payment Plan: 35 payments of \$2,600 each and 1 payment of \$680

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002 and September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 20, 2013 through July 15, 2013

Date(s) of NOE(s): September 5, 2013

Executive Summary – Enforcement Matter – Case No. 47859
SIFCO Applied Surface Concepts, LLC
RN104964929
Docket No. 2013-2073-IHW-E

Violation Information

1. Failed to prevent the disposal of industrial hazardous waste (“IHW”) at an unauthorized facility. Specifically, a total of 196,838.5 pounds of waste stream No. WS0001114H that includes constituents of cadmium, chromium, lead and silver, were disposed at an unauthorized facility on February 21, 2011, June 16, 2011, January 26, 2012, August 30, 2012, and February 26, 2013 [30 TEX. ADMIN. CODE § 335.2(b)].
2. Failed to manifest IHW from waste stream No. WS0001114H on a Uniform Harzardous Waste Manifest. Specifically, the Facility shipped IHW from waste stream No. WS0001114H, on bills of lading on February 21, 2011, June 16, 2011, January 26, 2012, August 30, 2012, and February 26, 2013 [30 TEX. ADMIN. CODE § 335.10 and 40 CODE OF FEDERAL REGULATIONS § 262.20(a)(1)].
3. Failed to transfer harzardous waste off-site within the allotted accumulation time limit for IHW generators [30 TEX. ADMIN. CODE § 335.69(a) and 40 CODE OF FEDERAL REGULATIONS § 262.34(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. Ceased disposing of waste at an unauthorized facility on October 15, 2013;
- b. Developed and implemented standard operating procedures to ensure that proper manifests accompany all shipments of IHW to an authorized facility on October 15, 2013; and
- c. Began implementing standard operating procedures to ensure that all containers storing hazardous wastes are removed within the allotted accumulation time limit and transported to a facility authorized to accept the waste on April 29, 2014.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 47859
SIFCO Applied Surface Concepts, LLC
RN104964929
Docket No. 2013-2073-IHW-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Margarita Dennis, Enforcement Division,
Enforcement Team 7, MC R-04, (817) 588-5892; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Robert W. Williams, Environmental Health and Safety Manager, SIFCO
Applied Surface Concepts, LLC, 5708 East Shaaf Road, Independence, Ohio 44131

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	9-Sep-2013	Screening	11-Oct-2013	EPA Due	
	PCW	21-Jul-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	SIFCO Applied Surface Concepts, LLC				
Reg. Ent. Ref. No.	RN104964929				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	47859	No. of Violations	2
Docket No.	2013-2073-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Margarita Dennis
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 11-Oct-2013

Docket No. 2013-2073-IHW-E

PCW

Respondent SIFCO Applied Surface Concepts, LLC

Policy Revision 2 (September 2002)

Case ID No. 47859

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104964929

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

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 adjustments for Compliance History.

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

Screening Date 11-Oct-2013

Docket No. 2013-2073-IHW-E

PCW

Respondent SIFCO Applied Surface Concepts, LLC

Policy Revision 2 (September 2002)

Case ID No. 47859

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104964929

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.2(b)

Violation Description Failed to prevent the disposal of industrial hazardous waste ("IHW") at an unauthorized facility. Specifically, a total of 73,817.5 lbs. of waste stream No. WS0001114H that includes constituents of cadmium, chromium, lead and silver, were disposed at an unauthorized facility on February 21, 2011 and June 16, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				50%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes 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.

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2 Number of violation days 2

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$10,000

Two single events are recommended.

Good Faith Efforts to Comply

10.0% Reduction \$1,000

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

Notes The Respondent achieved compliance on April 29, 2014, prior to the settlement offer dated May 30, 2014.

Violation Subtotal \$9,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10,450

Violation Final Penalty Total \$15,929

This violation Final Assessed Penalty (adjusted for limits) \$15,929

Economic Benefit Worksheet

Respondent SIFCO Applied Surface Concepts, LLC
Case ID No. 47859
Reg. Ent. Reference No. RN104964929
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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	\$1,000	20-Mar-2013	29-Apr-2014	1.11	\$55	n/a	\$55
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 develop and implement standard operating procedures to prevent the disposal of IHW at unauthorized facilities. Date required is the investigation date. 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]	\$9,791	21-Feb-2011	16-Jun-2011	1.23	\$604	\$9,791	\$10,394
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to dispose of the IHW at an authorized facility. Date required is the date of the first disposal. Final date is the date of the second disposal.

Approx. Cost of Compliance

\$10,791

TOTAL

\$10,450

Screening Date 11-Oct-2013

Docket No. 2013-2073-IHW-E

PCW

Respondent SIFCO Applied Surface Concepts, LLC

Policy Revision 2 (September 2002)

Case ID No. 47859

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104964929

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.10 and 40 Code of Federal Regulations § 262.20(a)(1)

Violation Description

Failed to manifest IHW from waste stream No. WS0001114H on a Uniform Hazardous Waste Manifest. Specifically, the Facility shipped IHW from waste stream No. WS0001114H, on bills of lading on February 21, 2011 and June 16, 2011.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 2

2 Number of violation days

daily	
weekly	
monthly	
quarterly	
semianual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$5,000

Two single events are recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$500

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

Notes

The Respondent achieved compliance on October 15, 2013, prior to the settlement offer dated May 30, 2014.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$66

Violation Final Penalty Total \$7,965

This violation Final Assessed Penalty (adjusted for limits) \$7,965

Economic Benefit Worksheet

Respondent SIFCO Applied Surface Concepts, LLC
Case ID No. 47859
Reg. Ent. Reference No. RN104964929
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	21-Feb-2011	15-Oct-2013	2.65	\$66	n/a	\$66

Notes for DELAYED costs

Estimated cost to ensure proper manifests accompany all shipments of hazardous waste. Date required is the date of the first disposal. Final date is the compliance date.

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)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$66



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	9-Sep-2013	Screening	11-Oct-2013	EPA Due	
	PCW	21-Jul-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	SIFCO Applied Surface Concepts, LLC				
Reg. Ent. Ref. No.	RN104964929				
Facility/Site Region	12-Houston	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	47859	No. of Violations	3
Docket No.	2013-2073-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Margarita Dennis
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$86,250**

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**

Notes: No adjustments for Compliance History.

Culpability **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **\$8,625**

Economic Benefit **50.0%** Enhancement* **Subtotal 6** **\$18,002**

Total EB Amounts **\$18,002**
 Approx. Cost of Compliance **\$16,932**
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$95,627**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$95,627**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$95,627**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$19,125**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$76,502**

Screening Date 11-Oct-2013

Docket No. 2013-2073-IHW-E

PCW

Respondent SIFCO Applied Surface Concepts, LLC

Policy Revision 3 (September 2011)

Case ID No. 47859

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104964929

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

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 judgements 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 adjustments 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 11-Oct-2013

Docket No. 2013-2073-IHW-E

PCW

Respondent SIFCO Applied Surface Concepts, LLC

Policy Revision 3 (September 2011)

Case ID No. 47859

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104964929

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.2(b)

Violation Description Failed to prevent the disposal of industrial hazardous waste ("IHW") at an unauthorized facility. Specifically, a total of 123,021 lbs of waste stream No. WS0001114H that includes constituents of cadmium, chromium, lead and silver, were disposed at an unauthorized facility on January 26, 2012, August 30, 2012, and February 26, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				30.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes 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.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 3 Number of violation days 3

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$22,500

Three single events are recommended.

Good Faith Efforts to Comply

10.0% Reduction \$2,250

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

Notes The Respondent achieved compliance on October 15, 2013, prior to the settlement offer dated May 30, 2014.

Violation Subtotal \$20,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17,946

Violation Final Penalty Total \$26,251

This violation Final Assessed Penalty (adjusted for limits) \$26,251

Economic Benefit Worksheet

Respondent SIFCO Applied Surface Concepts, LLC
Case ID No. 47859
Reg. Ent. Reference No. RN104964929
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime 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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed cost is included in PCW Rev. # 2.

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]	\$15,932	26-Jan-2012	5-Sep-2013	2.53	\$2,014	\$15,932	\$17,946
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to dispose of the IHW at an authorized facility. Date required is the date of the first disposal. Final date is the record review date.

Approx. Cost of Compliance

\$15,932

TOTAL

\$17,946

Screening Date 11-Oct-2013

Docket No. 2013-2073-IHW-E

PCW

Respondent SIFCO Applied Surface Concepts, LLC

Policy Revision 3 (September 2011)

Case ID No. 47859

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104964929

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.10 and 40 Code of Federal Regulations §262.20(a)(1)

Violation Description

Failed to manifest IHW from waste stream No. WS0001114H on a Uniform Harzardous Waste Manifest. Specifically, the Facility shipped IHW from waste stream No. WS0001114H, on bills of lading on January 26, 2012, August 30, 2012, and February 26, 2013.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			15.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 Number of violation days 3

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$11,125

Three single events are recommended.

Good Faith Efforts to Comply

10.0% Reduction

\$1,125

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

Notes The Respondent achieved compliance on October 15, 2013, prior to the settlement offer dated May 30, 2014.

Violation Subtotal \$10,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$16,126

This violation Final Assessed Penalty (adjusted for limits) \$16,126

Economic Benefit Worksheet

Respondent SIFCO Applied Surface Concepts, LLC
Case ID No. 47859
Reg. Ent. Reference No. RN104964929
Media Industrial and Hazardous Waste
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Delayed cost is included in PCW Rev. #2.

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

\$0

TOTAL

\$0

Screening Date 11-Oct-2013

Docket No. 2013-2073-IHW-E

PCW

Respondent SIFCO Applied Surface Concepts, LLC

Policy Revision 3 (September 2011)

Case ID No. 47859

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104964929

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Margarita Dennis

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a) and 40 Code of Federal Regulations § 262.34(a)

Violation Description Failed to transfer hazardous waste off-site within the allotted accumulation time limit for IHW generators.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				30.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes 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.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 7 Number of violation days 205

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$52,500

Seven monthly events are recommended from the March 20, 2013 investigation to the October 11, 2013 screening date.

Good Faith Efforts to Comply

10.0% Reduction

\$5,250

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

Notes The Respondent achieved compliance on April 29, 2014, prior to the settlement offer dated May 30, 2014.

Violation Subtotal \$47,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$53,251

This violation Final Assessed Penalty (adjusted for limits) \$53,251

Economic Benefit Worksheet

Respondent SIFCO Applied Surface Concepts, LLC
Case ID No. 47859
Reg. Ent. Reference No. RN104964929
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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)	\$1,000	20-Mar-2013	29-Apr-2014	1.11	\$55	n/a	\$55

Notes for DELAYED costs

Estimated cost to implement procedures to ensure that all containers storing hazardous waste are removed within the allotted accumulation time limit and transported to a facility authorized to accept the waste. Date required is the investigation date. 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

\$1,000

TOTAL

\$55

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 CN604289553, RN104964929, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN604289553, Sifco Applied Surface Concepts LLC **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN104964929, SIFCO APPLIED SURFACE CONCEPTS **Classification:** UNCLASSIFIED **Rating:** -----

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

CH Group: 14 - Other

Location: 7620 BLUFF POINT DR HOUSTON, TX 77086-1764, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID
TXR000068692

AIR NEW SOURCE PERMITS REGISTRATION 79142

POLLUTION PREVENTION PLANNING ID NUMBER
P07097

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 87873

AIR NEW SOURCE PERMITS REGISTRATION 81721

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

Date Compliance History Report Prepared: January 10, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 09, 2009 to January 09, 2014

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

Name: Margarita Dennis

Phone: (817) 588-5892

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SIFCO APPLIED SURFACE
CONCEPTS, LLC
RN104964929**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2013-2073-IHW-E**

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding SIFCO Applied Surface Concepts, LLC ("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 together stipulate that:

1. The Respondent owns and operates a electroplating processing facility at 7620 Bluff Point Drive in Houston, Harris County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste ("IHW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 10, 2013.
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 One Hundred Nineteen Thousand Five Hundred Twenty-One Dollars (\$119,521) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three

Thousand Nine Hundred Thirty-Eight (\$3,938) of the administrative penalty and Twenty-Three Thousand Nine Hundred Three Dollars (\$23,903) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Ninety-One Thousand Six Hundred Eighty Dollars (\$91,680) of the administrative penalty shall be payable in 35 monthly payments of Two Thousand Six Hundred Dollars (\$2,600) each and one payment of Six Hundred Eighty Dollars (\$680). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director Recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. Ceased disposing of waste at an unauthorized facility on October 15, 2013;
 - b. Developed and implemented standard operating procedures to ensure that proper manifests accompany all shipments of IHW to an authorized facility on October 15, 2013; and
 - c. Began implementing standard operating procedures to ensure that all containers storing hazardous wastes are removed within the allotted accumulation time limit and transported to a facility authorized to accept the waste on April 29, 2014.
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 prevent the disposal of IHW at an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 335.2(b), as documented during an investigation conducted on March 20, 2013. Specifically, a total of 196,838.5 lbs. of waste stream No. WS0001114H that includes constituents of cadmium, chromium, lead and silver, were disposed at an unauthorized facility on February 21, 2011, June 16, 2011, January 26, 2012, August 30, 2012, and February 26, 2013.
2. Failed to manifest IHW from waste stream No. WS0001114H on a Uniform Hazardous Waste Manifest, in violation of 30 TEX. ADMIN. CODE § 335.10 and 40 CODE OF FEDERAL REGULATIONS § 262.20(a)(1), as documented during an investigation conducted on March 20, 2013. Specifically, the Facility shipped IHW from waste stream No. WS0001114H, on bills of lading on February 21, 2011, June 16, 2011, January 26, 2012, August 30, 2012, and February 26, 2013.
3. Failed to transfer hazardous waste off-site within the allotted accumulation time limit for IHW generators, in violation of 30 TEX. ADMIN. CODE § 335.69(a) and 40 CODE OF FEDERAL REGULATIONS § 262.34(a), as documented during an investigation conducted on March 20, 2013.

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: SIFCO Applied Surface Concepts, LLC, Docket No. 2013-2073-IHW-E" to:

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

2. The 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.
3. 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.
4. 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.
5. 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.
6. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

7. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/7/15

Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

1-23-15

Date

D. RAPPAZ

Name (Printed or typed)
Authorized Representative of
SIFCO Applied Surface Concepts, LLC

EHS Manager

Title

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