

UltraClean Electropolish, Inc.

RN104509690

Docket No. 2014-0579-IHW-E

Order Type:

Agreed Order

Media:

Industrial and Hazardous Waste (IHW)

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1814 Sunny Drive, Houston, Harris County

Type of Operation:

electroplating and electropolishing 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: August 14, 2015**Comments Received:** None**Penalty Information****Total Penalty Assessed:** \$21,038**Total Paid to General Revenue:** \$738**Total Due to General Revenue:** \$20,300

Payment Plan: 35 payments of \$580 each

Compliance History Classifications:

Person/CN – Unclassified

Site/RN – Unclassified

Major Source: No**Statutory Limit Adjustment:** None**Applicable Penalty Policy:** September 2002 (PCW 1); April 2014 (PCW 2)

UltraClean Electropolish, Inc.

RN104509690

Docket No. 2014-0579-IHW-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: December 12, 2013
Date(s) of NOV(s): N/A
Date(s) of NOE(s): April 7, 2014

Violation Information

1. Failed to submit a complete and correct Annual Waste Summary (AWS) for the years 2010, 2011, and 2012 [30 TEX. ADMIN. CODE § 335.9(a)(2)].
2. Failed to conduct hazardous waste determinations and classifications and maintain the required documentation [40 C.F.R. § 262.11(c)(1) and 30 TEX. ADMIN. CODE §§ 335.9(a)(1), 335.503, 335.504 and 335.513.].
3. Failed to update a five year pollution prevention plan [30 TEX. ADMIN. CODE § 335.474].
4. Failed to properly close hazardous waste management units [40 C.F.R. § 265.201(f) and 30 TEX. ADMIN. CODE §§ 335.8(b) and 350.2(h)(2)].
5. Failed to update the Facility's Notice of Registration (NOR) [30 TEX. ADMIN. CODE § 335.6(c)].
6. Failed to make emergency response arrangements with local authorities [40 C.F.R. § 262.34(d)(4) and 30 TEX. ADMIN. CODE § 335.69(f)(4)(B)].

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

1. Updated the 2011 and 2012 AWS by November 13, 2014 (Violation No. 1);
2. Conducted waste determinations and classifications and began maintaining waste profile and waste classification documentation for waste streams 0001105H, 0002103H and 00061141 by March 12, 2015 (Violation No. 2);
3. Updated the NOR by February 18, 2014 (Violation No. 5); and
4. Made emergency response arrangements with local authorities by May 7, 2014 (Violation No. 6).

Technical Requirements:

1. Within 30 days:
 - a. Properly upgrade or close tank units nos. 001 and 002 (Violation No. 4);
 - b. Submit a complete and correct five year pollution prevention plan that includes the generation of hazardous waste stream 0001105H (Violation No. 3); and
 - c. Submit a complete and correct AWS for calendar year 2010 that includes the generation of hazardous waste stream 0001105H (Violation No. 1).
2. Within 45 days, submit written certification to demonstrate compliance.

UltraClean Electropolish, Inc.

RN104509690

Docket No. 2014-0579-IHW-E

Litigation Information

Date Petition(s) Filed: March 3, 2015
Date Answer Filed: March 24, 2015
SOAH Referral Date: June 23, 2015
Hearing Date(s):
Preliminary hearing: August 6, 2015 (remanded July 17, 2015)
Settlement Date: July 6, 2015

Contact Information

TCEQ Attorneys: Tracy Chandler, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, (713) 767-3682
TCEQ Regional Contact: Jason Ybarra, Houston Regional Office, (713) 767-3500
Respondent Contact: R. Keith Raney, President, UltraClean Electropolish, Inc., 1814 Sunny Drive, Houston, Texas 77093
Respondent's Attorney: Allen Eli Bell, Richards Rodriguez & Skeith, 816 Congress Avenue, Suite 1200, Austin, Texas 78701

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	14-Apr-2014			
	PCW	4-May-2015	Screening	22-Apr-2014	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	UltraClean Electropolish, Inc.	
Reg. Ent. Ref. No.	RN104509690	
Facility/Site Region	12-Houston	Major/Minor Source
		Minor

CASE INFORMATION

Enf./Case ID No.	48587	No. of Violations	1
Docket No.	2014-0579-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		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 **0.0%** Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability **0.0%** Enhancement **Subtotal 4**

Notes

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

Economic Benefit **0.0%** 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 22-Apr-2014

Docket No. 2014-0579-IHW-E

PCW

Respondent UltraClean Electropolish, Inc.

Policy Revision 2 (September 2002)

Case ID No. 48587

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104509690

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

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)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

No adjustment for compliance history.

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

Screening Date	22-Apr-2014	Docket No.	2014-0579-IHW-E	PCW
Respondent	UltraClean Electropolish, Inc.			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	48587			<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No.	RN104509690			
Media [Statute]	Industrial and Hazardous Waste			
Enf. Coordinator	Danielle Porras			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	Percent <input type="text" value="1%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	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"/>	

Violation Base Penalty

Good Faith Efforts to Comply Reduction

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input 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 UltraClean Electropolish, Inc.
Case ID No. 48587
Reg. Ent. Reference No. RN104509690
Media Violation No. 1 Industrial and Hazardous Waste

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)	\$500	12-Dec-2013	30-Nov-2015	1.97	\$49	n/a	\$49

Notes for DELAYED costs

Estimated cost to submit a complete and correct AWS. 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	\$500	TOTAL	\$49
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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	14-Apr-2014			
	PCW	22-Jun-2015	Screening	22-Apr-2014	EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent	UltraClean Electropolish, Inc.	
Reg. Ent. Ref. No.	RN104509690	
Facility/Site Region	12-Houston	Major/Minor Source
		Minor

CASE INFORMATION

Enf./Case ID No.	48587	No. of Violations	6
Docket No.	2014-0579-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Danielle Porras
		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** **\$22,000**

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 adjustment for compliance history.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$1,062**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts \$430
Approx. Cost of Compliance \$8,500
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$20,938**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$20,938**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$20,938**

DEFERRAL **0.0%** Reduction **Adjustment** **\$0**

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 **\$20,938**

Screening Date 22-Apr-2014 **Docket No.** 2014-0579-IHW-E
Respondent UltraClean Electropolish, Inc.
Case ID No. 48587
Reg. Ent. Reference No. RN104509690
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Danielle Porras

PCW

Policy Revision 4 (April 2014)
 PCW Revision March 26, 2014

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)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

No adjustment for compliance history.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100%

Screening Date	22-Apr-2014	Docket No.	2014-0579-IHW-E	PCW
Respondent	UltraClean Electropolish, Inc.			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48587			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN104509690			
Media [Statute]	Industrial and Hazardous Waste			
Enf. Coordinator	Danielle Porras			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	Percent <input type="text" value="1.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text" value="x"/>
	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 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 UltraClean Electropolish, Inc.
Case ID No. 48587
Reg. Ent. Reference No. RN104509690
Media Violation No. 1 Industrial and Hazardous Waste

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)	\$500	12-Dec-2013	13-Nov-2014	0.92	\$23	n/a	\$23

Notes for DELAYED costs
 Estimated cost to submit complete and correct AWSs. 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 **TOTAL**

Screening Date 22-Apr-2014 **Docket No.** 2014-0579-IHW-E **PCW**
Respondent UltraClean Electropolish, Inc. *Policy Revision 4 (April 2014)*
Case ID No. 48587 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN104509690
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Danielle Porras

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 335.9(a)(1), 335.503, 335.504 and 335.513 and 40 CFR § 262.11(c)(1)

Violation Description
 Failed to conduct hazardous waste determinations and classifications and maintain the required documentation. Specifically, the Respondent did not conduct and maintain adequate waste determinations and classifications for waste streams 0001105H, 0002103H and 00061141.

Base Penalty

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="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

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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Three single events (one per waste stream) are recommended.

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 type="text" value="x"/>	(mark w th x)

Notes The Respondent came into compliance on March 12, 2015, after the Settlement Offer dated August 19, 2014.

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 UltraClean Electropolish, Inc.
Case ID No. 48587
Reg. Ent. Reference No. RN104509690
Media Violation No. Industrial and Hazardous 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-Dec-2013	12-Mar-2015	1.25	\$62	n/a	\$62
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)	\$3,000	12-Dec-2013	12-Mar-2015	1.25	\$187	n/a	\$187

Notes for DELAYED costs

Estimated cost to maintain waste profile and waste classification documentation and to conduct waste determinations and classifications (\$1,000 per waste stream) on the waste streams. 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 \$4,000

TOTAL \$249

Screening Date	22-Apr-2014	Docket No.	2014-0579-IHW-E	PCW
Respondent	UltraClean Electropolish, Inc.			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48587			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN104509690			
Media [Statute]	Industrial and Hazardous Waste			
Enf. Coordinator	Danielle Porras			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 335.474			
Violation Description	Failed to update a five year pollution prevention plan. Specifically, the five year pollution prevention plan did not include the hazardous waste generation of waste stream 0001105H.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	Less than 30% of the rule requirement was not met.				
		Adjustment	\$24,750		
			\$250		

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	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="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	<input type="text" value="\$250"/>	

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$49"/>	Violation Final Penalty Total <input type="text" value="\$250"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$250"/>	

Economic Benefit Worksheet

Respondent UltraClean Electropolish, Inc.
Case ID No. 48587
Reg. Ent. Reference No. RN104509690
Media Violation No. Industrial and Hazardous Waste
 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)	\$500	12-Dec-2013	30-Nov-2015	1.97	\$49	n/a	\$49

Notes for DELAYED costs
 Estimated cost to submit a complete and correct five year pollution prevention plan. 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 \$500

TOTAL \$49

Screening Date 22-Apr-2014	Docket No. 2014-0579-IHW-E	PCW
Respondent UltraClean Electropolish, Inc.		<i>Policy Revision 4 (April 2014)</i>
Case ID No. 48587		<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No. RN104509690		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Danielle Porras		

Violation Number

Rule Cite(s)

30 Tex. Admin. Code §§ 335.8(b) and 350.2(h)(2) and 40 CFR § 265.201(f)

Violation Description

Failed to properly close hazardous waste management units. Specifically, tank unit nos. 001 and 002 have been removed from service but have not been properly closed.

Base Penalty

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

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.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

<i>mark only one with an x</i>	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

One quarterly event is recommended from February 18, 2014 the date the tanks were discontinued as hazardous waste units to the April 22, 2014 screening date.

Good Faith Efforts to Comply

Reduction

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

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 UltraClean Electropolish, Inc.
Case ID No. 48587
Reg. Ent. Reference No. RN104509690
Media Violation No. Industrial and Hazardous Waste 4

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)	\$2,000	18-Feb-2014	9-Jan-2015	0.89	\$89	n/a	\$89

Notes for DELAYED costs Estimated cost to properly close tank unit nos. 001 and 002. The Date Required is the date the tanks were discontinued as hazardous waste units 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	\$2,000	TOTAL	\$89
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Screening Date	22-Apr-2014	Docket No.	2014-0579-IHW-E	PCW
Respondent	UltraClean Electropolish, Inc.			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48587			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN104509690			
Media [Statute]	Industrial and Hazardous Waste			
Enf. Coordinator	Danielle Porras			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 335.6(c)

Violation Description

Failed to update the Facility's Notice of Registration ("NOR"). Specifically, the NOR was not updated to reflect the current waste management units, current and active waste streams, when waste stream 0002103H is generated, and changes made to tank unit nos. 001 and 002.

Base Penalty

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

100% of the rule requirement is not met.

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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes
The Respondent came into compliance on February 18, 2014, prior to the Notice of Enforcement ("NOE") dated April 7, 2014.

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 UltraClean Electropolish, Inc.
Case ID No. 48587
Reg. Ent. Reference No. RN104509690
Media Violation No. Industrial and Hazardous 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
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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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	12-Dec-2013	18-Feb-2014	0.19	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to update the Facility's NOR. 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

TOTAL

Screening Date	22-Apr-2014	Docket No.	2014-0579-IHW-E	PCW
Respondent	UltraClean Electropolish, Inc.			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	48587			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN104509690			
Media [Statute]	Industrial and Hazardous Waste			
Enf. Coordinator	Danielle Porras			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 335.69(f)(4)(B) and 40 CFR § 262.34(d)(4)			
Violation Description	Failed to make emergency response arrangements with local authorities.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%

>> 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 \$21,250

\$3,750

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty \$7,500

Two quarterly events are recommended from the December 12, 2013 investigation to the April 22, 2014 screening date.

Good Faith Efforts to Comply Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	x
N/A	<input type="text"/>	(mark with x)

Notes

The Respondent came into compliance on May 7, 2014, after the NOE dated April 7, 2014.

Violation Subtotal \$6,750

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$10"/>	Violation Final Penalty Total <input type="text" value="\$6,750"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$6,750"/>	

Economic Benefit Worksheet

Respondent UltraClean Electropolish, Inc.
Case ID No. 48587
Reg. Ent. Reference No. RN104509690
Media Violation No. Industrial and Hazardous Waste
 6

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)	\$500	12-Dec-2013	7-May-2014	0.40	\$10	n/a	\$10

Notes for DELAYED costs

Estimated cost to make arrangements with local authorities. 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 \$10

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 CN602773665, RN104509690, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN602773665, UltraClean Electropolish, Inc. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN104509690, UltraClean Electropolish **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1814 SUNNY DR HOUSTON, TX 77093-1829, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s): **STORMWATER PERMIT TXRNES177**
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000057620
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 87425
POLLUTION PREVENTION PLANNING ID NUMBER P07474

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

Date Compliance History Report Prepared: April 22, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 22, 2009 to April 22, 2014

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

Name: Danielle Porras

Phone: (713) 767-3682

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ULTRACLEAN ELECTROPOLISH, INC.;
RN104509690**

**§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2014-0579-IHW-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 UltraClean Electropolish, Inc. ("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, represented by Allen Eli Bell of the law firm Richards Rodriguez & Skeith, together stipulate that:

1. Respondent operates an electroplating and electropolishing facility located at 1814 Sunny Drive in Houston, Harris County, Texas (the "Facility"). The Facility contains and/or involves the management of industrial hazardous waste ("IHW"), 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 §§ 7.002, 7.051, 7.070, and 7.073, 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 twenty-one thousand thirty-eight dollars (\$21,038.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid seven hundred thirty-eight dollars (\$738.00) of the penalty. The remaining amount of twenty thousand three hundred dollars (\$20,300.00) shall be paid in thirty-five (35) monthly payments of five hundred eighty dollars (\$580.00) 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. In addition, 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. 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). Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
 - a. Updated the 2011 and 2012 Annual Waste Summaries by November 13, 2014 (Allegation 1.a.);
 - b. Conducted waste determinations and classifications and began maintaining waste profile and waste classification documentation for waste streams 0001105H, 0002103H and 00061141 by March 12, 2015 (Allegation 1.b);
 - c. Updated the Notice of Registration ("NOR") by February 18, 2014 (Allegation No. 1.e.); and
 - d. Made emergency response arrangements with local authorities by May 7, 2014 (Allegation 1.f.).

II. ALLEGATIONS

1. During an investigation conducted on December 12, 2013, an investigator documented that Respondent:
 - a. Failed to submit a complete and correct Annual Waste Summary ("AWS"), in violation of 30 TEX. ADMIN. CODE § 335.9(a)(2). Specifically, the AWSs for 2010, 2011 and 2012 did not report the hazardous waste generation of waste stream 0001105H;
 - b. Failed to conduct hazardous waste determinations and classifications and maintain the required documentation, in violation of 40 C.F.R. § 262.11(c)(1) and 30 TEX. ADMIN. CODE §§ 335.9(a)(1), 335.503, 335.504 and 335.513. Specifically, Respondent did not conduct and maintain adequate waste determinations and classifications for waste streams 0001105H, 0002103H and 00061141;
 - c. Failed to update a five year pollution prevention plan, in violation of 30 TEX. ADMIN. CODE § 335.474. Specifically, the five year pollution prevention plan did not include the hazardous waste generation of waste stream 0001105H;
 - d. Failed to properly close hazardous waste management units, in violation of 40 C.F.R. § 265.201(f) and 30 TEX. ADMIN. CODE §§ 335.8(b) and 350.2(h)(2). Specifically, tank units nos. 001 and 002 have been removed from service but have not been properly closed;

- e. Failed to update the Facility's NOR, in violation of 30 TEX. ADMIN. CODE § 335.6(c). Specifically, the NOR was not updated to reflect the current waste management units, current and active waste streams, when waste stream 0002103H is generated, and changes made to tank units nos. 001 and 002; and
- f. Failed to make emergency response arrangements with local authorities, in violation of 40 C.F.R. § 262.34(d)(4) and 30 TEX. ADMIN. CODE § 335.69(f)(4)(B).

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: UltraClean Electropolish, Inc., Docket No. 2014-0579-IHW-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. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Properly upgrade or close tank units nos. 001 and 002, in accordance with 40 C.F.R. Part 265, Subpart J (Allegation 1.d.);
 - ii. Submit a complete and correct five year pollution prevention plan that includes the generation of hazardous waste stream 0001105H (Allegation 1.c.) to:

Pollution Prevention and Education Section
Texas Commission on Environmental Quality
Environmental Assistance Division, MC 108
P.O. Box 13087
Austin, Texas 78711-3087
 - iii. Submit a complete and correct AWS for calendar year 2010 that includes the generation of hazardous waste stream 0001105H (Allegation 1.b.) to:

Registration and Reporting Section
Texas Commission on Environmental Quality
Permitting & Registration Support Division, MC 129
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

Respondent shall submit the written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk St., Ste. H
Houston, Texas 77023-1452

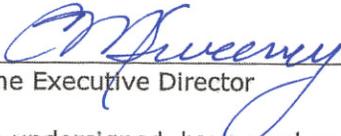
3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. 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.
7. 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.

8. 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.
9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date 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



For the Executive Director



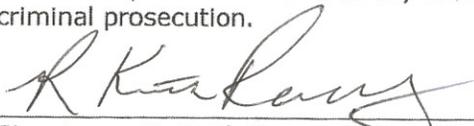
Date

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

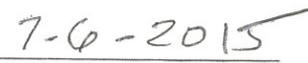
I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- 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 - R. Keith Raney, President
UltraClean Electropolish, Inc.
1814 Sunny Drive
Houston, Texas 77093



Date

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