

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Techtrix, Inc.  
Gadsden, Etowah County, Alabama  
USEPA ID NUMBER ALD982167678**

ORDER NO. 19-XXX-HW

**FINDINGS**

Pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-16, as amended, and the Alabama Hazardous Wastes Management and Minimization Act (hereinafter “AHWMMA”), Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto, the Alabama Department of Environmental Management (hereinafter “ADEM” or “the Department”) makes the following FINDINGS:

1. Techtrix, Inc. (hereinafter “Techtrix”), a domestic corporation, operates an electroplating and metal finishing facility with EPA Identification Number ALD982167678, located at 525 Plainview Street in Gadsden, Etowah County, Alabama. Techtrix, as a result of its operations at the facility, was a large quantity generator, as that term is defined in ADEM Admin. Code Div. 14, at all times relevant to this action.

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-16, as amended.

3. Pursuant to Ala. Code § 22-22A-4(n), the Department is the state agency responsible for the promulgation and enforcement of solid and hazardous waste regulations in accordance with the federal Solid Waste Disposal Act §§ 1002 to 11012, 42 U.S.C. §§ 6901 to 6992k, as amended. In addition, the Department is authorized to administer and enforce the provisions of the AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended.

4. On December 18, 2018, a representative of the Department's Industrial Hazardous Waste Branch conducted a compliance evaluation inspection (hereinafter "CEI") of Techtrix. The CEI and a review of Techtrix's compliance showed the following:

- (a) Pursuant to ADEM Admin. Code r. 335-14-3-.01(2), a person who generates a solid waste, as defined in 335-14-2-.01(2), must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable AHWMMMA regulations.

Techtrix failed to make a hazardous waste determination on waste stored in several areas at the facility.

- (b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(b), a large quantity generator who accumulates hazardous waste for more than 90 days is subject to the requirements of 335-14-5 through 9, unless it has been granted an extension to the 90-day period. ADEM Admin. Code r. 335-14-8-.01(1)(c) states that AHWMMMA requires a permit for the "treatment", "storage", and "disposal" of any "hazardous waste" as identified or listed in Chapter 335-14-2.

Techtrix stored hazardous waste on-site for more than 90 days without first obtaining a permit.

- (c) Pursuant to ADEM Admin. Code r. 335-14-6-.09(6), each container storage area must have an adequate containment system.

Techtrix stored containers of liquid hazardous waste in areas outside of a containment system.

- (d) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)10., the large quantity generator must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock into the central accumulation area.

Techtrix stored hazardous waste, not in satellite accumulation, in areas that failed to adequately restrict access at the facility.

(e) Pursuant to ADEM Admin. Code r. 335-14-3-01(7)(a)5.(i)a, a large quantity generator must mark or label its containers with the Words “Hazardous Waste”.

Techtrix failed to label containers holding hazardous waste with the words “Hazardous Waste”.

(f) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(iv), a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

Techtrix failed to keep closed containers holding hazardous waste.

(g) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)c, a large quantity generator must mark or label its containers with the date upon which each period of accumulation begins clearly visible for inspection on each container.

Techtrix failed to mark containers holding hazardous waste with an accumulation start date.

(h) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)4., satellite accumulation containers must be closed unless adding or removing waste.

Techtrix failed to keep closed satellite accumulation containers holding hazardous waste.

(i) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)5., satellite accumulation containers must be labeled with the words “Hazardous Waste” and an indication of the hazardous of the contents.

Techtrix failed to properly label satellite accumulation containers holding hazardous waste.

(j) Pursuant to ADEM Admin. Code r. 335-14-3-.14(2), a large quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous

waste constituents to air, soil, or surface water which could threaten human health or the environment.

Techtrix failed to operate its facility to minimize the release of hazardous waste to the environment. Tanks in the wastewater treatment unit were leaking onto the floor and there was no evidence of any activity to abate the release.

5. On January 31, 2019, the Department issued a Notice of Violation to Techtrix, which cited violations of the hazardous waste regulations that were discovered during the CEI.

6. Pursuant to Ala. Code § 22-22A-5(18), as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation(s), including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation(s) upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day such a violation continues shall constitute a separate violation. In arriving at the civil penalty assessed in this Order, the Department has considered the following:

(a) **SERIOUSNESS OF THE VIOLATIONS:** In arriving at the civil penalty, the Department considered the general nature and magnitude of the violation(s) along with the available evidence of irreparable harm to the environment and threat to the health or safety of the public.

(b) **THE STANDARD OF CARE:** In considering the standard of care manifested by Techtrix, the Department noted that the violations described above were non-technical and

easily avoidable. Consequently, Techtrix has failed to exhibit a standard of care commensurate with the applicable regulatory standards.

(c) ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department has determined there was no significant economic benefit gained by Techtrix as a result of the violations cited herein.

(d) EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION UPON THE ENVIRONMENT: There are no known environmental effects to mitigate as a result of the alleged violations.

(e) HISTORY OF PREVIOUS VIOLATIONS: Based on a review of Department records, Techtrix has a history of similar violations.

(f) THE ABILITY TO PAY: The Department does not have any evidence indicating that Techtrix is unable to pay the civil penalty.

7. OTHER FACTORS: The Department has carefully considered the six statutory penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, and has concluded that the civil penalty is appropriate for the violations cited in this Order (see Attachment A, which is made a part of the Department's Findings).

### **ORDER**

Based on the foregoing FINDINGS and pursuant to Ala. Code, §§22-22A-5(10), 22-22A-5(18), 22-30-20, and 22-30-19(a) and (b), as amended, it is hereby ORDERED:

A. That, within forty-five days of the receipt of this Order, Techtrix shall pay to the Department a civil penalty in the amount of \$56,550 for the violations cited herein. Said penalty shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or any other method of payment acceptable to the Department and shall be remitted to:

Office of General Counsel

Alabama Department of Environmental Management

P.O. Box 301463

Montgomery, Alabama 36130-1463

Any payment submitted to the Department pursuant to this Order shall reference Techtrix's name and address and the ADEM Administrative Order number of this action.

B. That, within 30 days of issuance of this Order, Techtrix shall submit to the Department a complete hazardous waste determination on all wastes currently in storage at the facility where a determination has not yet been conducted.

A. That, within 30 days of issuance of this Order, Techtrix shall remove and properly manage all hazardous wastes that have been stored on-site longer than ninety (90) days from their date of generation.

B. That, Techtrix shall submit documentation of all waste removal activity, including copies of manifests, to the Department no later than 30 days following completion of waste removal.

C. That, Techtrix shall comply with all terms, conditions, and limitations of the AHWMMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

D. That, should any provision of this Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with federal or State law and, therefore, unenforceable, the remaining provisions hereof shall remain in full force and effect.

E. That the issuance of this Order does not preclude the Department from seeking criminal fines or other appropriate sanctions or relief against Techtrix for the violation(s) cited herein.

F. That failure to comply with the provisions of this Order shall constitute cause for commencement of legal action by the Department against Techtrix for recovery of additional civil penalties, criminal fines, or other appropriate sanctions or relief.

ORDERED and ISSUED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Lance R. LeFleur  
Director

**Attachment A**  
 Techtrix, Inc.  
 Gadsden, Etowah County  
 Facility ID No. ALD982167678

<b>Violation</b>	<b>Number of Violations*</b>	<b>Seriousness of Violation*</b>	<b>Standard of Care*</b>	<b>History of Previous Violation*</b>	
Failure to make hazardous waste determinations.	1	\$2,500	\$1,875	\$1,250	
Storage of hazardous waste for more than 90 days.	1	\$10,000	\$7,500	\$5,000	
Failure to store hazardous waste in a containment system.	1	\$1,000	\$750	\$500	
Failure to restrict access to hazardous waste accumulation areas.	1	\$1,000	\$750	\$500	
Failure to label containers with the words "Hazardous Waste".	1	\$100	\$50	\$25	
Failure to keep closed containers holding hazardous waste.	1	\$200	\$150	\$100	
Failure to mark containers with an accumulation start date.	1	\$100	\$50	\$25	
Failure to keep closed satellite accumulation containers.	1	\$200	\$150	\$100	
Failure to properly label satellite accumulation containers.	1	\$100	\$50	\$25	
Failure to minimize the release of hazardous waste.	1	\$10,000	\$7,500	\$5,000	<b>Total of Three Factors</b>
<b>TOTAL PER FACTOR</b>		\$25,200	\$18,825	\$12,525	\$56,550

Adjustments to Amount of Initial Penalty

Mitigating Factors (-)	\$0	Economic Benefit (+)	\$0
Ability to Pay (-)	\$0	Amount of Initial Penalty	\$56,550
Other Factors (+/-)	\$0	Total Adjustments (+/-)	\$0
<b>Total Adjustments (+/-) Enter at Right</b>	<b>\$0</b>	<b>FINAL PENALTY</b>	<b>\$56,550</b>

Footnotes

\* \* See the "FINDINGS" portion of the Order for a detailed description of each violation and the penalty factors.