

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-0920-IHW-E    **TCEQ ID:** RN101446235    **CASE NO.:** 30141  
**RESPONDENT NAME:** M7 Aerospace LP

**ORDER TYPE:**

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** M7 Aerospace, 10823 North East Entrance Road, San Antonio, Bexar County

**TYPE OF OPERATION:** Aircraft manufacturing and maintenance facility

**SMALL BUSINESS:**     Yes     No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on December 4, 2006. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Mr. Harvey Wilson, Enforcement Division, Enforcement Section II, MC 219, (512) 239-0321; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**TCEQ Field Investigator:** Ms. Cameron Lopez, San Antonio Regional Office, MC R-13, (210) 403-4044

**Respondent:** Mr. Taylor V. Cooksey, Registered Agent, M7 Aerospace LP, 6363 Woodway, Suite 610, Houston, Texas 77057

Mr. Phillip R. Fletcher, Vice President, Aerostructures, M7 Aerospace LP, 6363 Woodway, Suite 610, Houston, Texas 77057

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

RESPONDENT'S NAME: M7 Aerospace LP  
 DOCKET NO.: 2006-0920-IHW-E

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 5, 2006</p> <p><b>Date of NOE Relating to this Case:</b> June 30, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. Three violations were documented.</p> <p><b>WASTE</b></p> <p>1) Failed to notify the TCEQ of a reportable discharge or spill within 24 hours of discovery [30 TEX. ADMIN. CODE § 327.3(b)].</p> <p>2) Failed to abate and contain the discharge or spill [30 TEX. ADMIN. CODE § 327.5(a)].</p> <p>3) Failed to prevent the unauthorized discharge or spill of industrial waste into or adjacent to water in the state [30 TEX. ADMIN. CODE § 335.4(1) and TEX. WATER CODE § 26.121(a)].</p>	<p><b>Total Assessed:</b> \$5,712</p> <p><b>Total Deferred:</b> \$1,142  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$4,570</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that M7 Aerospace did submit the notice for the discharge on April 5, 2006.</p> <p><b>Ordering Provisions:</b></p> <p>2) The order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order, begin removing and properly disposing all of the remaining materials that resulted from the March 31, 2006 spill;</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Adopt operating procedures and implement employee training to ensure notification of reportable discharges or spills within 24 hours of the event; and</p> <p>ii. Adopt and implement operating procedures to prevent future unauthorized discharges.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	05-Jul-2006	<b>Screening</b>	08-Jul-2006	<b>EPA Due</b>	
	<b>PCW</b>	10-Jul-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	M7 Aerospace LP
<b>Reg. Ent. Ref. No.</b>	RN101446235
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	30141	<b>No. of Violations</b>	3
<b>Docket No.</b>	2006-0920-IHW-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Harvey Wilson
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$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** 2% Enhancement **Subtotals 2, 3, & 7**

**Notes**

**Culpability** No  **Subtotal 4**

**Notes**

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5**

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

**Notes**

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

Total EB Amounts	\$275	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$6,100	

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** 20% 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** 08-Jul-2006 **Docket No.** 2006-0920-IHW-E **PCW**  
**Respondent** M7 Aerospace LP *Policy Revision 2 (September 2002)*  
**Case ID No.** 30141 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101446235  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Harvey Wilson

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
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</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)** **2%**

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

No

**Adjustment Percentage (Subtotal 3)** **0%**

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

Average Performer

**Adjustment Percentage (Subtotal 7)** **0%**

>> **Compliance History Summary**

**Compliance History Notes** A 2% enhancement is recommended because the respondent has previously received one NOV for a non-similar violation.

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

<b>Screening Date</b> 08-Jul-2006	<b>Docket No.</b> 2006-0920-IHW-E	<b>PCW</b>
<b>Respondent</b> M7 Aerospace LP	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 30141	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN101446235		
<b>Media [Statute]</b> Industrial and Hazardous Waste		
<b>Enf. Coordinator</b> Harvey Wilson		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 327.3(b)	
<b>Secondary Rule Cite(s)</b>		
<b>Violation Description</b>	The respondent failed to notify TCEQ of a reportable discharge or spill within 24 hours. Specifically, a discharge of 150 - 200 pounds of KA Industrial Cleaner which contained 2-butoxyethanol with a pH of 13 occurred on March 31, 2006 and TCEQ was not notified until April 5, 2006.	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>

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

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

>> **Programmatic Matrix**

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

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>daily</i>	<input type="text"/>
<i>monthly</i>	<input type="text"/>
<i>quarterly</i>	<input type="text"/>
<i>semiannual</i>	<input type="text"/>
<i>annual</i>	<input type="text"/>
<i>single event</i>	<input checked="" type="checkbox"/>

**Violation Base Penalty**

One single event is recommended.

**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: M7 Aerospace LP  
 Case ID No. 30141  
 Reg. Ent. Reference No. RN101446235  
 Media [Statute] Industrial and Hazardous Waste  
 Violation No. 1

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Economic Benefit	
						Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	01-Apr-2006	05-Apr-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost of notifying TCEQ of a discharge or spill. The Date Required is the date notification was required. The Final Date is the date TCEQ was notified.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$100** TOTAL **\$0**

<b>Screening Date</b>	08-Jul-2006	<b>Docket No.</b>	2006-0920-IHW-E	<b>PCW</b>
<b>Respondent</b>	M7 Aerospace LP			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	30141			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101446235			
<b>Media [Statute]</b>	Industrial and Hazardous Waste			
<b>Enf. Coordinator</b>	Harvey Wilson			
<b>Violation Number</b>	<input type="text" value="2"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 327.5(a)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	The respondent failed to abate and contain the discharge. Specifically, the discharge occurred on March 31, 2006 and during the investigation on April 5, 2006, the investigator observed absorbent material and other residue from the discharge at the bottom of the cascade ramp.			
		<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	

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

		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
<b>OR</b>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

**Violation Base Penalty**

**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 M7 Aerospace LP  
 Case ID No. 30141  
 Reg. Ent. Reference No. RN101446235  
 Media [Statute] Industrial and Hazardous Waste  
 Violation No. 2

Percent Interest 5.0  
 Years of Depreciation 15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$1,000	31-Mar-2006	28-Feb-2007	0.9	\$46	n/a	\$46
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost of abating and containing the discharge. The Date Required is the date of the discharge. The Final Date is the estimated date of compliance.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>					
Disposal		0.0	\$0	\$0	\$0
Personnel		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		0.0	\$0	\$0	\$0
Supplies/equipment		0.0	\$0	\$0	\$0
Financial Assurance [2]		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		0.0	\$0	\$0	\$0
Other (as needed)		0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$1,000** TOTAL **\$46**



**Screening Date** 08-Jul-2006 **Docket No.** 2006-0920-IHW-E **PCW**  
**Respondent** M7 Aerospace LP *Policy Revision 2 (September 2002)*  
**Case ID No.** 30141 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101446235  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Harvey Wilson  
**Violation Number**   
**Primary Rule Cite(s)**   
**Secondary Rule Cite(s)**   
**Violation Description**

**Base Penalty**

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>
	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"/>	<b>Percent</b> <input type="text"/>

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input checked="" type="checkbox"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input type="text"/>

**Violation Base Penalty**

**Economic Benefit (EB) for this violation**

**Estimated EB Amount**

**Statutory Limit Test**

**Violation Final Penalty Total**

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

### Economic Benefit Worksheet

Respondent M7 Aerospace LP  
 Case ID No. 30141  
 Reg. Ent. Reference No. RN101446235  
 Media [Statute] 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
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,000	31-Mar-2006	28-Feb-2007	0.9	\$229	n/a	\$229

Notes for DELAYED costs: The estimated cost of developing and instituting a program or procedure to prevent the discharge of industrial waste into or adjacent to water of the state. The Date Required is the date of the discharge. The Final Date is the estimated date of compliance.

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$5,000** TOTAL **\$229**

# Compliance History

Customer/Respondent/Owner-Operator: CN602386096 M7 Aerospace LP Classification: AVERAGE Rating: 2.00  
 Regulated Entity: RN101446235 M7 AEROSPACE Classification: AVERAGE Site Rating: 2.00  
 ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE GENERATION EPA ID TXD039045968  
 INDUSTRIAL AND HAZARDOUS WASTE GENERATION SOLID WASTE REGISTRATION # 34630  
 AIR NEW SOURCE PERMITS PERMIT 40359  
 AIR NEW SOURCE PERMITS PERMIT 43538  
 AIR NEW SOURCE PERMITS PERMIT 43637  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER BG0554B  
 Location: 10823 NE ENTRANCE RD, SAN ANTONIO, TX, Rating Date: 9/1/2005 Repeat Violator: NO  
 78216

TCEQ Region: REGION 13 - SAN ANTONIO  
 Date Compliance History Prepared: July 06, 2006  
 Agency Decision Requiring Compliance Enforcement  
 Compliance Period: July 06, 2001 to July 06, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Harvey Wilson Phone: 239-0321

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance Yes
2. Has there been a (known) change in ownership of the site during the compliance Yes
3. If Yes, who is the current owner? M7 Aerospace LP
4. If Yes, who was/were the prior owner(s)? Fairchild Aircraft Incorporated
5. When did the change(s) in ownership occur? 8/19/2003

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
  - 1 08/22/2003 (37869)
  - 2 06/29/2006 (461001)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 

Date: 08/22/2003 (37869)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)

Description: Failure to update Notice of Registration

Self Report? NO Classification:

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)  
 30 TAC Chapter 335, SubChapter C 335.69(e)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: Failure to properly label or mark waste containers with the words "Hazardous Waste" and the accumulation start date.

- 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  
M7 AEROSPACE LP  
RN101446235**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2006-0920-IHW-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding M7 Aerospace LP ("M7 Aerospace") under the authority of the TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and M7 Aerospace appear before the Commission and together stipulate that:

1. M7 Aerospace owns and operates a aircraft manufacturing and maintenance facility at 10823 North East Entrance Road in San Antonio, Bexar County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial solid waste/hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
3. The Commission and M7 Aerospace agree that the Commission has jurisdiction to enter this Agreed Order, and that M7 Aerospace is subject to the Commission's jurisdiction.
4. M7 Aerospace received notice of the violations alleged in Section II ("Allegations") on or about July 5, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by M7 Aerospace of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Seven Hundred Twelve Dollars (\$5,712) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). M7 Aerospace has paid Four Thousand Five Hundred Seventy Dollars (\$4,570) of the administrative penalty and One Thousand One Hundred Forty-Two Dollars (\$1,142) is deferred contingent upon M7 Aerospace's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If M7 Aerospace fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require M7 Aerospace to pay all or part of the deferred penalty.



7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and M7 Aerospace have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that M7 Aerospace did submit the notice for the discharge on April 5, 2006.
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 M7 Aerospace 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, M7 Aerospace is alleged to have:

1. Failed to notify the TCEQ of a reportable discharge or spill within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 327.3(b), as documented during an investigation conducted on April 5, 2006.
2. Failed to abate and contain the discharge or spill, in violation of 30 TEX. ADMIN. CODE § 327.5(a), as documented during an investigation conducted on April 5, 2006.
3. Failed to prevent the unauthorized discharge or spill of industrial waste into or adjacent to water in the state, in violation of 30 TEX. ADMIN. CODE § 335.4(1) and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on April 5, 2006.

## **III. DENIALS**

M7 Aerospace generally denies each allegation in Section II ("Allegations").





#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that M7 Aerospace pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and M7 Aerospace'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: M7 Aerospace LP, Docket No. 2006-0920-IHW-E" to:

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

2. It is further ordered that M7 Aerospace shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Agreed Order, begin removing and properly disposing all of the remaining materials that resulted from the March 31, 2006 spill;
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Adopt operating procedures and implement employee training to ensure notification of reportable discharges or spills within 24 hours of the event; and
    - ii. Adopt and implement operating procedures to prevent future unauthorized discharges.
  - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.b.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Submit all correspondence, reports, and documentation required by these Ordering Provisions to:

1872  
DRAFTED BY THE COMMISSIONER  
OF THE GENERAL LAND OFFICE

THE COMMISSIONER OF THE GENERAL LAND OFFICE  
DOES HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY  
OF THE ORIGINAL AS KEPT IN HIS OFFICE  
IN WITNESS WHEREOF HE HAS HEREUNTO SET HIS HAND AND SEAL  
AT LONDON THIS 15TH DAY OF APRIL 1872

W. H. WILSON, Esq.,  
Surveyor-General,  
General Land Office,  
Whitehall, London, S.W.

THE COMMISSIONER OF THE GENERAL LAND OFFICE  
DOES HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY  
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AT LONDON THIS 15TH DAY OF APRIL 1872

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

with a copy to:

Waste Section Manager  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4329

3. The provisions of this Agreed Order shall apply to and be binding upon M7 Aerospace. M7 Aerospace is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If M7 Aerospace 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, M7 Aerospace's failure to comply is not a violation of this Agreed Order. M7 Aerospace shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. M7 Aerospace shall notify the Executive Director within seven days after M7 Aerospace becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by M7 Aerospace shall be made in writing to the Executive Director. Extensions are not effective until M7 Aerospace receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against M7 Aerospace in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to M7 Aerospace, or three days after the date on which the Commission mails notice of the Order to M7 Aerospace, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

### Section 1: Introduction

The purpose of this document is to provide a comprehensive overview of the project's objectives and scope.

This section outlines the key goals and the structure of the report, including the methodology used for data collection and analysis.

The first part of the report discusses the background and context of the project, highlighting the importance of the research and the challenges faced.

The second part of the report details the methodology employed, including the selection of participants, the data collection process, and the statistical methods used for data analysis.

The third part of the report presents the results of the study, showing the findings and their implications for the field of research.

The fourth part of the report discusses the conclusions drawn from the study and provides recommendations for future research and practice.

The final part of the report includes a summary of the key findings and a list of references used in the study.

This document is intended to provide a clear and concise overview of the project's progress and findings, serving as a valuable resource for stakeholders and researchers alike.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
For the Executive Director

12/8/06  
\_\_\_\_\_  
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, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

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

Phillip R. Fletcher  
\_\_\_\_\_  
Signature

12/11/06  
\_\_\_\_\_  
Date

PHILLIP R. FLETCHER  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
M7 Aerospace LP

VP, AEROSTRUCTURES  
\_\_\_\_\_  
Title

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

1/2/20

[Handwritten signature]

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