EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0398-IHW **TCEQ ID:** RN105121891 **CASE NO.:** 32959

RESPONDENT NAME: Andrew Pena dba A-One Aircraft Paint

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	X INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: A-One Aircraft Paint, 126 Airport Drive, Building A, Suite 10, Midlothian, Ellis County

TYPE OF OPERATION: Aircraft painting service

SMALL BUSINESS: X **Yes** ____ **No**

OTHER SIGNIFICANT MATTERS: A complaint was received August 16, 2006 alleging that the facility was a "zero discharge" metal finisher which was hauling plating waste labeled as oily waste. Also, alleged strong fumes were associated with the process on-site and that there was a concern of the possibility of an explosion. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 18, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Michael Limos, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-5839 ; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Andrew Pena, Manager, A-One Aircraft Paint, 126 Airport Drive, Building A, Suite 10, Midlothian, Texas 76065

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: _X_ Complaint ___ Routine ___ Enforcement Follow-up ___ Records Review **Date of Complaint Relating to this Case:** August 16, 2006 **Date of Investigation Relating to this Case:** September 15, 2006 **Date of NOE Relating to this Case:** February 21, 2007 (NOE) **Background Facts:** This was a complaint investigation. A complaint investigation was conducted on September 15, 2006. One violation was cited. **WASTE** Failed to prevent the transportation and processing of industrial hazardous waste to an unauthorized facility. Specifically, Mr. Pena allowed Dial Lubricants, Inc. to transport one shipment of approximately 1,000 gallons of oily water, which contained levels of methylene chloride (an F002 listed hazardous waste), to PSC Recovery Systems, Inc. in Dallas. PSC Recovery Systems was not authorized to accept RCRA F-listed hazardous waste for processing prior to final disposition through a wastewater pre-treatment system [30 TEX. ADMIN. CODE § 335.2(b)].	**Total Assessed:** $5,000 **Total Deferred:** $1,000 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid (Due) to General Revenue:** $115 (the remaining $3,885 to be paid in 35 monthly payments of $111 each) **Site Compliance History Classification** __ **High** ___ **Average** __ **Poor** **Person Compliance History Classification** __ **High** ___ **Average** __ **Poor** **Major Source:** ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, implement procedures to ensure that hazardous waste generated on-site is transported to and disposed of at an authorized facility; and b. 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 a.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision January 9, 2007*

DATES					
Assigned	26-Feb-2007				
PCW	19-Mar-2007	Screening	15-Mar-2007	EPA Due	12-Feb-2007

RESPONDENT/FACILITY INFORMATION

Respondent	Andrew Pena dba A-One Aircraft Paint		
Reg. Ent. Ref. No.	RN105121891		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	32959	No. of Violations	1
Docket No.	2007-0398-IHW-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Alison Echlin
Multi-Media		EC's Team	EnforcementTeam 8
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $1,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 0% Enhancement — *Subtotals 2, 3, & 7* $0

Notes: The Respondent has not received any NOVs or Orders for this site in the past five years.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

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

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

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

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$5,059
Approx. Cost of Compliance	$6,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $1,000

OTHER FACTORS AS JUSTICE MAY REQUIRE — 400% — *Adjustment* $4,000

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

Notes: Recommend an upward adjustment of the penalty due to the avoided costs of proper disposal.

Final Penalty Amount $5,000

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $5,000

DEFERRAL — 20% Reduction — *Adjustment* -$1,000

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $4,000

Screening Date 15-Mar-2007 **Docket No.** 2007-0398-IHW-E **PCW**

Respondent Andrew Pena dba A-One Aircraft Paint *Policy Revision 2 (September 2002)*

Case ID No. 32959 *PCW Revision January 9, 2007*

Reg. Ent. Reference No. RN105121891

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Alison Echlin

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 (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has not received any NOVs or Orders for this site in the past five years.

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

Screening Date 15-Mar-2007 **Docket No.** 2007-0398-IHW-E **PCW**

Respondent Andrew Pena dba A-One Aircraft Paint *Policy Revision 2 (September 2002)*

Case ID No. 32959 *PCW Revision January 9, 2007*

Reg. Ent. Reference No. RN105121891

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Alison Echlin

Violation Number 1

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

Violation Description Failed to prevent the transportation and processing of industrial hazardous waste to an unauthorized facility, as documented during an investigation conducted on September 15, 2006. Specifically, the Respondent allowed Dial Lubricants, Inc. to transport one shipment of approximately 1,000 gallons of oily water, which contained levels of methylene chloride (an F002 listed hazardous waste), to PSC Recovery Systems, Inc. in Dallas. PSC Recovery Systems, Inc. was not authorized to accept RCRA F-listed hazardous waste for processing prior to final disposition through a wastewater pre-treatment system.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants as a result of the violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1 — 1 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $5,059

Statutory Limit Test

Violation Final Penalty Total $5,000

This violation Final Assessed Penalty (adjusted for limits) $5,000

Economic Benefit Worksheet

Respondent Andrew Pena dba A-One Aircraft Paint
Case ID No. 32959
Reg. Ent. Reference No. RN105121891
Media Industrial and Hazardous Waste
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
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	$1,000	15-Sep-2006	23-Nov-2007	1.2	$59	n/a	$59
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to implement procedures to ensure hazardous waste is disposed of at an authorized facility, from the investigation date to the estimated date of compliance.						
Avoided Costs	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]	$5,000	28-Aug-2006	28-Aug-2006	0.0	$0	$5,000	$5,000
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Estimated cost to dispose of a hazardous waste based on $5.00/gallon and approximately 1,000 gallons of oily wastewater, Date Required and Final Date is the date the hazardous waste was shipped from the Facility.						

Approx. Cost of Compliance: $6,000

TOTAL: $5,059

Compliance History

Customer/Respondent/Owner-Operator:	CN603157504	PENA, ANDREW	Classification:	Rating:
Regulated Entity:	RN105121891	A-ONE AIRCRAFT PAINT	Classification:	Site Rating:

ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000076695
Location:	126 AIRPORT DR BLDG A STE 10, MIDLOTHIAN, TX, 76065		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	March 15, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 15, 2002 to March 15, 2007		

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

Name: Alison Echlin Phone: 512-239-3308

Site Compliance History Components

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 of the site during the compliance period?	No
3. If Yes, who is the current owner?	N/A
4. if Yes, who was/were the prior owner(s)?	N/A
5. When did the change(s) in ownership occur?	N/A

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.)

N/A

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

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 ANDREW PENA DBA A-ONE AIRCRAFT PAINT RN105121891	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-0398-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 Andrew Pena dba A-One Aircraft Paint ("Mr. Pena") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Pena appear before the Commission and together stipulate that:

1. Mr. Pena owns and operates an aircraft painting service at 126 Airport Drive, Building A, Suite 10 in Midlothian, Ellis County, Texas (the "Facility").

2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.

3. The Commission and Mr. Pena agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Pena is subject to the Commission's jurisdiction.

4. Mr. Pena received notice of the violations alleged in Section II ("Allegations") on or about February 26, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Pena of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Five Thousand Dollars ($5,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Pena has

paid One Hundred Fifteen Dollars ($115) of the administrative penalty and One Thousand Dollars ($1,000) is deferred contingent upon Mr. Pena's timely and satisfactory compliance with all the terms of this Agreed Order. If Mr. Pena fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. Pena to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Eight Hundred Eighty-Five Dollars ($3,885) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Eleven Dollars ($111) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Pena fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Pena to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Pena to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and Mr. Pena have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. 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 Mr. Pena has not complied with one or more of the terms or conditions in this Agreed Order.

10. 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.

11. 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, Mr. Pena is alleged to have failed to prevent the transportation and processing of industrial hazardous waste to an unauthorized facility, in violation of 30 TEX. ADMIN. CODE § 335.2(b), as documented during an investigation conducted on September 15, 2006. Specifically, Mr. Pena allowed Dial Lubricants, Inc. to transport one shipment of approximately 1,000 gallons of oily water, which contained levels of methylene chloride (an F002 listed hazardous waste), to PSC Recovery Systems, Inc. in Dallas. PSC Recovery Systems was not authorized to accept RCRA F-listed hazardous waste for processing prior to final disposition through a wastewater pre-treatment system.

III. DENIALS

Mr. Pena generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Pena pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Pena'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: Andrew Pena dba A-One Aircraft Paint, Docket No. 2007-0398-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 Mr. Pena shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, implement procedures to ensure that hazardous waste generated on-site is transported to and disposed of at an authorized facility;

   b. 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 No. 2.a.

   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."

   The certification shall be submitted to:

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

with a copy to:

Industrial and Hazardous Waste Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Pena. Mr. Pena 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 Mr. Pena 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, Mr. Pena's failure to comply is not a violation of this Agreed Order. Mr. Pena shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Pena shall notify the Executive Director within seven days after Mr. Pena 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 Mr. Pena shall be made in writing to the Executive Director. Extensions are not effective until Mr. Pena 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 Mr. Pena 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 Mr. Pena, or three days after the date on which the Commission mails notice of the Order to Mr. Pena, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 7/11/07
For the Executive Director 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.

_____ 4-18-007
Signature Date

Andrew Pena MANAGER
Name (Printed or typed) Title
Authorized Representative of
Andrew Pena dba A-One Aircraft Paint

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.