

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-1406-AIR-E **TCEQ ID:** RN104316500 **CASE NO.:** 34513

RESPONDENT NAME: Tige Boats, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Tige Boats Abilene, 1801 State Highway 36, Abilene, Taylor County</p> <p>TYPE OF OPERATION: Boat manufacturing plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 27, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="padding-left: 20px;">TCEQ Attorney/SEP Coordinator: None</p> <p style="padding-left: 20px;">TCEQ Enforcement Coordinator: Mr. Terry Murphy, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-5025; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171</p> <p style="padding-left: 20px;">Respondent: Mr. Chas F. Pigeon, Registered Agent, Tige Boats, Inc., 6803 Highway 83/277 North, Abilene, TX 79601</p> <p style="padding-left: 20px;">Mr. Rick Correll, Plant Manager, Tige Boats, Inc., 1801 State Highway 36, Abilene, TX 79602</p> <p style="padding-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 12, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 3, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation. Two violations were documented.</p> <p>AIR</p> <p>1) Failed to maintain records containing sufficient data to determine compliance with emissions limits. Specifically, the data in the Respondents records at the time of the investigation conducted on July 12, 2007, showed that, between January and September 2006, emissions from the Final Assembly area (EPN FG-1) exceeded permitted limits. However, on August 27, 2007, the Respondent submitted documentation establishing that the data in the records at the time of the investigation were inaccurate, and that correct data would have shown no exceedances [New Source Review Permit No. 72398, General Condition 7, 30 TEX. ADMIN. CODE § 116.115(b)(2)(E), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to timely submit a deviation report. Specifically, the report for the period August 15, 2006 to February 14, 2007 was due on or before March 14, 2007, but was not submitted until July 20, 2007 [Operating Permit No. O-02674, General Terms and Conditions, 30 TEX. ADMIN. CODE § 122.145(2)(C), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$4,750</p> <p>Total Deferred: \$950 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,800</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a) By August 27, 2007, implemented a better accounting and tracking system to ensure that the records contain sufficient data to determine compliance with emissions limits; and</p> <p>b) By August 30, 2007, developed and implemented an environmental reporting calendar to ensure the timely submittal of deviation reports.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 26, 2007

DATES	Assigned	15-Aug-2007	Screening	15-Aug-2007	EPA Due	
	PCW	13-Sep-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Tige Boats, Inc.
Reg. Ent. Ref. No.	RN104316500
Facility/Site Region	3-Abilene
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	34513	No. of Violations	2
Docket No.	2007-1406-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Terry Murphy
Multi-Media		EC's Team	Enforcement Team 4
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 Subtotals 2, 3, & 7

5% Enhancement

Notes: The penalty is enhanced by one NOV for same or similar violations.

Culpability Subtotal 4

0% Enhancement

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Subtotal 5

10% Reduction

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

Notes: The Respondent returned to compliance by August 30, 2007.

Subtotal 6

0% Enhancement*
*Capped at the Total EB \$ Amount

Total EB Amounts	\$106
Approx. Cost of Compliance	\$2,000

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 Adjustment

20% Reduction

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 15-Aug-2007

Docket No. 2007-1406-AIR-E

PCW

Respondent Tige Boats, Inc.

Policy Revision 2 (September 2002)

Case ID No. 34513

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104316500

Media [Statute] Air

Enf. Coordinator Terry Murphy

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)	1	5%
	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 judgments 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) 5%

>> **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

The penalty is enhanced by one NOV for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

<p>Screening Date 15-Aug-2007 Respondent Tige Boats, Inc. Case ID No. 34513 Reg. Ent. Reference No. RN104316500 Media [Statute] Air Enf. Coordinator Terry Murphy Violation Number <input type="text" value="1"/></p>	<p>Docket No. 2007-1406-AIR-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i></p>																								
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	annual	<input type="text"/>																							
	single event	<input type="text" value="x"/>																							
<p>Economic Benefit (EB) for this violation Statutory Limit Test</p> <table style="width:100%;"> <tr> <td style="width:50%;">Estimated EB Amount <input type="text" value="\$83"/></td> <td style="width:50%;">Violation Final Penalty Total <input type="text" value="\$2,375"/></td> </tr> <tr> <td colspan="2" style="text-align: right;">This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,375"/></td> </tr> </table>		Estimated EB Amount <input type="text" value="\$83"/>	Violation Final Penalty Total <input type="text" value="\$2,375"/>	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,375"/>																					
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Economic Benefit Worksheet

Respondent Tige Boats, Inc.
Case ID No. 34513
Reg. Ent. Reference No. RN104316500
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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	\$1,000	1-Jan-2006	27-Aug-2007	1.7	\$83	n/a	\$83
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated costs to provide improvements to acetone usage records. The Date Required is the first day of the month of the first reported violations, and the Final Date is the date by which the Respondent implemented improved acetone inventory controls.

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]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$83

Screening Date 15-Aug-2007 **Docket No.** 2007-1406-AIR-E **PCW**
Respondent Tige Boats, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 34513 *PCW Revision June 26, 2007*
Reg. Ent. Reference No. RN104316500
Media [Statute] Air
Enf. Coordinator Terry Murphy
Violation Number
Rule Cite(s) Operating Permit No. O-02674, General Terms and Conditions, 30 Tex. Admin. Code § 122.145(2)(C), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to timely submit a deviation report. Specifically, the report for the period August 15, 2006 to February 14, 2007 was due on or before March 14, 2007, but was not submitted until July 20, 2007, as documented during an investigation initiated on July 12, 2007.

Base Penalty

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

OR

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

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

Matrix Notes

The Respondent failed to comply with 100% of the rule.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<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.

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 Tige Boats, Inc.
Case ID No. 34513
Reg. Ent. Reference No. RN104316500
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

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	\$1,000	14-Mar-2007	30-Aug-2007	0.5	\$23	n/a	\$23
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to improve recordkeeping/reporting system. The Date Required is the date the certification was required, and the Final Date is the date by which the Respondent completed the improvements.

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]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$23

Compliance History

Customer/Respondent/Owner-Operator:	CN600382816	Tige Boats, Inc.	Classification: AVERAGE	Rating: 3.67
Regulated Entity:	RN104316500	TIGE BOATS ABILENE	Classification: HIGH	Site Rating: 0.00
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT		72398
	AIR NEW SOURCE PERMITS	AFS NUM		4844100039
	AIR OPERATING PERMITS	PERMIT		2674
	AIR OPERATING PERMITS	ACCOUNT NUMBER		TBA002A
	STORMWATER	PERMIT		TXR15Q990
	STORMWATER	PERMIT		TXR05U915
Location:	1801 STATE HIGHWAY 36, ABILENE, TX, 79602		Rating Date: September 01 06	
TCEQ Region:	REGION 03 - ABILENE		Repeat Violator: No	
Date Compliance History Prepared:	August 23, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 23, 2002 to August 23, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Terry Murphy	Phone:	(512) 239-5025	

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.)
 - 1 10/06/2004 (336209)
 - 2 10/26/2005 (435527)
 - 3 08/07/2007 (564511)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - Date: 08/03/2007 (569749)
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 122, SubChapter B 122.146(2)
 - Description: Tigé Boats Inc. failed to submit the annual compliance certification within 30 days after the end of the compliance period.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)
 - Rqmt Prov: OP Special Condition 3(iv)(1)
 - Description: Tigé Boats Inc. failed to conduct quarterly visual emission observations.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 122, SubChapter B 122.165(a)(7)
 - Description: Tigé Boats Inc. failed to certify the semiannual deviation report submitted on September 1, 2006.
 - F. Environmental audits. N/A
 - G. Type of environmental management systems (EMSs). NA
 - 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

The first part of the document discusses the importance of maintaining accurate records. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of the data collected. This section also outlines the various methods used to collect and analyze the data, highlighting the challenges faced during the process.

The second part of the document provides a detailed description of the experimental setup. It includes information about the equipment used, the procedures followed, and the conditions under which the data was collected. This section is crucial for understanding the context and limitations of the study.

The third part of the document presents the results of the study. It includes a series of tables and graphs that illustrate the data collected. The results show a clear trend, indicating that the data is consistent and reliable. This section also discusses the implications of the findings and how they relate to the overall goals of the study.

The fourth part of the document discusses the conclusions drawn from the study. It summarizes the key findings and highlights the strengths and weaknesses of the research. This section also provides a brief overview of the future directions of the study and the potential for further research in this area.

The fifth part of the document is a list of references. It includes a comprehensive list of the sources used in the study, providing a clear and concise overview of the literature in this field. This section is essential for understanding the context and background of the study.

The sixth part of the document is a list of appendices. It includes a series of tables and figures that provide additional information and data. These appendices are essential for understanding the details of the study and for verifying the results.

The seventh part of the document is a list of acknowledgments. It includes a series of statements that recognize the contributions of the individuals and organizations that supported the study. This section is essential for acknowledging the help and support that made the study possible.

The eighth part of the document is a list of footnotes. It includes a series of statements that provide additional information and details. These footnotes are essential for understanding the context and background of the study.

The ninth part of the document is a list of references. It includes a comprehensive list of the sources used in the study, providing a clear and concise overview of the literature in this field. This section is essential for understanding the context and background of the study.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TIGE BOATS, INC.
RN104316500

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1406-AIR-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 Tige Boats, Inc. ("Tige") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Tige appear before the Commission and together stipulate that:

1. Tige owns and operates a boat manufacturing plant at 1801 State Highway 36 in Abilene, Taylor County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Tige agree that the Commission has jurisdiction to enter this Agreed Order, and that Tige is subject to the Commission's jurisdiction.
4. Tige received notice of the violations alleged in Section II ("Allegations") on or about August 8, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Tige of any violation alleged in the Allegations, nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Seven Hundred Fifty Dollars (\$4,750) is assessed by the Commission in settlement of the violations alleged in the Allegations. Tige has paid Three Thousand Eight Hundred Dollars (\$3,800) of the administrative penalty and Nine

Hundred Fifty Dollars (\$950) is deferred contingent upon Tige'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 Tige fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Tige 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 Tige 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 Tige has implemented the following corrective measures at the Plant:
 - a. By August 27, 2007, implemented a better accounting and tracking system to ensure that the records contain sufficient data to determine compliance with emissions limits; and
 - b. By August 30, 2007, developed and implemented an environmental reporting calendar to ensure the timely submittal of deviation reports.
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 Tige 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 Plant, Tige is alleged to have:

1. Failed to maintain records containing sufficient data to determine compliance with emissions limits, in violation of New Source Review Permit No. 72398, General Condition 7, 30 TEX. ADMIN. CODE § 116.115(b)(2)(E), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 12, 2007. Specifically, the data in Tige's records at the time of the investigation showed that, between January and September 2006, emissions from the Final Assembly area (EPN FG-1) exceeded permitted limits. However, on August 27, 2007, Tige submitted documentation establishing that the data in the records at the time of the investigation were inaccurate, and that correct data would have shown no exceedances.

2. Failed to timely submit a deviation report, in violation of Operating Permit No. O-02674, General Terms and Conditions, 30 TEX. ADMIN. CODE § 122.145(2)(C), and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation initiated on July 12, 2007. Specifically, the report for the period August 15, 2006 to February 14, 2007 was due on or before March 14, 2007, but was not submitted until July 20, 2007.

III. DENIALS

Tige generally denies each allegation in the Allegations.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Tige pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Tige'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: Tige Boats, Inc., Docket No. 2007-1406-AIR-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. The provisions of this Agreed Order shall apply to and be binding upon Tige. Tige is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Tige 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Tige, or three days after the date on which the Commission mails notice of the Order to Tige, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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Tige Boats, Inc.
DOCKET NO. 2007-1406-AIR-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

12/7/07
Date

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

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

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

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

[Signature]
Signature

10-30-07
Date

Rick Correll
Name (Printed or typed)
Authorized Representative of
Tige Boats, Inc.

Plant Manager
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.

