

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2007-0516-IHW-E TCEQ ID: RN100611201 CASE NO.: 33299
RESPONDENT NAME: LEADING EDGE AVIATION SERVICES AMARILLO, INC.**

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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 type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL 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

SITE WHERE VIOLATION(S) OCCURRED: 10801 Baker Street, Amarillo, Potter County

TYPE OF OPERATION: Aircraft painting shop

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 expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired July 6, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Xavier Guerra, Litigation Division, MC R-13, (210) 403-4016
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. Michael Meyer, Waste Enforcement Section, MC 128, (512) 239-4492

TCEQ Regional Contact: Mr. Eddy Vance, Amarillo Regional Office, MC R-1, (806) 468-0510

Respondent: Mr. W. Michael Manclark, President, Leading Edge Aviation Services Amarillo, Inc., 19301 Campus Drive, Suite 250, Santa Ana, California 92707-5234

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: December 12, 2006</p> <p>Date of NOE Relating to this Case: January 31, 2007</p> <p>Background Facts: The case was referred to the Litigation Division on September 25, 2007. The EDPRP was filed November 19, 2007. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the Agreed Order was signed on May 20, 2009.</p> <p>Current Compliance Status: No outstanding Technical Requirements.</p> <p>IHW:</p> <ol style="list-style-type: none"> Failed to ensure that containers are structurally sound and compatible with the waste [30 TEX. ADMIN. CODE § 335.262(c)(2)(B); 40 C.F.R. § 265.171; and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provisions No. 2.a.i]. Failed to keep waste containers closed, except when adding or removing waste [30 TEX. ADMIN. CODE § 335.262(c)(2)(A); 40 C.F.R. § 265.173(a) and (b); and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provisions No. 2.a.ii]. Failed to label waste containers with the words to identify contents [30 TEX. ADMIN. CODE § 335.262(c)(2)(F); 40 C.F.R. § 273.34; and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provisions No. 2.a.iii]. Failed to ship universal waste for disposal within one year of the date of accumulation [30 TEX. ADMIN. CODE § 335.262(c)(1); 40 C.F.R. § 273.35(a); and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provisions No. 2.a.iv]. 	<p>Total Assessed: \$41,250</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$41,250</p> <p>The Respondent paid the administrative penalty in full.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Indifference to legal duty based on the violation of a previous Agreed Order (TCEQ Docket No. 2004-0444-IHW-E).</p>	<p>Corrective Actions Taken:</p> <p>The Respondent has performed the following corrective actions:</p> <ol style="list-style-type: none"> As of March 16, 2009, developed and implemented procedures to ensure that all waste containers are structurally sound and compatible with the waste; As of December 14, 2006, drums in the Satellite Accumulation Areas and Container Storage Area were closed; As of December 14, 2006, unlabeled drums were properly labeled; On December 20, 2006, waste with accumulation times greater than one year were shipped to Safety-Kleen Systems, Inc. for disposal; On March 16, 2009, a signed copy of manifest no. 01024147 was obtained, as documented by a manifest submitted to the TCEQ; On March 16, 2009, annual hazardous waste management procedures training was provided to Facility personnel; and On January 3, 2007, a hazardous waste determination for the Facility's paint waste stream was submitted.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to submit an exception report to the TCEQ within 45 days of not receiving a signed copy of the manifest from the disposal facility [30 TEX. ADMIN. CODE § 335.13(k)(1) and (2)].</p> <p>6. Failed to provide annual hazardous waste management procedures training to personnel [30 TEX. ADMIN. CODE § 335.69(a)(4)(A)].</p> <p>7. Failed to conduct a hazardous waste determination on the Facility's universal paint waste stream [30 TEX. ADMIN. CODE § 335.262(b) and (d)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

DATES	Assigned	5-Feb-2007	Screening	25-Apr-2007	EPA Due	
	PCW	19-Sep-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Leading Edge Aviation Services Amarillo, Inc.		
Reg. Ent. Ref. No.	RN100611201		
Facility/Site Region	1-Amarillo	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	33299	No. of Violations	7	
Docket No.	2007-0516-IHW-E	Order Type	Findings	
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Michael Meyer	
Multi-Media		EC's Team	Enforcement Team 7	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$27,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 50% Enhancement Subtotals 2, 3, & 7 \$13,750

Notes: Enhancement due to the Respondent's Poor Performer classification and two Agreed Orders received by the Facility within 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.

Total EB Amounts \$5,573 0% Enhancement* Subtotal 6 \$0
 Approx. Cost of Compliance \$12,650 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$41,250

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0

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

Notes:

Final Penalty Amount \$41,250

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$41,250

DEFERRAL 0% Reduction Adjustment \$0

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$41,250

Screening Date 25-Apr-2007

Docket No. 2007-0516-IHW-E

PCW

Respondent Leading Edge Aviation Services Amarillo, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33299

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100611201

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

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)	2	40%
	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) 40%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement due to the Respondent's Poor Performer classification and two Agreed Orders received by the Facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 50%

Screening Date 25-Apr-2007	Docket No. 2007-0516-IHW-E	PCW
Respondent Leading Edge Aviation Services Amarillo, Inc.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 33299	<i>PCW Revision May 25, 2007</i>	
Reg. Ent. Reference No. RN100611201		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code § 335.262(c)(2)(B); 40 Code of Fed. Regulations ("CFR") § 265.171, and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provision 2.a.i.	
Violation Description	Failed to ensure that containers are structurally sound and compatible with the waste. Specifically, several 55-gallon drums containing waste materials were corroded, and many of the drums were bulging from excess pressure inside the drums, as documented during an investigation conducted on December 12, 2006.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	x	<input type="text"/>	
				Percent <input type="text" value="10%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment will or could be exposed to a significant amount of pollutants which would not exceed protective levels.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
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Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Leading Edge Aviation Services Amarillo, Inc.

Case ID No. 33299

Reg. Ent. Reference No. RN100611201

Media Industrial and Hazardous Waste

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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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				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)	\$1,000	12-Dec-2006	15-Dec-2007	1.0	\$50	n/a	\$50

Notes for DELAYED costs

Estimated cost to ensure that waste containers are structurally sound and compatible with the waste calculated from the investigation date to the projected compliance date.

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

\$50

Screening Date 25-Apr-2007

Docket No. 2007-0516-IHW-E

PCW

Respondent Leading Edge Aviation Services Amarillo, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33299

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100611201

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 335.262(c)(2)(A); 40 CFR § 265.173(a) and (b), and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provision 2.a.ii.

Violation Description Failed to keep waste containers closed, except when adding or removing waste. Specifically, several drums located in the Satellite Accumulation Areas and Container Storage Area were not properly closed. Funnels were left open and bung caps were missing on full drums, as documented during an investigation conducted on December 12, 2006.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Human health or the environment will or could be exposed to a significant amount of pollutants which would not exceed protective levels.

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

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Leading Edge Aviation Services Amarillo, Inc.

Case ID No. 33299

Reg. Ent. Reference No. RN100611201

Media Industrial and Hazardous Waste

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				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)	\$1,000	12-Dec-2006	14-Dec-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to ensure that all waste containers are closed except when adding or removing waste calculated from the investigation date to the compliance date.

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

\$0

Screening Date 25-Apr-2007

Docket No. 2007-0516-IHW-E

PCW

Respondent Leading Edge Aviation Services Amarillo, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33299

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100611201

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.262(c)(2)(F); 40 CFR § 273.34; and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provision 2.a.iii.

Violation Description Failed to label waste containers with the words to identify contents. Specifically, several 55-gallon drums containing universal waste in the Satellite Accumulation Areas and Container Storage Area were not labeled with the words "Universal Waste-Paint and Paint-Related Wastes", as documented during an investigation conducted on December 12, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					10%
Potential			x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could be exposed to a significant amount of pollutants which would not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 134

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

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent Leading Edge Aviation Services Amarillo, Inc.
Case ID No. 33299
Reg. Ent. Reference No. RN100611201
Media 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
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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				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)	\$250	12-Dec-2006	14-Dec-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to label all waste containers with the words to identify their contents calculated from the investigation to the compliance date.

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	\$250	TOTAL	\$0
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Screening Date 25-Apr-2007

Docket No. 2007-0516-IHW-E

PCW

Respondent Leading Edge Aviation Services Amarillo, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33299

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100611201

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 335.262(c)(1); 40 CFR § 273.35(a); and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provision 2.a.iv.

Violation Description Failed to ship universal waste for disposal within one year of the date of accumulation. Specifically, 48 labels on waste containers were dated in excess of one year prior to the date of the investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 8 649 Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$20,000

Eight quarterly events are recommended from the July 15, 2005 effective date of Agreed Order Docket No. 2004-0444-IHW-E to the April 25, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$36

Violation Final Penalty Total \$30,000

This violation Final Assessed Penalty (adjusted for limits) \$30,000

Economic Benefit Worksheet

Respondent Leading Edge Aviation Services Amarillo, Inc.

Case ID No. 33299

Reg. Ent. Reference No. RN100611201

Media Industrial and Hazardous Waste

Violation No. 4

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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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				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)	\$4,800	15-Nov-2006	8-Jan-2007	0.1	\$36	n/a	\$36

Notes for DELAYED costs

Estimated cost to ship 48 universal waste containers for disposal. Date required is based on the date that the oldest container should have been shipped for disposal. Final date is the compliance date.

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

\$4,800

TOTAL

\$36

Screening Date 25-Apr-2007

Docket No. 2007-0516-IHW-E

PCW

Respondent Leading Edge Aviation Services Amarillo, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33299

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100611201

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 335.13(k)(1) and (2)

Violation Description Failed to submit an exception report to the TCEQ within 45 days of not receiving a signed copy of the manifest from the disposal facility. Specifically, a signed copy of manifest no. 01024147 was not received by the Respondent within 45 days of shipment. The Respondent did not submit the required exception report to the TCEQ, as documented during an investigation conducted on December 12, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes 100% of the rule requirement was not met.

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

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent Leading Edge Aviation Services Amarillo, Inc.

Case ID No. 33299

Reg. Ent. Reference No. RN100611201

Media Industrial and Hazardous Waste

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$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	12-Dec-2006	15-Dec-2007	1.0	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to submit the required exception report calculated from the investigation date to the projected compliance date.

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

\$100

TOTAL

\$5

Screening Date 25-Apr-2007	Docket No. 2007-0516-IHW-E	PCW
Respondent Leading Edge Aviation Services Amarillo, Inc.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 33299	<i>PCW Revision May 25, 2007</i>	
Reg. Ent. Reference No. RN100611201		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator Michael Meyer		
Violation Number	6	
Rule Cite(s)	30 Tex. Admin. Code § 335.69(a)(4)(A)	
Violation Description	Failed to provide annual hazardous waste management procedures training to personnel, as documented during an investigation conducted on December 12, 2006.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor		
	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>		
					Percent	10%
Matrix Notes	100% of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$1,000

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 Leading Edge Aviation Services Amarillo, Inc.

Case ID No. 33299

Reg. Ent. Reference No. RN100611201

Media Industrial and Hazardous Waste

Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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	12-Dec-2005	12-Dec-2006	1.9	\$479	\$5,000	\$5,479
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide annual training to personnel in hazardous waste management procedures calculated for the 12-month period preceding the investigation.

Approx. Cost of Compliance

\$5,000

TOTAL

\$5,479

Screening Date 25-Apr-2007

Docket No. 2007-0516-IHW-E

PCW

Respondent Leading Edge Aviation Services Amarillo, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33299

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN100611201

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

OR

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

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 type="text" value="x"/>

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 Leading Edge Aviation Services Amarillo, Inc.

Case ID No. 33299

Reg. Ent. Reference No. RN100611201

Media Industrial and Hazardous Waste

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	12-Dec-2006	3-Jan-2007	0.1	\$0	\$2	\$2
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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct a hazardous waste determination for the universal paint waste stream calculated from the investigation date to the compliance date.

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

\$500

TOTAL

\$2

Compliance History

Customer/Respondent/Owner-Operator:	CN600320519 . Leading Edge Aviation Services Amarillo, Inc.	Classification: POOR	Rating: 130.00
Regulated Entity:	RN100611201 LEADING EDGE AVIATION SERVICES AMARILLO	Classification: POOR	Site Rating: 130.00
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD987992690
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	83022
	AIR NEW SOURCE PERMITS	PERMIT	27397
	AIR NEW SOURCE PERMITS	PERMIT	27396
	AIR NEW SOURCE PERMITS	PERMIT	27395
	AIR NEW SOURCE PERMITS	PERMIT	28896
	AIR NEW SOURCE PERMITS	PERMIT	40181
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	PG0118H
	AIR NEW SOURCE PERMITS	AFS NUM	4837500678
	WATER QUALITY NON PERMITTED	ID NUMBER	R01ST0002
	STORMWATER	PERMIT	TXR05L902
	STORMWATER	PERMIT	TXR05U037
Location:	10801 BAKER ST, AMARILLO, TX, 79111	Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 01 - AMARILLO		
Date Compliance History Prepared:	April 26, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 26, 2002 to April 26, 2007		

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

Name: Mike Limos Phone: 512.239.5839

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.

- | | |
|--|----------------------------|
| Effective Date: 07/05/2004 | ADMINORDER 2003-0268-IHW-E |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)[G]
40 CFR Chapter 262, SubChapter I, PT 262, SubPT D 262.42(a)(2) | |
| Description: Failure to submit an exception report for not receiving an original copy of a manifest from a Transport Storage Disposal Facility (TSDF) within 45 days after the initial transporter accepted the waste on October 20, 2002. | |
| Classification: Minor | |
| Citation: 30 TAC Chapter 335, SubChapter J 335.323[G] | |
| Description: Failed to pay outstanding Hazardous Waste Generation (HWG) fees for Financial Administration (FA) Account No. 311976G. | |
| Effective Date: 07/15/2005 | ADMINORDER 2004-0444-IHW-E |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 335, SubChapter A 335.4[G] | |
| Description: Failure to prevent the release of hazardous waste to the ground surface. | |
| Classification: Minor | |
| Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G] | |
| Description: Failed to provide notice to the TCEQ of changes or additional information within 90 days of the occurrence. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(B)
40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.171 | |
| Description: Failed to ensure that containers are structurally sound and compatible with the waste. | |
| Classification: Moderate | |

Citation: 30 TAC Chapter 335, SubChapter H 335.261(b)(20)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.174
 Description: Failed to inspect storage area and containers on a weekly basis.
 Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(A)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(a)
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT I 265.173(b)
 Description: Failed to close the containers of universal waste when not adding or removing waste.
 Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(1)
 40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.35(a)
 Description: Failed to ship universal waste for disposal within one year of the date of accumulation.
 Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(F)
 40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.34[G]
 Description: Failed to label 56 drums containing universal waste with the words "Universal Waste-Paint and Paint Related Wastes".
 Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(1)
 40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.39(c)(2)
 Description: Failure to maintain records of waste management activities.

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. (CEEDS Inv. Track. No.)

1	12/20/2002	(IE0019052001001
2	02/10/2003	(21158)
3	01/31/2007	(531609)

E. Written notices of violations (NOV). (CEEDS 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
LEADING EDGE AVIATION
SERVICES AMARILLO, INC.,
RN100611201**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0516-IHW-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Leading Edge Aviation Services Amarillo, Inc. ("Leading Edge") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Leading Edge, presented this agreement to the Commission.

Leading Edge understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Leading Edge agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Leading Edge.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Leading Edge owns and operates an aircraft painting shop located at 10801 Baker Street, Amarillo, Potter County, Texas (the "Facility").
2. The Facility involves the management and/or the disposal of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.

3. During an investigation conducted on December 12, 2006, a TCEQ Amarillo Regional Office investigator documented that Leading Edge:
 - a. Failed to ensure that containers are structurally sound and compatible with the waste. Specifically, several 55-gallon drums containing waste materials were corroded and many of the drums were bulging from excess pressure in the drums.
 - b. Failed to keep waste containers closed, except when adding or removing waste. Specifically, several drums located in the Satellite Accumulation Areas and Container Storage Area were not properly closed. Funnels were left open and bung caps were missing on full drums.
 - c. Failed to label waste containers with the words to identify contents. Specifically, several 55-gallon drums containing universal waste in the Satellite Accumulation Areas and Container Storage Area were not labeled with the words "Universal Waste-Paint and Paint-Related Wastes."
 - d. Failed to ship universal waste for disposal within one year of the date of accumulation. Specifically, 48 labels on waste containers were dated in excess of one year prior to the date of the investigation.
 - e. Failed to submit an exception report to the TCEQ within 45 days of not receiving a signed copy of the manifest from the disposal facility. Specifically, a signed copy of manifest no. 01024147 was not received by Leading Edge within 45 days of shipment. Leading Edge did not submit the required exception report to the TCEQ.
 - f. Failed to provide annual hazardous waste management procedures training to personnel.
 - g. Failed to conduct a hazardous waste determination on the Facility's universal paint waste stream.
4. Leading Edge received notice of the violations on or about February 5, 2007.
5. The Executive Director recognizes that Leading Edge has implemented the following corrective measures at the Facility:
 - a. Procedures have been developed and implemented to ensure that all waste containers are structurally sound and compatible with the waste, as documented by reports and photographs submitted to the TCEQ on March 16, 2009;

- b. Drums in the Satellite Accumulation Areas and Container Storage Area have been closed, as documented during a follow-up investigation conducted on December 14, 2006;
- c. Unlabeled drums have been properly labeled, as documented during a follow-up investigation conducted on December 14, 2006;
- d. Waste with accumulation times greater than one year were shipped to Safety-Kleen Systems, Inc. for disposal on December 20, 2006, as documented by a manifest submitted to the TCEQ on January 8, 2007;
- e. A signed copy of manifest no. 01024147 was obtained, as documented by a manifest submitted to the TCEQ on March 16, 2009;
- f. Annual hazardous waste management procedures training was provided to Facility personnel, as documented by certificates submitted to the TCEQ on March 16, 2009; and
- g. A hazardous waste determination for the Facility's paint waste stream was submitted to the TCEQ on January 3, 2007.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Leading Edge is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Leading Edge failed to ensure that containers are structurally sound and compatible with the waste. Specifically, several 55-gallon drums containing waste materials were corroded and many of the drums were bulging from excess pressure in the drums, in violation of 30 TEX. ADMIN. CODE § 335.262(c)(2)(B); 40 C.F.R. § 265.171; and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provisions No. 2.a.i.
3. As evidenced by Finding of Fact No. 3.b., Leading Edge failed to keep waste containers closed, except when adding or removing waste. Specifically, several drums located in the Satellite Accumulation Areas and Container Storage Area were not properly closed. Funnels were left open and bung caps were missing on full drums, in violation of 30 TEX. ADMIN. CODE § 335.262(c)(2)(A); 40 C.F.R. § 265.173(a) and (b); and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provisions No. 2.a.ii.

4. As evidenced by Finding of Fact No. 3.c., Leading Edge failed to label waste containers with the words to identify contents. Specifically, several 55-gallon drums containing universal waste in the Satellite Accumulation Areas and Container Storage Area were not labeled with the words "Universal Waste-Paint and Paint-Related Wastes," in violation of 30 TEX. ADMIN. CODE § 335.262(c)(2)(F); 40 C.F.R. § 273.34; and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provisions No. 2.a.iii.
5. As evidenced by Finding of Fact No. 3.d., Leading Edge failed to ship universal waste for disposal within one year of the date of accumulation. Specifically, 48 labels on waste containers were dated in excess of one year prior to the date of the investigation, in violation of 30 TEX. ADMIN. CODE § 335.262(c)(1); 40 C.F.R. § 273.35(a); and TCEQ Agreed Order Docket No. 2004-0444-IHW-E, Ordering Provisions No. 2.a.iv.
6. As evidenced by Finding of Fact No. 3.e., Leading Edge failed to submit an exception report to the TCEQ within 45 days of not receiving a signed copy of the manifest from the disposal facility. Specifically, a signed copy of manifest no. 01024147 was not received by Leading Edge within 45 days of shipment. Leading Edge did not submit the required exception report to the TCEQ, in violation of 30 TEX. ADMIN. CODE § 335.13(k)(1) and (2).
7. As evidenced by Finding of Fact No. 3.f., Leading Edge failed to provide annual hazardous waste management procedures training to personnel, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(4)(A).
8. As evidenced by Finding of Fact No. 3.g., Leading Edge failed to conduct a hazardous waste determination on the Facility's universal paint waste stream, in violation of 30 TEX. ADMIN. CODE § 335.262(b) and (d).
9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Leading Edge for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of forty-one thousand two hundred fifty dollars (\$41,250.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Leading Edge has paid forty-one thousand two hundred fifty dollars (\$41,250.00) of the administrative penalty.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Leading Edge is assessed an administrative penalty in the amount of forty-one thousand two hundred fifty dollars (\$41,250.00) as set forth in Conclusion of Law No. 10 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Leading Edge's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Leading Edge Aviation Services Amarillo, Inc.; Docket No. 2007-0516-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. The provisions of this Agreed Order shall apply to and be binding upon Leading Edge. Leading Edge is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Leading Edge if the Executive Director determines that Leading Edge has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against Leading Edge 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.

6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to Leading Edge, or three days after the date on which the Commission mails notice of the Order to Leading Edge, whichever is earlier.

Leading Edge Aviation Services Amarillo, Inc.
2007-0516-IHW-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Handwritten Signature]

6/12/2009

For the Executive Director

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Leading Edge Aviation Services Amarillo, Inc.. I represent that I am authorized to agree to the attached Agreed Order on behalf of Leading Edge Aviation Services Amarillo, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on Leading Edge's compliance history;
- Greater scrutiny of any permit applications submitted by Leading Edge;
- 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 Leading Edge;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Signature

Mike Manclark

Name (printed or typed)

Authorized Representative

Leading Edge Aviation Services Amarillo, Inc.

Date

5.20.09

CEO

Title