

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-1427-AIR-E **TCEQ ID:** RN100611201 **CASE NO.:** 38324

RESPONDENT NAME: Leading Edge Aviation Services, Inc.

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| 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 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: Leading Edge Aviation Services Amarillo, 10801 Baker Street, Amarillo, Potter County</p> <p>TYPE OF OPERATION: Commercial aircraft painting 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 March 15, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Craig Butler, General Manager, Leading Edge Aviation Services, Inc., 10801 Baker Street, Amarillo, Texas 79111 Mr. Jeff Merrell, Environmental Health and Safety Manager, Leading Edge Aviation Services, Inc., 10801 Baker Street, Amarillo, Texas 79111 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

DOCKET NO.: 2009-1427-AIR-E

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
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| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" 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 27, 2009</p> <p>Date of NOV/NOE Relating to this Case: August 17, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>AIR</p> <p>1) Failure to comply with the ordering provision of an agreed order and to submit initial notification for existing sources not later than September 1, 1997 [Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.b.ii. and 2.c., 30 TEX. ADMIN. CODE §§ 101.20(2) and 116.115(c), 40 CODE OF FEDERAL REGULATIONS §§ 63.9(b)(2) and 63.753(a)(1), New Source Review Permit ("NSRP") No. 28896 Special Condition 6F, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to comply with the ordering provision of an agreed order and to maintain information and data sufficient to demonstrate compliance with the permit. Specifically, the Material Safety Data Sheets do not show the maximum hazardous air pollutants ("HAPs") composition for methyl alcohol, ethyl benzene, toluene, and hydrogen fluoride in "CA 100/B707X Anti-Chafe Gloss Gray (B&S)"; methyl alcohol and toluene in "CA 7755 BE Urethane Compt FR HS Slow Activator"; and methyl isobutyl ketone and toluene in "CA 8800/B707 Desothane HS Buffable Gloss Gray" [Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.d.ii. and 2.e., 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and 116.115(c), NSRP No. 28896, General Condition No. 7 and</p> | <p>Total Assessed: \$27,520</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$27,520</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 Orders Justification: This case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.</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. On August 24, 2009, the Material Safety Data Sheets were updated to include the required information; and</p> <p>b. On September 10, 2009, the initial notification for existing sources was submitted.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, begin maintaining emission rate records for VOCs and HAPs at the Plant for each emission point number ("EPN"), in tons per year based on a rolling 12-month period;</p> <p>b. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provision a;</p> <p>c. Within 60 days after the effective date of this Agreed Order, correct hourly VOC emissions that were underestimated for EPNs listed on the Maximum Allowable Emission Rate Table, using the correct HAP emissions for all products; and</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p> |

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| <p>Special Condition No. 7A1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to comply with the ordering provision of an agreed order and to maintain records at the Plant. Specifically, the Respondent failed to maintain hourly volatile organic compounds ("VOCs") emission rates ("ER"), and ERs in tons per year based on a rolling 12-month period for each emission point number for VOCs and HAPs [Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.b.i. and 2.c., 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(ii) and 116.115(c), NSRP No. 28896, General Condition No. 7 and Special Condition Nos. 7B1 and B2, 7C, and 7D, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to comply with the ordering provision of an agreed order and to maintain information and data sufficient to demonstrate compliance with volatile organic compound limits. Specifically, hourly VOC emissions for emission points listed on the Maximum Allowable Emission Rate Table were underestimated because the HAP emissions used to estimate VOC emissions were not calculated correctly [Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.d.iii. and 2.e., 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and 116.115(c), NSRP No. 28896, General Condition No. 7 and Special Condition Nos. 7A1 and 7B1, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> | | |
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Additional ID No(s): PG0118H



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

| | | | | | | |
|--------------|----------|-------------|-----------|-------------|---------|-------------|
| DATES | Assigned | 17-Aug-2009 | Screening | 31-Aug-2009 | EPA Due | 10-May-2010 |
| | PCW | 9-Nov-2009 | | | | |

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

| | | | |
|---------------------------------|-----------------|-----------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 38324 | No. of Violations | 4 |
| Docket No. | 2009-1427-AIR-E | Order Type | Findings |
| Media Program(s) | Air | Government/Non-Profit | No |
| Multi-Media | | Enf. Coordinator | James Nolan |
| | | 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 | \$16,000 |
| ADJUSTMENTS (+/-) TO SUBTOTAL 1 | | | |
| <small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small> | | | |
| Compliance History | 77.0% Enhancement | Subtotals 2, 3, & 7 | \$12,320 |
| Notes | Penalty adjustment due to one previous non-similar NOV, two 1660-style agreed orders, one Findings order, and poor performer classification. | | |
| Culpability | No 0.0% Enhancement | Subtotal 4 | \$0 |
| Notes | The Respondent does not meet the culpability criteria. | | |
| Good Faith Effort to Comply Total Adjustments | | Subtotal 5 | \$800 |
| Economic Benefit | 0.0% Enhancement <small>*Capped at the Total EB \$ Amount</small> | Subtotal 6 | \$0 |
| Total EB Amounts | \$61 | | |
| Approx. Cost of Compliance | \$1,100 | | |
| SUM OF SUBTOTALS 1-7 | | Final Subtotal | \$27,520 |
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
| <small>Reduces or enhances the Final Subtotal by the indicated percentage.</small> | | | |
| Notes | | | |
| | | Final Penalty Amount | \$27,520 |
| STATUTORY LIMIT ADJUSTMENT | | Final Assessed Penalty | \$27,520 |
| DEFERRAL | 0.0% Reduction | Adjustment | \$0 |
| <small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small> | | | |
| Notes | No deferral is recommended for Findings Orders. | | |
| PAYABLE PENALTY | | | \$27,520 |

Screening Date 31-Aug-2009

Docket No. 2009-1427-AIR-E

PCW

Respondent Leading Edge Aviation Services, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38324

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100611201

Media [Statute] Air

Enf. Coordinator James Nolan

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 | 1 | 2% |
| 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 | 1 | 25% |
| 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) 67%

>> 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

Penalty adjustment due to one previous non-similar NOV, two 1660-style agreed orders, one Findings order, and poor performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 77%

| | | | | |
|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|
| Screening Date 31-Aug-2009 | Docket No. 2009-1427-AIR-E | PCW | | |
| Respondent Leading Edge Aviation Services, Inc. | | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. 38324 | | <i>PCW Revision October 30, 2008</i> | | |
| Reg. Ent. Reference No. RN100611201 | | | | |
| Media [Statute] Air | | | | |
| Enf. Coordinator James Nolan | | | | |
| Violation Number <input type="text" value="1"/> | | | | |
| Rule Cite(s) | Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.b.ii. and 2.c., 30 Tex. Admin. Code §§ 101.20(2) and 116.115(c), 40 Code of Federal Regulations §§ 63.9(b)(2) and 63.753(a)(1), New Source Review Permit ("NSRP") No. 28896 Special Condition 6F and Tex. Health & Safety Code § 382.085(b) | | | |
| Violation Description | Failed to comply with the ordering provision of an agreed order and to submit initial notification for existing sources not later than September 1, 1997, as documented during a record review conducted on July 27, 2009. | | | |
| | 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"/> | <input type="text"/> | <input type="text"/> |
| | | Percent | <input type="text" value="0%"/> | |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | <input type="text"/> | <input checked="" type="checkbox"/> | <input type="text"/> | <input type="text"/> |
| | | Percent | <input type="text" value="10%"/> | |
| Matrix Notes | 100% of the rule requirement was not met. | | | |
| | | Adjustment | <input type="text" value="\$9,000"/> | |
| | | | <input type="text" value="\$1,000"/> | |
| Violation Events | | | | |
| | Number of Violation Events | <input type="text" value="4"/> | <input type="text" value="120"/> | Number of violation days |
| | <i>mark only one with an x</i> | daily | <input type="text"/> | Violation Base Penalty <input type="text" value="\$4,000"/> |
| | | weekly | <input type="text"/> | |
| | | monthly | <input checked="" type="checkbox"/> | |
| | | quarterly | <input type="text"/> | |
| | | semiannual | <input type="text"/> | |
| | | annual | <input type="text"/> | |
| | | single event | <input type="text"/> | |
| | Four monthly events are recommended, from the effective date of the agreed order (May 3, 2009) to the enforcement screening date (August 31, 2009). | | | |
| Good Faith Efforts to Comply | | 10.0% Reduction | <input type="text" value="\$400"/> | |
| | | Before NOV | NOV to EDPRP/Settlement Offer | |
| | Extraordinary | <input type="text"/> | <input type="text"/> | |
| | Ordinary | <input type="text"/> | <input checked="" type="checkbox"/> | |
| | N/A | (mark with x) | | |
| Notes | On September 10, 2009, the initial notification was submitted. | | | |
| | | Violation Subtotal | <input type="text" value="\$3,600"/> | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | |
| | Estimated EB Amount | <input type="text" value="\$4"/> | Violation Final Penalty Total | <input type="text" value="\$6,680"/> |
| | | | This violation Final Assessed Penalty (adjusted for limits) | <input type="text" value="\$6,680"/> |

Economic Benefit Worksheet

Respondent Leading Edge Aviation Services, Inc.
Case ID No. 38324
Reg. Ent. Reference No. RN100611201
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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

Item Description: No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$250 | 3-May-2009 | 10-Sep-2009 | 0.36 | \$4 | n/a | \$4 |

Notes for DELAYED costs

Estimated cost to submit notification. The date required is the effective date of the agreed order and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$4

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Screening Date 31-Aug-2009 | Docket No. 2009-1427-AIR-E | PCW |
| Respondent Leading Edge Aviation Services, Inc. | <small>Policy Revision 2 (September 2002)</small> | |
| Case ID No. 38324 | <small>PCW Revision October 30, 2008</small> | |
| Reg. Ent. Reference No. RN100611201 | | |
| Media [Statute] Air | | |
| Enf. Coordinator James Nolan | | |
| Violation Number <input type="text" value="2"/> | | |
| Rule Cite(s) | Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.d.ii. and 2.e., 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and 116.115(c), NSRP No. 28896, General Condition No. 7 and Special Condition No. 7A1, and Tex. Health & Safety Code § 382.085(b) | |
| Violation Description | Failed to comply with the ordering provision of an agreed order and to maintain information and data sufficient to demonstrate compliance with the permit, as documented during a record review conducted on July 27, 2009. Specifically, the Material Safety Data Sheets ("MSDS") do not show the maximum hazardous air pollutant ("HAP") composition for methyl alcohol, ethyl benzene, toluene, and hydrogen fluoride in "CA 100/B707X Anti-Chafe Gloss Gray (B&S)"; methyl alcohol and toluene in "CA 7755 BE Urethane Compt FR HS Slow Activator"; and methyl isobutyl ketone and toluene in "CA 8800/B707 Desothane HS Buffable Gloss Gray". | |
| Base Penalty | <input type="text" value="\$10,000"/> | |
| >> Environmental, Property and Human Health Matrix | | |
| OR | Release | Harm |
| | | Major Moderate Minor |
| | Actual: <input type="text"/> | <input type="text"/> |
| | Potential: <input type="text"/> | <input type="text"/> |
| | | Percent <input type="text" value="0%"/> |
| >> Programmatic Matrix | | |
| | Falsification Major Moderate Minor | |
| | <input type="text"/> | Percent <input type="text" value="10%"/> |
| Matrix Notes | 100% of the rule requirement was not met. | |
| | Adjustment | <input type="text" value="\$9,000"/> |
| Violation Events | | |
| | Number of Violation Events <input type="text" value="4"/> | <input type="text" value="120"/> Number of violation days |
| <small>mark only one with an x</small> | daily | <input type="text"/> |
| | weekly | <input type="text"/> |
| | monthly | x |
| | quarterly | <input type="text"/> |
| | semiannual | <input type="text"/> |
| | annual | <input type="text"/> |
| | single event | <input type="text"/> |
| | | Violation Base Penalty <input type="text" value="\$4,000"/> |
| Four monthly events are recommended, from the effective date of the agreed order (May 3, 2009) to the enforcement screening date (August 31, 2009). | | |
| Good Faith Efforts to Comply | <input type="text" value="10.0%"/> Reduction | <input type="text" value="\$400"/> |
| | <small>Before NOV NOV to EDPRP/Settlement Offer</small> | |
| Extraordinary | <input type="text"/> | |
| Ordinary | x | |
| N/A | <small>(mark with x)</small> | |
| Notes | On August 24, 2009, the Respondent submitted revised MSDS that includes the required information. The NOE was issued August 17, 2009. | |
| | Violation Subtotal | <input type="text" value="\$3,600"/> |
| Economic Benefit (EB) for this violation | | |
| | Estimated EB Amount <input type="text" value="\$3"/> | Statutory Limit Test |
| | | Violation Final Penalty Total <input type="text" value="\$6,680"/> |
| | This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$6,680"/> | |

Economic Benefit Worksheet

Respondent Leading Edge Aviation Services, Inc.
Case ID No. 38324
Reg. Ent. Reference No. RN100611201
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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$.

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$200 | 3-May-2009 | 24-Aug-2009 | 0.31 | \$3 | n/a | \$3 |

Notes for DELAYED costs

Estimated cost to show the estimated HAPs in the MSDS for three materials. The date required is the effective date of the agreed order and the final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$3

| | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| Screening Date 31-Aug-2009 | Docket No. 2009-1427-AIR-E | PCW | | |
| Respondent Leading Edge Aviation Services, Inc. | <small>Policy Revision 2 (September 2002)</small> | | | |
| Case ID No. 38324 | <small>PCW Revision October 30, 2008</small> | | | |
| Reg. Ent. Reference No. RN100611201 | | | | |
| Media [Statute] Air | | | | |
| Enf. Coordinator James Nolan | | | | |
| Violation Number <input type="text" value="3"/> | | | | |
| Rule Cite(s) | Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.b.i. and 2.c., 30 Tex. Admin. Code § 116.115(b)(2)(E)(II), 116.115(c), and 122.143(4), NSRP No. 28896, General Condition No. 7 and Special Condition Nos. 7B1 and B2, 7C, and 7D, and Tex. Health & Safety Code § 382.085(b) | | | |
| Violation Description | Failed to comply with the ordering provision of an agreed order and to maintain records at the Plant, as documented during a record review conducted on July 27, 2009. Specifically, the Respondent failed to maintain hourly volatile organic compound ("VOC") emission rates ("ER"), and ERs in tons per year based on a rolling 12-month period for each emission point number for VOCs and HAPs. | | | |
| 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"/> | <input type="text"/> | <input type="text"/> |
| | | | | Percent <input type="text" value="0%"/> |
| >> Programmatic Matrix | | | | |
| | Falsification | Major | Moderate | Minor |
| | <input type="text"/> | x | <input type="text"/> | <input type="text"/> |
| | | | | Percent <input type="text" value="10%"/> |
| Matrix Notes | <input type="text" value="100% of the rule requirement was not met."/> | | | |
| | | | | Adjustment <input type="text" value="\$9,000"/> |
| | | | | <input type="text" value="\$1,000"/> |
| Violation Events | | | | |
| | Number of Violation Events | <input type="text" value="4"/> | Number of violation days | <input type="text" value="120"/> |
| <small>mark only one with an x</small> | daily | <input type="text"/> | | |
| | weekly | <input type="text"/> | | |
| | monthly | x | | |
| | quarterly | <input type="text"/> | | |
| | semiannual | <input type="text"/> | | |
| | annual | <input type="text"/> | | |
| | single event | <input type="text"/> | | |
| | | | Violation Base Penalty | <input type="text" value="\$4,000"/> |
| Four monthly events are recommended, from the effective date of the agreed order (May 3, 2009) to the enforcement screening date (August 31, 2009). | | | | |
| Good Faith Efforts to Comply | | | 0.0% Reduction | <input type="text" value="\$0"/> |
| | | <small>Before NOV</small> | <small>NOV to EDPRP/Settlement Offer</small> | |
| Extraordinary | <input type="text"/> | <input type="text"/> | | |
| Ordinary | <input type="text"/> | <input type="text"/> | | |
| N/A | x | (mark with x) | | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | | |
| | | | Violation Subtotal | <input type="text" value="\$4,000"/> |
| Economic Benefit (EB) for this violation | | | Statutory Limit Test | |
| | Estimated EB Amount | <input type="text" value="\$40"/> | Violation Final Penalty Total | <input type="text" value="\$7,080"/> |
| | | | This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$7,080"/> | |

Economic Benefit Worksheet

Respondent Leading Edge Aviation Services, Inc.
Case ID No. 38324
Reg. Ent. Reference No. RN100611201
Media Air
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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$400 | 3-May-2008 | 10-May-2010 | 2.02 | \$40 | n/a | \$40 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to keep the records at the Plant. The date required is the effective date of the agreed order and the final date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$40

| | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Screening Date 31-Aug-2009 | Docket No. 2009-1427-AIR-E | PCW | |
| Respondent Leading Edge Aviation Services, Inc. | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. 38324 | <i>PCW Revision October 30, 2008</i> | | |
| Reg. Ent. Reference No. RN100611201 | | | |
| Media [Statute] Air | | | |
| Enf. Coordinator James Nolan | | | |
| Violation Number 4 | | | |
| Rule Cite(s) | Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.d.iii. and 2.e., 30 Tex. Admin. Code § 116.115(b)(2)(E)(i) and 116.115(c), NSRP No. 28896, General Condition No. 7 and Special Condition Nos. 7A1 and 7B1, and Tex. Health & Safety Code § 382.085(b) | | |
| Violation Description | Failed to comply with the ordering provision of an agreed order and to maintain information and data sufficient to demonstrate compliance with the permit, as documented during a record review conducted on July 27, 2009. Specifically, hourly VOC emissions for EPNs listed on the Maximum Allowable Emission Rate Table were underestimated because the HAP emissions used to estimate VOC emissions were not calculated correctly. | | |
| Base Penalty | \$10,000 | | |
| >> Environmental, Property and Human Health Matrix | | | |
| OR | Release | Harm | |
| | | Major Moderate Minor | |
| | Actual | <input type="text"/> | <input type="text"/> |
| | Potential | <input type="text"/> | <input type="text"/> |
| | | | Percent <input type="text" value="0%"/> |
| >> Programmatic Matrix | | | |
| | Falsification | Major Moderate Minor | |
| | <input type="text"/> | <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | Percent <input type="text" value="10%"/> |
| Matrix Notes | 100% of the rule requirement was not met. | | |
| | Adjustment | \$9,000 | |
| | | \$1,000 | |
| Violation Events | | | |
| | Number of Violation Events | <input type="text" value="4"/> | <input type="text" value="120"/> Number of violation days |
| <i>mark only one with an x</i> | daily | <input type="text"/> | Violation Base Penalty <input type="text" value="\$4,000"/> |
| | weekly | <input type="text"/> | |
| | monthly | <input checked="" type="checkbox"/> | |
| | quarterly | <input type="text"/> | |
| | semiannual | <input type="text"/> | |
| | annual | <input type="text"/> | |
| | single event | <input type="text"/> | |
| Four monthly events are recommended, from the effective date of the agreed order (May 3, 2009) to the enforcement screening date (August 31, 2009). | | | |
| Good Faith Efforts to Comply | | | \$0 |
| | 0.0% Reduction | | |
| | Before NOV NOV to EDPRP/Settlement Offer | | |
| Extraordinary | <input type="text"/> | | |
| Ordinary | <input type="text"/> | | |
| N/A | <input checked="" type="checkbox"/> (mark with x) | | |
| Notes | The Respondent does not meet the good faith criteria for this violation. | | |
| | Violation Subtotal | \$4,000 | |
| Economic Benefit (EB) for this violation | | | Statutory Limit Test |
| | Estimated EB Amount | <input type="text" value="\$13"/> | Violation Final Penalty Total <input type="text" value="\$7,080"/> |
| This violation Final Assessed Penalty (adjusted for limits) | | | <input type="text" value="\$7,080"/> |

Economic Benefit Worksheet

Respondent Leading Edge Aviation Services, Inc.
Case ID No. 38324
Reg. Ent. Reference No. RN100611201
Media Air
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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$. | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$250 | 3-May-2009 | 10-May-2010 | 1.02 | \$13 | n/a | \$13 |

Notes for DELAYED costs

Estimated cost to correct hourly VOC emissions for three products. The date required is the effective date of the agreed order and the final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$13

Compliance History Report

| | | | | |
|-------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------------------|----------------------|---------------------|
| Customer/Respondent/Owner-Operator: | CN600320619 | Leading Edge Aviation Services, Inc. | Classification: POOR | Rating: 120.00 |
| Regulated Entity: | RN100811201 | LEADING EDGE AVIATION SERVICES AMARILLO | Classification: POOR | Site Rating: 120.00 |
| 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 | | 4637500678 |
| | WATER QUALITY NON PERMITTED STORMWATER | ID NUMBER | | R01ST0002 |
| | | PERMIT | | TXR06U037 |
| Location: | 10801 BAKER ST, AMARILLO, TX, 79111 | | | |
| TCEQ Region: | REGION 01 - AMARILLO | | | |
| Date Compliance History Prepared: | August 31, 2009 | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | |
| Compliance Period: | August 31, 2004 to August 31, 2009 | | | |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History | | | | |
| Name: | James Nolan | Phone: | (512) 239-6634 | |

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

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: 07/15/2005 | ADMINORDER 2004-0444-IHW-E |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 335, SubChapter A 335.4 | |
| 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) | |
| 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 | |
| Rqmt Prov: 2004-0444-IHW-E; OP 2a.i. ORDER | |
| 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 266, SubChapter i, PT 265, SubPT I 265.173(b)

Rqmt Prov: 2004-0444-IHW-E; OP 2.a.II. ORDER

Description: Failed to keep waste containers closed, except when 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)

Rqmt Prov: 2004-0444-IHW-E; OP 2.a.IV. ORDER

Description: Failed to ship universal waste for disposal within one year of the date of accumulation.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(F)
40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.34

Rqmt Prov: 2004-0444-IHW-E; OP 2.a.III. ORDER

Description: Failed to label waste containers with the words to identify contents

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.

Effective Date: 05/03/2009 ADMINORDER 2008-1459-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Cond. 8 PERMIT

Description: Failure to store waste paint in a closed container

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Cond 6E PERMIT

Description: Failure to maintain an exhaust stack free of restrictions or obstructions to vertical discharge.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(1)
5C THSC Chapter 382 382.085(b)

Description: Failure to adhere to stack exit velocity representations contained in permit application

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(E)(II)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Cond 7, Special Cond 7B1&B2,7C&D PERMIT

Description: Failure to maintain records at the plant. Specifically, hourly volatile organic compound ("VOC") emission rates ("ER"), ERs in tons per year based on a rolling 12-month period for each emission point number for VOCs and hazardous air pollutants ("HAP"), examples of methods of data reduction, and a record of procedures for following the manufacturer's recommended filter replacement, were not on file at the plant

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Description: Failure to have required stack height

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Condition 1 PERMIT

Description: Failure to construct and/or operate a facility as specified in the application for the permit

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT GG 63.745(g)(2)(I)(A)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Special Cond 6B PERMIT

Description: Failure for filters to have required efficiency

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.9(b)(2)

40 CFR Part 63, Subpart GG 63.753(a)(1)

5C THSC Chapter 382 382.085(b)

Description: Failure for an existing source to submit initial notification of compliance with 40 CFR 63 Subpart GG

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT GG 63.753(c)(1)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT GG 63.753(c)(2)

5C THSC Chapter 382 382.085(b)

Description: Failure to submit semiannual reports required by 40 CFR 63 Subpart GG and annual reports.

Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT GG 63.745(g)(2)(iv)

5C THSC Chapter 382 382.085(b)

Description: Failure to install differential pressure gauges across the filter banks

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: Gen Cond 7, Spec Cond 7A1&B1 PERMIT

Description: Failure for MSDS or similar documentation to indicate the maximum composition of all constituents

Effective Date: 08/23/2009

ADMINORDER 2007-0516-IHW-E

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

Rqmt Prov: 2004-0444-IHW-E; OP 2.a.i. ORDER

Description: Failed to ensure that containers are structurally sound and compatible with the waste.

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)

Rqmt Prov: 2004-0444-IHW-E; OP 2.a.ii. ORDER

Description: Failed to keep waste containers closed, except when 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)

Rqmt Prov: 2004-0444-IHW-E; OP 2.a.iv. ORDER

Description: Failed to ship universal waste for disposal within one year of the date of accumulation.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(F)

40 CFR Chapter 273, SubChapter I, PT 273, SubPT C 273.34

Rqmt Prov: 2004-0444-IHW-E; OP 2.a.iii. ORDER

Description: Failed to label waste containers with the words to identify contents

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.13(k)(1)

30 TAC Chapter 335, SubChapter A 335.13(k)(2)

Description: Failure to submit an exception report to the TCEQ within 45 days of not receiving a signed copy of the manifest from the disposal facility.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(4)(A)

Description: Failure to provide annual hazardous waste management procedures training to personnel

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.262(b)
30 TAC Chapter 335, SubChapter H 335.262(d)

Description: Failure to conduct a hazardous waste determination on universal paint waste stream.

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 | 01/31/2007 | (531609) |
| 2 | 08/16/2008 | (685104) |
| 3 | 08/19/2008 | (683986) |
| 4 | 02/26/2009 | (736357) |
| 5 | 07/28/2009 | (762882) |
| 6 | 08/14/2009 | (764312) |

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

Date: 07/28/2009 (762882)

CN600320519

Self NO

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter H 335.262(c)(2)(A)

Description: Failure to keep containers closed except when adding or removing waste.

Self NO

Classification: Moderate

Citation: 40 CFR Chapter 268, SubChapter I, PT 268, SubPT A 268.7(a)(7)

Description: Failure to make a one time notification for process wastewater that is stored on site prior to pre-treatment and discharge to the City of Amarillo POTW in accordance with Federal Land Disposal Restriction requirements.

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,
INC.
RN100611201**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1427-AIR-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Leading Edge Aviation Services, Inc. ("the Respondent") 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 the Respondent presented this agreement to the Commission.

The Respondent understands that they have 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, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement 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 the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a commercial aircraft painting plant at 10801 Baker Street in Amarillo, Potter County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review conducted on July 27, 2009, TCEQ staff documented that the Respondent failed to comply with the ordering provision of an agreed order and to submit initial notification for existing sources not later than September 1, 1997.
4. During a record review conducted on July 27, 2009, TCEQ staff documented that the Respondent failed to comply with the ordering provision of an agreed order and to maintain information and data sufficient to demonstrate compliance with hazardous air pollutants ("HAP") limits. Specifically, the Material Safety Data Sheets do not show the maximum HAP composition for methyl alcohol, ethyl benzene, toluene, and hydrogen fluoride in "CA 100/B707X Anti-Chafe Gloss Gray (B&S)"; methyl alcohol and toluene in "CA 7755 BE Urethane Compt FR HS Slow Activator"; and methyl isobutyl ketone and toluene in "CA 8800/B707 Desothane HS Buffable Gloss Gray".
5. During a record review conducted on July 27, 2009, TCEQ staff documented that the Respondent failed to comply with the ordering provision of an agreed order and to maintain records at the plant. Specifically, the Respondent failed to maintain hourly volatile organic compounds ("VOCs") emission rates ("ER"), and ERs in tons per year based on a rolling 12-month period for each emission point number for VOCs and HAPs.
6. During a record review conducted on July 27, 2009, TCEQ staff documented that the Respondent failed to comply with the ordering provision of an agreed order and to maintain information and data sufficient to demonstrate compliance with VOC limits. Specifically, hourly VOC emissions for emission points listed on the Maximum Allowable Emission Rate Table were underestimated because the HAP emissions used to estimate VOC emissions were not calculated correctly.
7. The Respondent received notice of the violations on August 22, 2009.
8. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:
 - a. On August 24, 2009, the Material Safety Data Sheets were updated to include the required information; and
 - b. On September 10, 2009, the initial notification for existing sources was submitted.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the ordering provision of an agreed order and to submit initial notification for existing sources not later than

- September 1, 1997, in violation of Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.b.ii. and 2.c., 30 TEX. ADMIN. CODE §§ 101.20(2) and 116.115(c), 40 CODE OF FEDERAL REGULATIONS §§ 63.9(b)(2) and 63.753(a)(1), New Source Review Permit ("NSRP") No. 28896 Special Condition 6F and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Findings of Fact No. 4, the Respondent failed to comply with the ordering provision of an agreed order and to maintain information and data sufficient to demonstrate compliance with the permit, in violation of Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.d.ii. and 2.e., 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and 116.115(c), NSRP No. 28896, General Condition No. 7 and Special Condition No. 7A1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
 4. As evidenced by Findings of Fact No. 5, the Respondent failed to comply with the ordering provision of an agreed order and to maintain records at the plant, in violation of Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.b.i. and 2.c., 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(ii) and 116.115(c), NSRP No. 28896, General Condition No. 7 and Special Condition Nos. 7B1 and B2, 7C, and 7D, and TEX. HEALTH & SAFETY CODE § 382.085(b).
 5. As evidenced by Findings of Fact No. 6, the Respondent failed to comply with the ordering provision of an agreed order and to maintain information and data sufficient to demonstrate compliance with VOC limits, in violation of Agreed Order Docket No. 2008-1459-AIR-E Ordering Provision Nos. 2.d.iii. and 2.e., 30 TEX. ADMIN. CODE § 116.115(b)(2)(E)(i) and 116.115(c), NSRP No. 28896, General Condition No. 7 and Special Condition Nos. 7A1 and 7B1, and TEX. HEALTH & SAFETY CODE § 382.085(b).
 6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the Respondent 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.
 7. An administrative penalty in the amount of Twenty-Seven Thousand Five Hundred Twenty Dollars (\$27,520) 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. The Respondent has paid the Twenty-Seven Thousand Five Hundred Twenty Dollar (\$27,520) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Twenty-Seven Thousand Five Hundred Twenty Dollars (\$27,520) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent'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 "TCEQ" and shall be sent with the notation "Re: Leading Edge Aviation Services, Inc., Docket No. 2009-1427-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 Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, begin maintaining emission rate records for VOCs and HAPs at the Plant for each emission point number, in tons per year based on a rolling 12-month period;
 - b. Within 45 days after the effective date of this Agreed Order, certify compliance with Ordering Provision No. 2.a., as described in Ordering Provision No. 2.d.;
 - c. Within 60 days after the effective date of this Agreed Order, correct hourly VOC emissions that were underestimated for EPNs listed on the Maximum Allowable Emission Rate Table, using the correct HAP emissions for all products; and
 - d. Within 75 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.c. 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 fines 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:

Air Section, Manager
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
4. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
9. 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 under this Agreed Order.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

RECEIVED
DEC 14 2009
ENFORCEMENT DIVISION

For the Commission

John Sredlin
For the Executive Director

2/17/2010
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Leading Edge Aviation Services, Inc. I am authorized to agree to the attached Agreed Order on behalf of Leading Edge Aviation Services, 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 understand that by entering into this Agreed Order, Leading Edge Aviation Services, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Jeff Menell
Signature

12/11/09
Date

Jeff Menell
Name (Printed or typed)
Authorized Representative of
Leading Edge Aviation Services, Inc.

Environmental, Health & Safety
Title
Manager

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.