

**Executive Summary – Enforcement Matter – Case No. 62445**  
**Weatherford Aerospace, LLC**  
**RN100218734**  
**Docket No. 2022-0686-AIR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AIR

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Weatherford Aerospace, 610 West 3rd Street, Weatherford, Parker County

**Type of Operation:**

Aerospace manufacturing plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 3, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$57,125

**Amount Deferred for Expedited Settlement:** \$11,425

**Total Paid to General Revenue:** \$45,700

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 25, 2022

**Date(s) of NOE(s):** May 24, 2022

**Executive Summary – Enforcement Matter – Case No. 62445**  
**Weatherford Aerospace, LLC**  
**RN100218734**  
**Docket No. 2022-0686-AIR-E**

***Violation Information***

1. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred from December 13, 2020 through June 12, 2021 and did not submit a deviation report for the December 13, 2020 through June 12, 2021 reporting period, but a deviation report should have been submitted by July 12, 2021 to report the deviations for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), Federal Operating Permit ("FOP") No. O1470, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred from June 13, 2020 through December 12, 2020 and did not submit a deviation report for the June 13, 2020 through December 12, 2020 reporting period, but a deviation report should have been submitted by January 11, 2021 to report the deviations for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers [30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1470, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to maintain the basicity of the scrubbing solutions. Specifically, the Respondent did not maintain the basicity of the scrubbing solutions at a pH 6 or higher at all times when the pH of the scrubbing solutions ranged from 4.82 to 5.99 for a total of 23 days from December 4, 2020 to April 30, 2021 for the Titanium Chemical Mill Scrubbers [30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 1618, Special Conditions No. 6.F., FOP No. O1470, GTC and Special Terms and Conditions No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On March 25, 2022, the Respondent implemented a spreadsheet where the pH readings are entered and monitored electronically with an auto message triggered by a low pH reading and conducted a pH Level Employee Training in order to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers at a pH 6 or higher at all times.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:

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- i. Submit the deviation report for the June 13, 2020 through December 12, 2020 reporting period to report the deviations for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers;
  - ii. Submit the deviation report for the December 13, 2020 through June 12, 2021 reporting periods to report the deviation for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers; and
  - iii. Implement measures and/or procedures designed to ensure that the deviation reports are submitted in a timely manner.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Alfonso Solis, Vice President and General Manager, Weatherford Aerospace, LLC, 610 West 3rd Street, Weatherford, Texas 76086

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

|              |                     |             |                  |            |                |  |
|--------------|---------------------|-------------|------------------|------------|----------------|--|
| <b>DATES</b> | <b>Assigned PCW</b> | 31-May-2022 | <b>Screening</b> | 6-Jun-2022 | <b>EPA Due</b> |  |
|              |                     | 8-Dec-2022  |                  |            |                |  |

|  |                            |
|--|----------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                            |
| <b>Respondent</b>                      | Weatherford Aerospace, LLC |
| <b>Reg. Ent. Ref. No.</b>              | RN100218734                |
| <b>Facility/Site Region</b>            | 4-Dallas/Fort Worth        |
| <b>Major/Minor Source</b>              | Major                      |

|  |                 |                              |                    |
|--|-----------------|------------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                 |                              |                    |
| <b>Enf./Case ID No.</b>                | 62445           | <b>No. of Violations</b>     | 3                  |
| <b>Docket No.</b>                      | 2022-0686-AIR-E | <b>Order Type</b>            | 1660               |
| <b>Media Program(s)</b>                | Air             | <b>Government/Non-Profit</b> | No                 |
| <b>Multi-Media</b>                     |                 | <b>Enf. Coordinator</b>      | Yuliya Dunaway     |
|  |                 | <b>EC's Team</b>             | Enforcement Team 2 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>               | \$25,000           |

## Penalty Calculation Section

|   |                   |          |
|---|-------------------|----------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$47,500 |
|---|-------------------|----------|

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

|                           |                  |                                |          |
|---------------------------|------------------|--------------------------------|----------|
| <b>Compliance History</b> | 40.0% Adjustment | <b>Subtotals 2, 3, &amp; 7</b> | \$19,000 |
|---------------------------|------------------|--------------------------------|----------|

|              |  |
|--------------|--|
| <b>Notes</b> | Enhancement for two orders containing a denial of liability. |
|--------------|--|

|                    |    |                  |                   |     |
|--------------------|----|------------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------------------|-------------------|-----|

|              |  |
|--------------|--|
| <b>Notes</b> | The Respondent does not meet the culpability criteria. |
|--------------|--|

|  |                   |          |
|--|-------------------|----------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | -\$9,375 |
|--|-------------------|----------|

|                         |                   |                   |     |
|-------------------------|-------------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% Enhancement* | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------------------|-------------------|-----|

|                              |         |                                   |
|------------------------------|---------|-----------------------------------|
| Total EB Amounts             | \$446   | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$5,000 |                                   |

|                             |                       |          |
|-----------------------------|-----------------------|----------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$57,125 |
|-----------------------------|-----------------------|----------|

|   |      |                   |     |
|---|------|-------------------|-----|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.0% | <b>Adjustment</b> | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

|              |  |
|--------------|--|
| <b>Notes</b> |  |
|--------------|--|

|                             |          |
|-----------------------------|----------|
| <b>Final Penalty Amount</b> | \$57,125 |
|-----------------------------|----------|

|                                   |                               |          |
|-----------------------------------|-------------------------------|----------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$57,125 |
|-----------------------------------|-------------------------------|----------|

|                 |       |           |                   |           |
|-----------------|-------|-----------|-------------------|-----------|
| <b>DEFERRAL</b> | 20.0% | Reduction | <b>Adjustment</b> | -\$11,425 |
|-----------------|-------|-----------|-------------------|-----------|

Reduces the Final Assessed Penalty by the indicated percentage.

|              |  |
|--------------|--|
| <b>Notes</b> | Deferral offered for expedited settlement. |
|--------------|--|

|                        |          |
|------------------------|----------|
| <b>PAYABLE PENALTY</b> | \$45,700 |
|------------------------|----------|

Screening Date 6-Jun-2022

Docket No. 2022-0686-AIR-E

PCW

Respondent Weatherford Aerospace, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62445

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100218734

Media Air

Enf. Coordinator Yuliya Dunaway

### Compliance History Worksheet

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

| Component                     | Number of...   | Number | Adjust. |
|-------------------------------|--|--------|---------|
| NOVs                          | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )  | 0      | 0%      |
|                               | Other written NOVs   | 0      | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 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 ( <i>number of judgments or consent decrees meeting criteria</i> )                               | 0      | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0      | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government ( <i>number of counts</i> )   | 0      | 0%      |
| Emissions                     | Chronic excessive emissions events ( <i>number of events</i> )   | 0      | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )     | 0      | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )  | 0      | 0%      |
| 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)

Satisfactory Performer

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

#### >> Compliance History Summary

Compliance History Notes

Enhancement for two orders containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 40%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 40%

**Screening Date** 6-Jun-2022 **Docket No.** 2022-0686-AIR-E **PCW**  
**Respondent** Weatherford Aerospace, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62445 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100218734  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B) and (C), Federal Operating Permit ("FOP") No. O1470, General Terms and Conditions ("GTC"), and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred from December 13, 2020 through June 12, 2021 and did not submit a deviation report for the December 13, 2020 through June 12, 2021 reporting period, but a deviation report should have been submitted by July 12, 2021 to report the deviations for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers.

**Base Penalty** \$25,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          |       | 0.0%    |
|    | Potential |       |          |       |         |

**>> Programmatic Matrix**

|  | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
|  |               | X     |          |       | 20.0%   |

Matrix Notes

100% of the rule requirements were not met.

**Adjustment** \$20,000

\$5,000

**Violation Events**

Number of Violation Events 1 329 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | X |

**Violation Base Penalty** \$5,000

One single event is recommended.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary |                |                                   |
| Ordinary      |                |                                   |
| N/A           | X              |                                   |

Notes The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$5,000

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

**Statutory Limit Test**

Estimated EB Amount \$26

Violation Final Penalty Total \$7,000

**This violation Final Assessed Penalty (adjusted for limits)** \$7,000

# Economic Benefit Worksheet

**Respondent** Weatherford Aerospace, LLC  
**Case ID No.** 62445  
**Reg. Ent. Reference No.** RN100218734  
**Media** Air  
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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 | 12-Jul-2021 | 1-Aug-2023 | 2.05 | \$26 | n/a | \$26 |

**Notes for DELAYED costs**

Estimated cost to submit the deviation report for the December 13, 2020 through June 12, 2021 reporting period to report the deviations for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers. The Date Required is the date the deviation report was due and the Final Date is the estimated date of compliance.

See the Economic Benefit for Violation No. 2 for implementing measures and/or procedures designed to ensure that the deviation reports are submitted in a timely manner.

### Avoided Costs

**ANNUALIZE 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           |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$250

**TOTAL** \$26

**Screening Date** 6-Jun-2022 **Docket No.** 2022-0686-AIR-E **PCW**  
**Respondent** Weatherford Aerospace, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62445 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100218734  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1470, GTC, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit a deviation report no later than 30 days after the end of each reporting period. Specifically, the Respondent determined that no deviations occurred from June 13, 2020 through December 12, 2020 and did not submit a deviation report for the June 13, 2020 through December 12, 2020 reporting period, but a deviation report should have been submitted by January 11, 2021 to report the deviations for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers.

**Base Penalty** \$25,000

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

|           |                |       |          |                     |       |
|-----------|----------------|-------|----------|---------------------|-------|
| <b>OR</b> | <b>Harm</b>    |       |          | <b>Percent</b> 0.0% |       |
|           | <b>Release</b> | Major | Moderate |                     | Minor |
|           | Actual         |       |          |                     |       |
|           | Potential      |       |          |                     |       |

**>> Programmatic Matrix**

|  |               |       |          |       |                      |
|--|---------------|-------|----------|-------|----------------------|
|  | Falsification | Major | Moderate | Minor | <b>Percent</b> 20.0% |
|  |               | x     |          |       |                      |

**Matrix Notes** 100% of the rule requirements were not met.

**Adjustment** \$20,000

\$5,000

**Violation Events**

Number of Violation Events 1 511 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

**Violation Base Penalty** \$5,000

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

|               |                |                                   |
|---------------|----------------|-----------------------------------|
|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
| Extraordinary |                |                                   |
| Ordinary      |                |                                   |
| N/A           | x              |                                   |

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$5,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$224 **Violation Final Penalty Total** \$7,000

**This violation Final Assessed Penalty (adjusted for limits)** \$7,000



# Economic Benefit Worksheet

**Respondent** Weatherford Aerospace, LLC  
**Case ID No.** 62445  
**Reg. Ent. Reference No.** RN100218734  
**Media** Air  
**Violation No.** 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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    | \$1,500 | 11-Jan-2021 | 1-Aug-2023 | 2.55 | \$192 | n/a | \$192 |
| 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   | 11-Jan-2021 | 1-Aug-2023 | 2.55 | \$32  | n/a | \$32  |

**Notes for DELAYED costs**

Estimated costs to submit the deviation report for the June 13, 2020 through December 12, 2020 reporting period to report the deviations for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers (\$250) and to implement measures and/or procedures designed to ensure that the deviation reports are submitted in a timely manner (\$1,500). The Dates Required are the date the deviation report was due and the Final Dates are the estimated dates of compliance.

### Avoided Costs

**ANNUALIZE 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           |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$1,750

**TOTAL** \$224

**Screening Date** 6-Jun-2022 **Docket No.** 2022-0686-AIR-E **PCW**  
**Respondent** Weatherford Aerospace, LLC *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62445 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN100218734  
**Media** Air  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 116.115(c) and 122.143(4), New Source Review Permit No. 1618, Special Conditions No. 6.F., FOP No. O1470, GTC and Special Terms and Conditions No. 8, and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to maintain the basicity of the scrubbing solutions. Specifically, the Respondent did not maintain the basicity of the scrubbing solutions at a pH 6 or higher at all times when the pH of the scrubbing solutions ranged from 4.82 to 5.99 for a total of 23 days from December 4, 2020 to April 30, 2021 for the Titanium Chemical Mill Scrubbers.

**Base Penalty** \$25,000

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

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          | x     | 30.0%   |
|    | Potential |       |          |       |         |

**>> Programmatic Matrix**

|  | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
|  |               |       |          |       | 0.0%    |

**Matrix Notes** Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 5 23 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | x |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

**Violation Base Penalty** \$37,500

Five monthly events are recommended for the instances of non-compliance that occurred from December 4, 2020 to April 30, 2021.

**Good Faith Efforts to Comply** 25.0% Reduction \$9,375

|               | Before NOE/NOV | NOE/NOV to EDPRP/Settlement Offer |
|---------------|----------------|-----------------------------------|
| Extraordinary |                |                                   |
| Ordinary      | x              |                                   |
| N/A           |                |                                   |

**Notes** The Respondent completed the corrective measures on March 25, 2022, prior to the Notice of Enforcement dated May 24, 2022.

**Violation Subtotal** \$28,125

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$196 **Violation Final Penalty Total** \$43,125

**This violation Final Assessed Penalty (adjusted for limits)** \$43,125

# Economic Benefit Worksheet

**Respondent** Weatherford Aerospace, LLC  
**Case ID No.** 62445  
**Reg. Ent. Reference No.** RN100218734  
**Media** Air  
**Violation No.** 3

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### 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    | \$1,500 | 4-Dec-2020 | 25-Mar-2022 | 1.30 | \$98 | n/a | \$98 |
| Training/Sampling        | \$1,500 | 4-Dec-2020 | 25-Mar-2022 | 1.30 | \$98 | n/a | \$98 |
| 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 costs to implement a spreadsheet where the pH readings are entered and monitored electronically with an auto message triggered by a low pH reading (\$1,500) and to conduct a pH Level Employee Training (\$1,500) in order to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers at a pH 6 or higher at all times. The Dates Required are the initial date of non-compliance and the Final Dates are the dates of compliance.

### Avoided Costs

**ANNUALIZE 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           |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs        |  |  |  | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.00 | \$0 | \$0 | \$0 |

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$3,000

**TOTAL**

\$196

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN604730960, RN100218734, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN604730960, Weatherford Aerospace, LLC  
**Classification:** SATISFACTORY **Rating:** 2.32

**Regulated Entity:** RN100218734, WEATHERFORD AEROSPACE  
**Classification:** SATISFACTORY **Rating:** 4.29

**Complexity Points:** 13 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 610 West 3RD Street, Weatherford, Parker County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

## ID Number(s):

|  |   |
|--|---|
| <b>AIR OPERATING PERMITS</b> ACCOUNT NUMBER PC0008N                          | <b>AIR OPERATING PERMITS</b> PERMIT 1470                  |
| <b>AIR NEW SOURCE PERMITS</b> PERMIT 1618                                    | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 25244          |
| <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 46887                             | <b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER PC0008N      |
| <b>AIR NEW SOURCE PERMITS</b> AFS NUM 4836700022                             | <b>AIR NEW SOURCE PERMITS</b> REGISTRATION 91554          |
| <b>IHW CORRECTIVE ACTION</b> SOLID WASTE REGISTRATION # (SWR) 30117          | <b>UNDERGROUND INJECTION CONTROL</b> PERMIT 5X2600843     |
| <b>STORMWATER</b> PERMIT TXRNEAD02   | <b>AIR EMISSIONS INVENTORY</b> ACCOUNT NUMBER PC0008N     |
| <b>POLLUTION PREVENTION PLANNING</b> ID NUMBER P00128                        | <b>INDUSTRIAL AND HAZARDOUS WASTE</b> EPA ID TXD068347814 |
| <b>INDUSTRIAL AND HAZARDOUS WASTE</b> SOLID WASTE REGISTRATION # (SWR) 30117 |   |

**Compliance History Period:** September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** November 30, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** November 30, 2017 to November 30, 2022

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Yuliya Dunaway

**Phone:** (210) 403-4077

## Site and Owner/Operator History:

- 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

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 04/10/2018 ADMINORDER 2017-0694-AIR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 10C PERMIT  
STC 8 OP  
Description: Failure to maintain records sufficient to demonstrate compliance with the silicone usage limits  
Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THSC Chapter 382 382.085(b)  
Rqmt Prov: Special Condition 6F PERMIT  
STC 8 OP

Description: Failure to test the basicity of the scrubbing solution for the scrubbers once a day

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Terms and Conditions OP

Description: Failure to submit a Title V deviation report within 30 days of the end of the December 13, 2014 through June 12, 2015 reporting period

2 Effective Date: 03/24/2020 ADMINORDER 2019-0564-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
30 TAC Chapter 122, SubChapter B 122.145(2)  
30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
30 TAC Chapter 122, SubChapter B 122.145(2)(C)  
5C THSC Chapter 382 382.085(b)

Rqmt Prov: FOP O1470 GTC OP

Description: Failure to report all instances of deviations in a deviation report submitted no later than 30 days after the end of the June 13, 2018 through December 12, 2018 reporting period.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

**D. The approval dates of investigations (CCEDS Inv. Track. No.):**

|        |                |           |
|--------|----------------|-----------|
| Item 1 | April 14, 2020 | (1625951) |
| Item 2 | May 22, 2020   | (1639879) |
| Item 3 | July 01, 2021  | (1736113) |

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**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  
WEATHERFORD AEROSPACE, LLC  
RN100218734

§           BEFORE THE  
§           TEXAS COMMISSION ON  
§           ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0686-AIR-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Weatherford Aerospace, LLC (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 together stipulate that:

1. The Respondent owns and operates an aerospace manufacturing plant located at 610 West 3rd Street in Weatherford, Parker County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$57,125 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$45,700 of the penalty and \$11,425 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on March 25, 2022, the Respondent implemented a spreadsheet where the pH readings are entered and monitored electronically with an auto message triggered by a low pH reading and conducted a pH Level Employee Training in order to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers at a pH 6 or higher at all times.

## II. ALLEGATIONS

During an investigation at the Plant conducted on March 25, 2022, an investigator documented that the Respondent:

1. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit a deviation report no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), Federal Operating Permit ("FOP") No. O1470, General Terms and Conditions ("GTC"), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent determined that no deviations occurred from December 13, 2020 through June 12, 2021 and did not submit a deviation report for the December 13, 2020 through June 12, 2021 reporting period, but a deviation report should have been submitted by July 12, 2021 to report the deviations for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers.
2. Failed to submit a deviation report for at least each six-month period after permit issuance and failed to submit a deviation report no later than 30 days after the end of each reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.143(4) and 122.145(2)(B) and (C), FOP No. O1470, GTC, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent determined that no deviations occurred from June 13, 2020 through December 12, 2020 and did not submit a deviation report for the June 13, 2020 through December 12, 2020 reporting period, but a deviation report should have been submitted by January 11, 2021 to report the deviations for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers.
3. Failed to maintain the basicity of the scrubbing solutions, in violation of 30 TEX. ADMIN. CODE §§ 116.115(c) and 122.143(4), New Source Review Permit No. 1618, Special Conditions No. 6.F., FOP No. O1470, GTC and Special Terms and Conditions No. 8, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not maintain the basicity of the scrubbing solutions at a pH 6 or higher at all times when the pH of the scrubbing solutions ranged from 4.82 to 5.99 for a total of 23 days from December 4, 2020 to April 30, 2021 for the Titanium Chemical Mill Scrubbers.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Weatherford Aerospace, LLC, Docket No. 2022-0686-AIR-E" to:

Financial Administration Division, Revenue Operations 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 at the Plant:
  - a. Within 30 days after the effective date of the Order:
    - i. Submit the deviation report for the June 13, 2020 through December 12, 2020 reporting period to report the deviations for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers;
    - ii. Submit the deviation report for the December 13, 2020 through June 12, 2021 reporting periods to report the deviation for failing to maintain the basicity of the scrubbing solutions for the Titanium Chemical Mill Scrubbers; and
    - iii. Implement measures and/or procedures designed to ensure that the deviation reports are submitted in a timely manner.
  - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall 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:

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

with a copy to:

Air Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This 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 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.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed,

substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.


9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

-----  
For the Commission

-----  
Date

  
-----

4/12/2023  
-----

For the Executive Director

Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG 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 OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

  
-----  
Signature

2-1-23  
-----  
Date

Al Solis  
-----  
Name (Printed or typed)  
Authorized Representative of  
Weatherford Aerospace, LLC

VP/GM  
-----  
Title

*If mailing address has changed, please check this box and provide the new address below:*

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.