EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0079-AIR-E **TCEQ ID:** RN101973618 **CASE NO.:** 32272

RESPONDENT NAME: Wingate Gin Corporation dba Big Spring Gin

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

SITE WHERE VIOLATION(S) OCCURRED: Big Spring Gin, 301 East Leatherwood near Big Spring, Howard County

TYPE OF OPERATION: Cotton ginning plant

SMALL BUSINESS: __X__ **Yes** ____ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 23, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Trina Grieco, Enforcement Division, Enforcement Section III, MC R-13, (210) 403-4006; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Brad Mikeska, Vice President and Manager, Big Spring Gin, 301 East Leatherwood, Big Spring, Texas 79720
Mr. Brent J. Mikeska, Registered Agent, Wingate Gin Corporation, P.O. Box 167, Wingate, Texas 79566-0167

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** December 18, 2006 **Date of NOE Relating to this Case:** December 20, 2006 (NOE) **Background Facts:** This was a routine investigation. One violation was documented. **AIR** Failed to obtain a permit amendment prior to increasing particulate matter ("PM") emissions above permitted limits of 20.20 tons per year ("tpy") during the 2004-2005 ginning season and 26.97 tpy during the 2005-2006 ginning season. Specifically, during the 2004-2005 and 2005-2006 ginning seasons, PM emissions were 22.74 tpy and 56.22 tpy, respectively [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 116.116(b)(1)(C), New Source Review ("NSR") Permit No. 29009 Special Condition 1 and General Condition 8 and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $2,100 **Total Deferred:** $420 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $1,680 **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that Wingate has implemented the following corrective measures at the Plant: a. Submitted a permit amendment application increasing PM emissions limits to 26.97 tpy, which was approved by TCEQ on May 12, 2005; and b. Submitted a permit amendment application increasing PM emissions limits to 45.85 tpy, which was approved by TCEQ on July 14, 2006. **Ordering Provisions:** 2) The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, submit documentation to demonstrate compliance with the PM emissions limits listed in NSR Permit No. 29009; or b. Submit an application to amend NSR Permit No. 29009 to increase PM emissions; i. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application that was submitted within 30 days after the date of such requests, or by any other deadline specified in writing; and ii. Within 180 days after the effective date of this Agreed Order, submit written certification that the permit application has been approved.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision December 8, 2006*

DATES					
Assigned	3-Jan-2007				
PCW	19-Jan-2006	Screening	18-Jan-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Wingate Gin Corporation dba Big Spring Gin		
Reg. Ent. Ref. No.	RN101973618		
Facility/Site Region	7-Midland	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	32272	No. of Violations	1
Docket No.	2007-0079-AIR-E	Order Type	1660
Media Program(s)	Air Quality	Enf. Coordinator	Trina Grieco
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 5% Enhancement — *Subtotals 2, 3, & 7* $100

Notes: Penalty enhancement due to a previous NOV issued for similar violations.

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

Notes: Respondent does not meet the culpability criteria.

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

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

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

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$146
Approx. Cost of Compliance	$1,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $2,100

OTHER FACTORS AS JUSTICE MAY REQUIRE — *Adjustment* $0

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

Notes:

Final Penalty Amount $2,100

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $2,100

DEFERRAL — 20% Reduction — *Adjustment* -$420

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $1,680

Screening Date	18-Jan-2006	**Docket No.** 2007-0079-AIR-E	**PCW**
Respondent	Wingate Gin Corporation dba Big Spring Gin		*Policy Revision 2 (September 2002)*
Case ID No.	32272		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN101973618		
Media [Statute]	Air Quality		
Enf. Coordinator	Trina Grieco		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of 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) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes: Penalty enhancement due to a previous NOV issued for similar violations.

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

Screening Date	18-Jan-2006	**Docket No.** 2007-0079-AIR-E	PCW
Respondent	Wingate Gin Corporation dba Big Spring Gin		*Policy Revision 2 (September 2002)*
Case ID No.	32272		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN101973618		
Media [Statute]	Air Quality		
Enf. Coordinator	Trina Grieco		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 116.116(b)(1)(C), New Source Review Permit No. 29009, Special Condition 1 and General Condition 8 and Tex. Health & Safety Code 382.085(b)

Violation Description Failed to obtain a permit amendment prior to increasing PM emissions above permitted limits of 20.20 tons per year during the 2004-2005 ginning season and the permitted limits of 26.97 tpy during the 2005-2006 ginning season. Specifically, during the 2004-2005 and 2005-2006 ginning seasons, PM emissions were 22.74 tpy and 56.22 tpy, respectively.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failing to operate within permitted limits for PM emissions resulted in the exposure of an insignificant amount of contaminants which did not exceed levels that are protective to human health and the environment.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 2 | 730 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $2,000

Two annual events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $146

Statutory Limit Test

Violation Final Penalty Total $2,100

This violation Final Assessed Penalty (adjusted for limits) $2,100

Economic Benefit Worksheet

Respondent Wingate Gin Corporation dba Big Spring Gin
Case ID No. 32272
Reg. Ent. Reference No. RN101973618
Media Air Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs	$1,000	1-Oct-2004	1-Sep-2007	2.9	$146	n/a	$146
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to implement measures designed to prevent future exceedances. Date required based on the beginning of the ginning year during which the permit limits were exceeded. Final date based on the projected date corrective actions will be completed.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,000

TOTAL $146

Compliance History

Customer/Respondent/Owner-Operator:	CN601253438	Wingate Gin Corporation	Classification: AVERAGE	Rating: 1.00
Regulated Entity:	RN101973618	BIG SPRING GIN	Classification: AVERAGE	Site Rating: 2.00
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT	29009	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HT0023J	
	AIR NEW SOURCE PERMITS	PERMIT	54019	
	AIR NEW SOURCE PERMITS	PERMIT	54032	
Location:	301 E LEATHERWOOD RD, BIG SPRING, TX, 79720	Rating Date: 9/1/2006	Repeat Violator: NO	
TCEQ Region:	REGION 07 - MIDLAND			
Date Compliance History Prepared:	January 24, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 03, 2002 to January 03, 2007			

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

Name: Trina Grieco Phone: (210) 403-4006

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. if Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1 03/21/2005 (374882)
2 11/02/2004 (339861)
3 12/20/2006 (519746)

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

Date: 09/20/2004 (334732)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
Description: 116.115(c) - Failure to comply with all special conditions contained in the permit document

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 111, SubChapter B 111.201
Description: 111.201 - General Prohibition of Outdoor Burning

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
WINGATE GIN CORPORATION DBA	§	
BIG SPRING GIN	§	**ENVIRONMENTAL QUALITY**
RN101973618		

AGREED ORDER
DOCKET NO. 2007-0079-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Wingate Gin Corporation dba Big Spring Gin ("Wingate") 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 Wingate appear before the Commission and together stipulate that:

1. Wingate owns and operates a cotton ginning plant at 301 East Leatherwood near Big Spring, Howard County, Texas (the "Plant").

2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

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

4. Wingate received notice of the violations alleged in Section II ("Allegations") on or about December 25, 2006.

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

6. An administrative penalty in the amount of Two Thousand One Hundred Dollars ($2,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Wingate has paid One Thousand Six Hundred Eighty Dollars ($1,680) of the administrative

penalty and Four Hundred Twenty Dollars ($420) is deferred contingent upon Wingate's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Wingate fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Wingate to pay all or part of the deferred penalty.

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

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

9. The Executive Director recognizes that Wingate has implemented the following corrective measures at the Plant:

   a. Submitted a permit amendment application increasing particulate matter ("PM") emissions limits to 26.97 tons per year ("tpy"), which was approved by TCEQ on May 12, 2005; and

   b. Submitted a permit amendment application increasing PM emissions limits to 45.85 tpy, which was approved by TCEQ on July 14, 2006.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Wingate has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Wingate is alleged to have failed to obtain a permit amendment prior to increasing PM emissions above permitted limits of 20.20 tpy during the 2004-2005 ginning season and 26.97 tpy during the 2005-2006 ginning season, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 116.116(b)(1)(C), New Source Review ("NSR") Permit No. 29009 Special Condition 1 and General Condition 8 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on December 18, 2006. Specifically, during the 2004-2005 and 2005-2006 ginning seasons, PM emissions were 22.74 tpy and 56.22 tpy, respectively.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Wingate pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Wingate's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Wingate Gin Corporation dba Big Spring Gin, Docket No. 2007-0079-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. It is further ordered that Wingate shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, submit documentation to demonstrate compliance with the PM emissions limits listed in NSR Permit No. 29009; or

   b. Submit an application to amend NSR Permit No. 29009 to increase PM emissions;

      i. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application that was submitted within 30 days after the date of such requests, or by any other deadline specified in writing; and

      ii. Within 180 days after the effective date of this Agreed Order, submit written certification that the permit application has been approved.

   c. The written certification referenced in either Ordering Provision No. 2.a. or 2.b. shall include detailed supporting documentation including photographs, receipts, and/or other records. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

      "I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Air Section, Manager
Midland Regional Office
Texas Commission on Environmental Quality
3300 North A Street, Building 4, Suite 107
Midland, Texas 79705-5404

3. The provisions of this Agreed Order shall apply to and be binding upon Wingate. Wingate 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 Wingate 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, Wingate's failure to comply is not a violation of this Agreed Order. Wingate shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Wingate shall notify the Executive Director within seven days after Wingate 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 Wingate shall be made in writing to the Executive Director. Extensions are not effective until Wingate receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Wingate in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Wingate, or three days after the date on which the Commission mails notice of the Order to Wingate, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

5/15/07
Date

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

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

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

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

Signature

2/15/07
Date

Brad Mikeska
Name (Printed or typed)
Authorized Representative of
Wingate Gin Corporation dba Big Spring Gin

Mgr
Title

Instructions: Send the original, signed Agreed Order with penalty [illegible]