Executive Summary – Enforcement Matter – Case No. 47355
Wiley Lease Co., Ltd.
RN104311501
Docket No. 2013-1465-AIR-E

Order Type:
Findings Agreed Order
Findings Order Justification:
Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).
Media:
AIR
Small Business:
Yes
Location(s) Where Violation(s) Occurred:
Trojan Vac Saltwater Injection Facility, located one quarter mile south of the intersection of State Highway 97 and County Road 319 near Charlotte, Atascosa County
Type of Operation:
Saltwater disposal site
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.
Texas Register Publication Date: November 8, 2013
Comments Received: No

Penalty Information

Total Penalty Assessed: $6,250
Amount Deferred for Expedited Settlement: $0
Amount Deferred for Financial Inability to Pay: $0
Total Paid to General Revenue: $6,250
Total Due to General Revenue: $0
Payment Plan: N/A
SEP Conditional Offset: $0
Name of SEP: N/A
Compliance History Classifications:
Person/CN - Unclassified
Site/RN - Satisfactory
Major Source: No
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): April 16, 2013 and May 27, 2013

Executive Summary – Enforcement Matter – Case No. 47355
Wiley Lease Co., Ltd.
RN104311501
Docket No. 2013-1465-AIR-E

Complaint Information: Alleged foul odor was originating from the Trojan Vac Saltwater Injection Facility. The complainant stated that they were experiencing sulfur or rotten egg odors and petroleum related odors from the facility at intermittent times. Also, the complainant stated the odors began on April 13, 2013.
Date(s) of Investigation: April 30, 2013 through June 5, 2013
Date(s) of NOE(s): July 12, 2013

Violation Information

Failed to comply with representations in a standard permit registration [30 TEX. ADMIN. CODE § 116.615(2), Standard Permit Registration No. 73797, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

a. Within 30 days, submit an administratvely complete Form PI-7 Registration for Permits by Rule;

b. Respond completely and adequately, to all requests for information concerning the application within 30 days after the date of such requests, or by any other deadline specified in writing; and

c. Within 180 days, submit written certification that either authorization to operate the new sources of air emissions has been obtained or that the operations have ceased until such time that appropriate authorization is obtained.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Nadia Hameed, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3629; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A

Executive Summary – Enforcement Matter – Case No. 47355
Wiley Lease Co., Ltd.
RN104311501
Docket No. 2013-1465-AIR-E

Respondents: Belo Wiley, Owner, Wiley Lease Co., Ltd., P.O. Box 395, Charlotte, Texas 78011
William Wiley, Owner, Wiley Lease Co., Ltd., P.O. Box 395, Charlotte, Texas 78011
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011) — *PCW Revision August 3, 2011*

TCEQ

DATES **Assigned** 22-Jul-2013 **PCW** 16-Aug-2013 **Screening** 7-Aug-2013 **EPA Due**

RESPONDENT/FACILITY INFORMATION

Respondent Wiley Lease Co., Ltd.
Reg. Ent. Ref. No. RN104311501
Facility/Site Region 13-San Antonio **Major/Minor Source** Minor

CASE INFORMATION

Enf./Case ID No. 47355
Docket No. 2013-1465-AIR-E
Media Program(s) Air
Multi-Media

No. of Violations 1
Order Type Findings
Government/Non-Profit No
Enf. Coordinator Nadia Hameed
EC's Team Enforcement Team 5

Admin. Penalty $ Limit Minimum $0 **Maximum** $25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) ***Subtotal 1*** **$5,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **25.0%** Enhancement ***Subtotals 2, 3, & 7*** **$1,250**

Notes: Enhancement for one NOV with same/similar violations and one order with denial of liability.

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*** **$0**

Economic Benefit **0.0%** Enhancement* ***Subtotal 6*** **$0**

Total EB Amounts $321
Approx. Cost of Compliance $5,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 ***Final Subtotal*** **$6,250**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** ***Adjustment*** **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$6,250**

STATUTORY LIMIT ADJUSTMENT ***Final Assessed Penalty*** **$6,250**

DEFERRAL **0.0%** Reduction ***Adjustment*** **$0**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$6,250**

Screening Date 7-Aug-2013 **Docket No.** 2013-1465-AIR-E **PCW**

Respondent Wiley Lease Co., Ltd.

Policy Revision 3 (September 2011)

Case ID No. 47355

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104311501

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Compliance History Worksheet

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

Component	Number of...	*Enter Number Here*	Adjust.
NOVs	Written notices of violation ("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*)	1	20%
	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) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same/similar violations and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage **capped at 100%* 25%

Screening Date 7-Aug-2013 **Docket No.** 2013-1465-AIR-E **PCW**

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Respondent Wiley Lease Co., Ltd.

Case ID No. 47355

Reg. Ent. Reference No. RN104311501

Media [Statute] Air

Enf. Coordinator Nadia Hameed

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.615(2), Standard Permit Registration No. 73797, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with representations in a standard permit registration. Specifically, Standard Permit Registration No. 73797 authorizes zero emissions from the Site; however, TCEQ staff observed and documented emissions from the units at the Site.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes: 100 percent of the rule requirement was not met.

Adjustment $23,750

$1,250

Violation Events

Number of Violation Events: 4 — 99 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Four monthly events are recommended from the April 30, 2013 investigation date to the August 7, 2013 screening date.

Good Faith Efforts to Comply

0.0% Reduction — $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 for this violation.

Violation Subtotal $5,000

Economic Benefit (EB) for this violation

Estimated EB Amount $321

Statutory Limit Test

Violation Final Penalty Total $6,250

This violation Final Assessed Penalty (adjusted for limits) $6,250

Economic Benefit Worksheet

Respondent Wiley Lease Co., Ltd.
Case ID No. 47355
Reg. Ent. Reference No. RN104311501
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	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	$5,000	22-Oct-2012	3-Feb-2014	1.28	$321	n/a	$321
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	Estimated expense to obtain authorization for the emissions at the Site. The Date Required is the date when the emissions were first documented and the Final Date is the date the corrective actions are expected to be completed.						
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 $5,000

TOTAL $321

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.

TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603166414, RN104311501, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN603166414, Wiley Lease Co., Ltd. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN104311501, TROJAN VAC SALTWATER INJECTION FACILITY **Classification:** SATISFACTORY **Rating:** 10.60

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 1/4 MILE SOUTH OF THE INTERSECTION OF SH 97 & CR 319 NEAR CHARLOTTE, ATASCOSA COUNTY, TX

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):
AIR NEW SOURCE PERMITS REGISTRATION 73797 **AIR NEW SOURCE PERMITS** REGISTRATION 108021

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: August 07, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 07, 2008 to August 07, 2013

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

Name: Nadia Hameed **Phone:** (713) 767-3629

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
3) If **YES** for #2, who is the current owner/operator? N/A
4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
5) If **YES**, when did the change(s) in owner or operator occur? N/A

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

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

1 Effective Date: 06/07/2012 ADMINORDER 2011-2191-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THSC Chapter 382 382.085(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to prevent a nuisance condition. Specifically, on May 12, 2011, a highly offensive odor that was complex and smelled of sour crude oil, sour natural gas, and raw sewage combined was documented at a nearby residence downwind from the Site and lasted for more than one hour.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 September 01, 2009 (774954)

Item 2 May 20, 2010 (803210)

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.

1 Date: 12/28/2012 (1051464)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to notify of changes to representations that resulted in an increase in emissions. This is a continuing Category B violation, which warrants formal enforcement.

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

Component Appendices

Appendix A
All NOVs Issued During Component Period 8/7/2008 and 8/7/2013

1 Date: 09/02/2008 (688809)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

Description: All representations with regard to construction plans, operating procedures, and maximum emission rates in any registration for a standard permit become conditions upon which the facility or changes thereto, must be constructed and operated. It is unlawful for any person to vary from such representations if the change will affect that person's right to claim a standard permit under this section. Any change in condition requires authorization under 116.110.

2 Date: 05/31/2011 (920894)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 101, SubChapter A 101.4
5C THSC Chapter 382 382.085(a)
5C THSC Chapter 382 382.085(b)

Description: Failed to prevent a nuisance condition. Specifically, on May 12, 2011, a highly offensive odor that was complex and smelled of sour crude oil, sour natural gas, and raw sewage combined was documented at a nearby residence downwind from the Site and lasted for more than one hour.

3* Date: 11/09/2011 (944675)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

Description: Tanks have been added to the facility without notification to the TCEQ.

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)

Description: Unauthorized emissions were observed coming from the facility by using a Gas Find IR Camera and air sampling.

4 Date: 12/28/2012 (1051464)

Classification: Major

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)
5C THSC Chapter 382 382.085(b)

Description: Failure to notify of changes to representations that resulted in an increase in emissions. This is a continuing Category B violation, which warrants formal enforcement.

* NOVs applicable for the Compliance History rating period 9/1/2007 to 8/31/2012

Appendix B
All Investigations Conducted During Component Period August 07, 2008 and August 07, 2013

(737493)

Item 1 March 12, 2009** For Informational Purposes Only

(774954)

Item 2* September 01, 2009** For Informational Purposes Only

(803210)

Item 3* May 20, 2010** For Informational Purposes Only

(920894)

Item 4 May 27, 2011** For Informational Purposes Only

		(964802)
Item 5	November 09, 2011**	For Informational Purposes Only
		(997012)
Item 6	July 06, 2012**	For Informational Purposes Only
		(1046224)
Item 7	December 06, 2012	For Informational Purposes Only

* No violations documented during this investigation
**Investigation applicable for the Compliance History Rating period between 09/01/2007 and 08/31/2012.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING WILEY LEASE CO., LTD. RN104311501	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2013-1465-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 Wiley Lease Co., Ltd. ("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 it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, 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 saltwater disposal site located one quarter mile south of the intersection of State Highway 97 and County Road 319 near Charlotte, Atascosa County, Texas (the "Site").

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

3. During an investigation conducted on April 30, 2013, TCEQ staff observed and documented emissions from units at the Site, however, Standard Permit Registration No. 73797 authorizes zero emissions from the Site.

4. The Respondent received notice of the violations on July 22, 2013.

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 representations in a standard permit registration, in violation of 30 TEX. ADMIN. CODE § 116.615(2), Standard Permit Registration No. 73797, and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. 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.

4. An administrative penalty in the amount of Six Thousand Two Hundred Fifty Dollars ($6,250) 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 Six Thousand Two Hundred Fifty Dollar ($6,250) 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 Six Thousand Two Hundred Fifty Dollars ($6,250) as set forth in Section II, Paragraph 4 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: Wiley Lease Co., Ltd., Docket No. 2013-1465-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:

a. Within 30 days after the effective date of the Agreed Order, submit an administratvely complete Form PI-7 Registration for Permits by Rule, in accordance with 30 TEX. ADMIN. CODE ch. 106 to:

Air Permits Division, MC 162
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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

c. Within 180 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. below that either authorization to operate the new sources of air emissions has been obtained or that the operations have ceased until such time that appropriate authorization is obtained; and

d. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

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 Site 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 separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed 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 Agreed 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.

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

For the Commission

Stacy Miller for Ramiro Garcia — 1.9.14

For the Executive Director — Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Wiley Lease Co., Ltd. I am authorized to agree to the attached Agreed Order on behalf of Wiley Lease Co., Ltd., 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, Wiley Lease Co., Ltd. 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.

William Wiley — 9/27/13

Signature — Date

William Wiley — Owner

Name (Printed or typed) — Title

Authorized Representative of
Wiley Lease Co., Ltd.

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