EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0505-AGR-E **TCEQ ID:** RN102091873 **CASE NO.:** 33101

RESPONDENT NAME: Elmer Jack Parks dba Lingleville Dairy

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:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
_X_WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Lingleville Dairy, south side of Farm-to-Market Road 8 approximately 1.5 miles east of Farm-to-Market Road 219, Erath County

TYPE OF OPERATION: Dairy

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 August 27, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Thomas Jecha, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-2576; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468

Respondent: Mr. Elmer Jack Parks, Owner, Lingleville Dairy, 13628 West Farm-to-Market Road 8, Stephenville, Texas 76401

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 ___ Routine _X_ Enforcement Follow-up ___ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** March 12, 2007 **Date of NOE Relating to this Case:** March 23, 2007 (NOE) **Background Facts:** This was a enforcement follow-up investigation. One violation was documented. **WATER** Failure to develop and operate under a Comprehensive Nutrient Management Plan ("CNMP") certified by the Texas State Soil and Water Conservation Board ("TSSWCB"). Specifically, a CNMP was submitted to the TSSWCB for review, but the Respondent failed to respond to requests for additional information from the TSSWCB and the TCEQ [30 TEX. ADMIN. CODE § 321.42(s)].	**Total Assessed:** $2,040 **Total Deferred:** $408 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $1,632 **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	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, provide complete and accurate information regarding the CNMP as requested by the TSSWCB; b. Respond completely and adequately, as determined by the TSSWCB, to all requests for information concerning the CNMP within 30 days after the date of such requests or by any other deadline specified in writing; c. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision a; and d. Within 120 days after the effective date of this Agreed Order, submit certification of compliance that the Facility has developed and is operating under a CNMP certified by the TSSWCB.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision March 19, 2007*

DATES					
Assigned	26-Mar-2007				
PCW	30-Mar-2007	Screening	29-Mar-2007	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Elmer Jack Parks dba Lingleville Dairy		
Reg. Ent. Ref. No.	RN102091873		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	33101	No. of Violations	1
Docket No.	2007-0505-AGR-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Thomas Jecha
Multi-Media		EC's Team	EnforcementTeam 4
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 — **2%** Enhancement — *Subtotals 2, 3, & 7* **$40**

Notes: Enhancement for one NOV with dissimilar violations issued for this site during the past five years.

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

Notes: The Respondent does not meet the culpability criteria.

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

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

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

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$552
Approx. Cost of Compliance	$10,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$2,040**

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 **$2,040**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$2,040**

DEFERRAL — **20%** Reduction — *Adjustment* **-$408**

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 **$1,632**

Screening Date 29-Mar-2007 **Docket No.** 2007-0505-AGR-E **PCW**

Respondent Elmer Jack Parks dba Lingleville Dairy *Policy Revision 2 (September 2002)*

Case ID No. 33101 *PCW Revision March 19, 2007*

Reg. Ent. Reference No. RN102091873

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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) 2%

>> **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 Enhancement for one NOV with dissimilar violations issued for this site during the past five years.

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

Screening Date 29-Mar-2007 **Docket No.** 2007-0505-AGR-E **PCW**

Respondent Elmer Jack Parks dba Lingleville Dairy *Policy Revision 2 (September 2002)*

Case ID No. 33101 *PCW Revision March 19, 2007*

Reg. Ent. Reference No. RN102091873

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 321.42(s)

Violation Description Failed to develop and operate under a Comprehensive Nutrient Management Plan ("CNMP") certified by the Texas State Soil and Water Conservation Board ("TSSWCB"). Specifically, a CNMP was submitted to the TSSWCB for review, but the Respondent failed to respond to requests for additional information from the TSSWCB and the TCEQ.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 2 | 52 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Two monthly events are recommended from the February 5, 2007 deadline to submit requested information to the TSSWCB until the March 29, 2007 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $552

Statutory Limit Test

Violation Final Penalty Total $2,040

This violation Final Assessed Penalty (adjusted for limits) $2,040

Economic Benefit Worksheet

Respondent Elmer Jack Parks dba Lingleville Dairy
Case ID No. 33101
Reg. Ent. Reference No. RN102091873
Media Water 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	$10,000	31-Dec-2006	7-Feb-2008	1.1	$552	n/a	$552
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to develop a CNMP from the date the plan was required to be certified and implemented until the expected date of compliance.						
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	$10,000	TOTAL	$552

Compliance History

Customer/Respondent/Owner-Operator:	CN601127798	PARKS, ELMER JACK	Classification: AVERAGE	Rating: 0.43
Regulated Entity:	RN102091873	LINGLEVILLE DAIRY	Classification: AVERAGE	Site Rating: 0.43

ID Number(s): Wastewater Agriculture Permit WQ0003590000

Location: THE FACILITY IS LOCATED ON THE S SIDE OF FM 8 APPROX 1.5 MI E OF FM 219 NEAR LINGLEVILLE

Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: April 02, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 27, 2002 to March 27, 2007

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

Name: Tom Jecha Phone: 512-239-2576

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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 08/22/2002 (7922)

2 05/07/2003 (8542)
3 07/25/2003 (61825)
4 05/24/2004 (264933)
5 07/06/2005 (397611)
6 01/18/2006 (451551)
7 02/26/2007 (541424)
8 03/23/2007 (543758)

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

Date: 08/15/2002 (7922)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 321, SubChapter B 321.41(a)(1)
Description: Failure to complete the required 8-hour training within the first year of authorization and the additional 8 hours for every two years afterward.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(19)(J)(i)
Description: Failure to include all required information in the waste application records.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(28)(C)
Description: Failure to take samples from each land management unit utilized for waste and/or wastewater application.

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**
ELMER JACK PARKS DBA	**§**	
LINGLEVILLE DAIRY	**§**	**ENVIRONMENTAL QUALITY**
RN102091873		

AGREED ORDER
DOCKET NO. 2007-0505-AGR-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 Elmer Jack Parks dba Lingleville Dairy ("Mr. Parks") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Parks appear before the Commission and together stipulate that:

1. Mr. Parks owns and operates a dairy located on the south side of Farm-to-Market Road 8 approximately 1.5 miles east of Farm-to-Market Road 219 near Lingleville, Erath County, Texas (the "Facility").

2. Mr. Parks has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under TEX. WATER CODE ch. 26.

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

4. Mr. Parks received notice of the violations alleged in Section II ("Allegations") on or about March 28, 2007.

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

6. An administrative penalty in the amount of Two Thousand Forty Dollars ($2,040) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Parks has paid One Thousand Six Hundred Thirty-Two Dollars ($1,632) of the administrative penalty and Four Hundred Eight Dollars ($408) is deferred contingent upon Mr. Parks' 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 Mr. Parks fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Parks 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 Mr. Parks have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. 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 Mr. Parks has not complied with one or more of the terms or conditions in this Agreed Order.

10. 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.

11. 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 Facility, Mr. Parks is alleged to have failed to develop and operate under a Comprehensive Nutrient Management Plan ("CNMP") certified by the Texas State Soil and Water Conservation Board ("TSSWCB"), in violation of 30 TEX. ADMIN. CODE § 321.42(s), as documented during an investigation conducted on March 12, 2007. Specifically, a CNMP was submitted to the TSSWCB for review, but Mr. Parks failed to respond to requests for additional information from the TSSWCB and the TCEQ.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Parks pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Parks' 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: Elmer Jack Parks dba Lingleville Dairy, Docket No. 2007-0505-AGR-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 Mr. Parks shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, provide complete and accurate information regarding the CNMP as requested by the TSSWCB to:

      Texas State Soil and Water Conservation Board
      Attn: Mr. Joe Ballard
      611 East Blackjack
      Dublin, Texas 76446

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

   c. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.a. to the addresses shown below in Ordering Provision No. 2.d.; and

   d. Within 120 days after the effective date of this Agreed Order, submit certification of compliance that the Facility has developed and is operating under a CNMP certified by the TSSWCB to the address referenced in Ordering Provision No. 2.a. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision.

      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 fine and imprisonment for knowing violations."

The certification shall also 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:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Parks. Mr. Parks is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If Mr. Parks 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, Mr. Parks' failure to comply is not a violation of this Agreed Order. Mr. Parks shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Parks shall notify the Executive Director within seven days after Mr. Parks 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 Mr. Parks shall be made in writing to the Executive Director. Extensions are not effective until Mr. Parks 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 Mr. Parks 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 Mr. Parks, or three days after the date on which the Commission mails notice of the Order to Mr. Parks, 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

_____ 8/27/07
For the Executive Director 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 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 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.

Elmer Jack Parks 6-1-07
Signature Date

Elmer Jack Parks Owner
Name (Printed or typed) Title
Authorized Representative of
Elmer Jack Parks dba Lingleville Dairy

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