

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0528-AGR-E **TCEQ ID:** RN102743119 **CASE NO.:** 33120

RESPONDENT NAME: Jimmy Don Pack and Meine Huisman dba Jimmy Don Pack Dairy

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Jimmy Don Pack Dairy, 173 County Road 415, Stephenville, Erath County</p> <p>TYPE OF OPERATION: Dairy</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 27, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Jimmy Don Pack, Owner, Jimmy Don Pack Dairy, 173 County Road 415, Stephenville, Texas 76401; Mr. Meine Huisman, Operator, 173 County Road 415, Stephenville, Texas 76401. Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 8, 2007</p> <p>Date of NOE Relating to this Case: March 23, 2007 (NOE)</p> <p>Background Facts: This was a routine records review. One violation was documented.</p> <p>WATER</p> <p>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)].</p>	<p>Total Assessed: \$1,820</p> <p>Total Deferred: \$364 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,456</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, provide complete and accurate information regarding the CNMP as requested by TSSWCB.</p> <p>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;</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision a.; and</p> <p>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.</p>



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	26-Mar-2007	Screening	3-Apr-2007	EPA Due	
	PCW	4-Apr-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Jimmy Don Pack and Meine Huisman dba Jimmy Don Pack Dairy		
Reg. Ent. Ref. No.	RN102743119		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	33120	No. of Violations	1	
Docket No.	2007-0528-AGR-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Samuel Short	
Multi-Media		EC's Team	Enforcement Team 4	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-9% Enhancement	Subtotals 2, 3, & 7	-\$180
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Notes: Enhancement for having one NOV for non-similar violations, and reduction for one Notice of Intent, and for having a High Performer classification within the last five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	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
Total EB Amounts	\$700	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$10,000		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,820
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$1,820
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,820
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DEFERRAL	20% Reduction	Adjustment	-\$364
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$1,456
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Screening Date 3-Apr-2007

Docket No. 2007-0528-AGR-E

PCW

Respondent Jimmy Don Pack and Meine Huisman dba Jimmy Don Pa

Policy Revision 2 (September 2002)

Case ID No. 33120

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102743119

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

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 judgments 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)	1	-1%
	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%
<i>Please Enter Yes or No</i>			
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) 1%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for having one NOV for non-similar violations, and reduction for one Notice of Intent, and for having a High Performer classification within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -9%

Screening Date 3-Apr-2007

Docket No. 2007-0528-AGR-E

PCW

Respondent Jimmy Don Pack and Meine Huisman dba Jimmy Don Pack Dairy

Policy Revision 2 (September 2002)

Case ID No. 33120

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102743119

Media [Statute] Water Quality

Enf. Coordinator Samuel Short

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

57 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 based on the date the requested information was required to be submitted to the TSSWCB (February 5, 2007) through the date of screening (April 3, 2007).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$700

Violation Final Penalty Total \$1,820

This violation Final Assessed Penalty (adjusted for limits) \$1,820

Economic Benefit Worksheet

Respondent: Jimmy Don Pack and Meine Hulsman dba Jimmy Don Pack Dairy
Case ID No.: 33120
Reg. Ent. Reference No.: RN102743119
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	31-Dec-2006	31-Dec-2007	1.0	\$33	\$667	\$700
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to develop and implement a Comprehensive Nutrient Management Plan. Date required is the date the plan was required to be certified and implemented. Final date is the expected date of compliance.

Avoided Costs

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

Disposal				0.0	\$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

\$700

Compliance History

Customer/Respondent/Owner-Operator: CN602591125 HUISMAN, MEINE Classification: HIGH Rating: 0.00
Regulated Entity: RN102743119 JIMMY DON PACK DAIRY Classification: HIGH Site Rating: 0.00
ID Number(s): WASTEWATER AGRICULTURE PERMIT WQ0003563000
Location: 173 COUNTY ROAD 415, ERATH COUNTY, TEXAS Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: March 30, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 30, 2002 to March 30, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Samuel Short Phone: (512) 239-5363

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? Yes
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? Jimmy Don & Larry Pack
5. When did the change(s) in ownership occur? N/A
01/27/2004

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 08/06/2002 (7451)
 - 2 08/20/2003 (145550)
 - 3 08/26/2004 (289874)
 - 4 08/11/2005 (403059)
 - 5 04/07/2006 (456035)
 - 6 01/03/2007 (533624)
 - 7 03/23/2007 (543480)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/08/2003 (145550)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.42(j)

Description: Failure to submit soil samples to the TCEQ within 60 days of the date sampled.
 - F. Environmental audits.

Notice of Intent Date: 10/20/2003 (262966)

No DOV Associated
 - 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

Compliance History

Customer/Respondent/Owner-Operator: CN602561219 PACK, JIMMY DON Classification: HIGH Rating: 0.00
Regulated Entity: RN102743119 JIMMY DON PACK DAIRY Classification: HIGH Site Rating: 0.00
ID Number(s): WASTEWATER AGRICULTURE PERMIT WQ0003563000
Location: 173 COUNTY ROAD 415, ERATH COUNTY, TEXAS Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: March 30, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 30, 2002 to March 30, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Samuel Short Phone: (512) 239-5363

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? Yes
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? Jimmy Don & Larry Pack
5. When did the change(s) in ownership occur? N/A
01/27/2004

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 08/06/2002 (7451)
 - 2 08/20/2003 (145550)
 - 3 08/26/2004 (289874)
 - 4 08/11/2005 (403059)
 - 5 04/07/2006 (456035)
 - 6 01/03/2007 (533624)
 - 7 03/23/2007 (543480)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/08/2003 (145550)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 321, SubChapter B 321.42(j)
Description: Failure to submit soil samples to the TCEQ within 60 days of the date sampled.
 - F. Environmental audits.
Notice of Intent Date: 10/20/2003 (262966)
No DOV Associated
 - 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
JIMMY DON PACK AND MEINE
HUISMAN DBA JIMMY DON PACK
DAIRY
RN102743119**

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

AGREED ORDER DOCKET NO. 2007-0528-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 Jimmy Don Pack and Meine Huisman dba Jimmy Don Pack Dairy ("Mr. Pack and Mr. Huisman") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Pack and Mr. Huisman appear before the Commission and together stipulate that:

1. Mr. Pack owns and Mr. Huisman operates a dairy at 173 County Road 415 in Stephenville, Erath County, Texas (the "Facility").
2. Mr. Pack and Mr. Huisman have caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and Mr. Pack and Mr. Huisman agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Pack and Mr. Huisman are subject to the Commission's jurisdiction.
4. Mr. Pack and Mr. Huisman 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. Pack and Mr. Huisman of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Thousand Eight Hundred Twenty Dollars (\$1,820) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Pack and Mr. Huisman have paid One Thousand Four Hundred Fifty-Six Dollars (\$1,456) of the administrative penalty and Three Hundred Sixty Four Dollars (\$364) is deferred contingent upon Mr. Pack's and Mr. Huisman'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 Mr. Pack and Mr. Huisman fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Pack and Mr. Huisman 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. Pack and Mr. Huisman 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. Pack and Mr. Huisman have 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. Pack and Mr. Huisman are 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 a record review conducted on March 8, 2007. Specifically, a CNMP was submitted to the TSSWCB for review, but Mr. Pack and Mr. Huisman failed to respond to requests for additional information from the TSSWCB and the TCEQ.

III. DENIALS

Mr. Pack and Mr. Huisman generally deny each allegation in Section II ("Allegations").

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also mentions the need for regular audits and the role of independent auditors in ensuring the reliability of financial statements.

The second part of the document focuses on the role of the accounting profession. It highlights the need for accountants to adhere to high standards of ethical conduct and to maintain their professional competence through continuous education. The text also discusses the importance of transparency and accountability in the accounting process and the role of professional associations in promoting these values.

The third part of the document addresses the challenges faced by businesses in the current economic environment. It discusses the impact of global economic uncertainty and the need for businesses to adapt to changing market conditions. The text also mentions the importance of innovation and the role of government in supporting business growth and development.

The fourth part of the document discusses the role of technology in the accounting industry. It highlights the benefits of automation and the use of data analytics in improving the efficiency and accuracy of financial reporting. The text also mentions the need for accountants to stay up-to-date on the latest technological developments and the importance of cybersecurity in protecting financial data.

The fifth part of the document discusses the role of the accounting profession in the broader economy. It highlights the importance of accountants in providing reliable financial information to investors and other stakeholders. The text also mentions the need for accountants to be proactive in identifying and addressing potential risks and opportunities for their clients.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Pack and Mr. Huisman pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Pack's and Mr. Huisman'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: Jimmy Don Pack and Meine Huisman dba Jimmy Don Pack Dairy, Docket No. 2007-0528-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. Mr. Pack and Mr. Huisman are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.

3. It is further ordered that Mr. Pack and Mr. Huisman 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 TSSWCB to:

Texas State Soil and Water Conservation Board
Attention: Mr. Joe Ballard
611 East Blackjack Street
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. 3.a. to the addresses shown below in Ordering Provision No. 3.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. 3.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:

Section 1: Introduction

The first paragraph discusses the importance of understanding the context of the document. It highlights the need for a thorough review of the background information provided. The second paragraph continues to elaborate on the significance of this information, particularly in relation to the specific goals and objectives of the project.

Section 2: Methodology

This section details the methods used in the study. It describes the data collection process, including the selection of participants and the instruments used for data gathering. The analysis techniques employed to interpret the data are also outlined, ensuring transparency and replicability of the research process.

Section 3: Results

The results of the study are presented in this section. It includes a summary of the key findings, supported by statistical data and graphical representations. The discussion focuses on the implications of these findings and how they relate to the research objectives and existing literature in the field.

Section 4: Discussion

The discussion section provides a critical analysis of the study's findings. It explores the strengths and limitations of the research, as well as the broader implications for practice and policy. Recommendations for future research are provided to address the identified gaps in the current study.

Section 5: Conclusion

The conclusion summarizes the main points of the study and reiterates the significance of the findings. It emphasizes the contribution of the research to the field and offers final thoughts on the importance of continued research in this area.

"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 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

4. The provisions of this Agreed Order shall apply to and be binding upon Mr. Pack and Mr. Huisman. Mr. Pack and Mr. Huisman are 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.
5. If Mr. Pack and Mr. Huisman fail 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. Pack's and Mr. Huisman's failure to comply is not a violation of this Agreed Order. Mr. Pack and Mr. Huisman shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Pack and Mr. Huisman shall notify the Executive Director within seven days after Mr. Pack and Mr. Huisman become 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 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. Pack and Mr. Huisman shall be made in writing to the Executive Director. Extensions are not effective until Mr. Pack and Mr. Huisman receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Pack and Mr. Huisman 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.

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

Jimmy Don Pack and Meine Huisman dba Jimmy Don Pack Dairy
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. ...
For the Executive Director

9/7/07
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 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.

Jimmy Don Pack
Signature

8-28-07
Date

Jimmy Don Pack
Name (Printed or typed)
Authorized Representative of
Jimmy Don Pack dba Jimmy Don Pack Dairy

Owner
Title

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.

Jimmy Don Pack and Meine Huisman dba Jimmy Don Pack Dairy
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Miller
For the Executive Director

9/7/07
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 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.

Meine Huisman
Signature

8-28-07
Date

Meine Huisman
Name (Printed or typed)
Authorized Representative of
Meine Huisman dba Jimmy Don Pack Dairy

Operator
Title

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.

