

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1388-WQ-E **TCEQ ID:** RN104986161 **CASE NO.:** 34535

RESPONDENT NAME: Texas Egg Products, LLC

| | | |
|---|---|--|
| 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: Texas Egg Products, 1808 East Highway 90, Waelder, Gonzales County</p> <p>TYPE OF OPERATION: Egg cracking facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on July 27, 2007, alleging that a white substance was discharged from the Facility. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 14, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Enforcement Division, Enforcement Team 3, (512) 239-2134, MC 149; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Tim Eccher, General Manager, Texas Egg Products, LLC, 1808 East Highway 90, Waelder, Texas 78959 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: July 27, 2007</p> <p>Date of Investigation Relating to this Case: July 30, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 10, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation. One violation was documented.</p> <p>WATER</p> <p>Failure to prevent an unauthorized discharge from the Facility's on-site lift station [TEX. WATER CODE § 26.121(a)].</p> | <p>Total Assessed: \$950</p> <p>Total Deferred: \$190 <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: \$760</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" 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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that on August 20, 2007, the TCEQ received documentation that the Respondent had completed repairs and modifications to the pump station, and re-routed the force main.</p> |

Additional ID No(s): 0



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

| | | | | |
|--------------|-----------------|-------------|------------------|-------------|
| DATES | Assigned | 20-Aug-2007 | | |
| | PCW | 1-Oct-2007 | Screening | 23-Aug-2007 |
| | | | EPA Due | |

| | | | |
|--|-------------------------|---------------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | Texas Egg Products, LLC | | |
| Reg. Ent. Ref. No. | RN104986161 | | |
| Facility/Site Region | 14-Corpus Christi | Major/Minor Source | Minor |

| | | | |
|--------------------------|----------------------|--------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 34535 | No. of Violations | 1 |
| Docket No. | 2007-1388-WQ-E | Order Type | 1660 |
| Media Program(s) | Water Quality | Enf. Coordinator | Suzanne Walrath |
| Multi-Media | | EC's Team | Enforcement Team 3 |
| Admin. Penalty \$ | Limit Minimum | \$0 | Maximum |
| | | | \$10,000 |

Penalty Calculation Section

| | | |
|---|-------------------|---------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$1,000 |
|---|-------------------|---------|

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 | \$50 |
|---------------------------|----------------|--------------------------------|------|

| | |
|--------------|---|
| Notes | The Respondent received one NOV for same or similar violations. |
|--------------|---|

| | | | | |
|--------------------|----|----------------|-------------------|-----|
| Culpability | No | 0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|----------------|-------------------|-----|

| | |
|--------------|--|
| Notes | The Respondent does not meet the culpability criteria. |
|--------------|--|

| | | | |
|------------------------------------|---------------|-------------------|-------|
| Good Faith Effort to Comply | 10% Reduction | Subtotal 5 | \$100 |
|------------------------------------|---------------|-------------------|-------|

| | | |
|----------------------|--|--------------------------------------|
| | Before NOV | NOV to EDPRP/Settlement Offer |
| Extraordinary | | |
| Ordinary | | X |
| N/A | | (mark with x) |
| Notes | The Respondent achieved compliance on August 20, 2007. | |

| | | | |
|--|-----------------|-------------------|-----|
| | 0% Enhancement* | Subtotal 6 | \$0 |
|--|-----------------|-------------------|-----|

| | | |
|-----------------------------------|---------|--|
| Total EB Amounts | \$16 | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | \$4,000 | |

| | | |
|-----------------------------|-----------------------|-------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$950 |
|-----------------------------|-----------------------|-------|

| | | | |
|---|--|-------------------|-----|
| 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 | \$950 |
|-----------------------------|-------|

| | | |
|-----------------------------------|-------------------------------|-------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$950 |
|-----------------------------------|-------------------------------|-------|

| | | | |
|-----------------|---------------|-------------------|--------|
| DEFERRAL | 20% Reduction | Adjustment | -\$190 |
|-----------------|---------------|-------------------|--------|

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 | \$760 |
|------------------------|-------|

Screening Date 23-Aug-2007

Docket No. 2007-1388-WQ-E

PCW

Respondent Texas Egg Products, LLC

Policy Revision 2 (September 2002)

Case ID No. 34535

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104986161

Media [Statute] Water Quality

Enf. Coordinator Suzanne Walrath

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% |
| <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) 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

The Respondent received one NOV for same or similar violations.

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

| | | | | | | | | | | |
|---|---|---|-------------------------------|---|--|--|--|---------|---------------------------------------|--|
| Screening Date 23-Aug-2007 | Docket No. 2007-1388-WQ-E | PCW | | | | | | | | |
| Respondent Texas Egg Products, LLC | <i>Policy Revision 2 (September 2002)</i> | | | | | | | | | |
| Case ID No. 34535 | <i>PCW Revision June 26, 2007</i> | | | | | | | | | |
| Reg. Ent. Reference No. RN104986161 | | | | | | | | | | |
| Media [Statute] Water Quality | | | | | | | | | | |
| Enf. Coordinator Suzanne Walrath | | | | | | | | | | |
| Violation Number | 1 | | | | | | | | | |
| Rule Cite(s) | Tex. Water Code § 26.121(a) | | | | | | | | | |
| Violation Description | Failed to prevent an unauthorized discharge from the Facility's on-site lift station as a result of a leak located on the discharge side of the lift station. Specifically, a 20 foot long and two foot wide pool of wastewater was in the immediate vicinity and it contained vast colonies of rat tailed maggots. The discharge travelled approximately 400 feet south of the lift station via an on-site storm water drainage conveyance to a dry unnamed tributary. | | | | | | | | | |
| Base Penalty | | \$10,000 | | | | | | | | |
| >> Environmental, Property and Human Health Matrix | | | | | | | | | | |
| OR | Harm | | | | | | | | | |
| | Major | Moderate | Minor | | | | | | | |
| | Actual | Potential | Percent | | | | | | | |
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| | | x | | | | | | | | |
| | | | | | | | | | | |
| >> Programmatic Matrix | | | | | | | | | | |
| | Falsification | Major | Moderate | | | | | | | |
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| | | | | | | | | | | |
| | | | | | | | | | | |
| Matrix Notes | Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors. | | | | | | | | | |
| Adjustment | | \$9,000 | | | | | | | | |
| | | \$1,000 | | | | | | | | |
| Violation Events | | | | | | | | | | |
| Number of Violation Events | | 1 | Number of violation days | | | | | | | |
| | | 21 | | | | | | | | |
| <i>mark only one with an x</i> | daily | <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr> <tr><td></td><td></td><td></td></tr> </table> | | | | | | | Violation Base Penalty \$1,000 | |
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| single event | <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:33%;"></td><td style="width:33%;"></td><td style="width:33%;"></td></tr> <tr><td></td><td></td><td></td></tr> </table> | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| One quarterly event is recommended from investigation date (July 30, 2007) to date of compliance (August 20, 2007). | | | | | | | | | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | | | | | | | |
| Estimated EB Amount | | \$16 | Violation Final Penalty Total | | | | | | | |
| | | | \$950 | | | | | | | |
| This violation Final Assessed Penalty (adjusted for limits) | | | \$950 | | | | | | | |

Economic Benefit Worksheet

Respondent: Texas Egg Products, LLC
Case ID No.: 34535
Reg. Ent. Reference No.: RN104986161
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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| Equipment | \$4,000 | 30-Jul-2007 | 20-Aug-2007 | 0.1 | \$1 | \$15 | \$16 |
| 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 | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs: These costs are for the repairs and modifications of the pump station and for re-routing the force main, beginning on the date of the investigation, and ending on the date the TCEQ received documentation that the repairs had been completed.

Avoided Costs

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|-------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| 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 | \$4,000 | TOTAL | \$16 |
|-----------------------------------|---------|--------------|------|

Compliance History

| | | | | |
|---|--------------------------------------|-------------------------|------------------------------------|------------------------|
| Customer/Respondent/Owner-Operator: | CN603198896 | Texas Egg Products, LLC | Classification: AVERAGE | Rating: 3.01 |
| Regulated Entity: | RN104986161 | TEXAS EGG PRODUCTS | Classification: AVERAGE BY DEFAULT | Site Rating: 3.01 |
| ID Number(s): | STORMWATER PRETREATMENT | | PERMIT PERMIT | TXR15BG37 TXU500245 |
| Location: | 1808 EAST HWY 90, WAELDER, TX, 78959 | | Rating Date: September 01 06 | Repeat Violator: NO |
| TCEQ Region: | REGION 14 - CORPUS CHRISTI | | | |
| Date Compliance History Prepared: | December 06, 2007 | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | |
| Compliance Period: | August 23, 2002 to August 23, 2007 | | | |

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

Name: Suzanne Walrath Phone: 512/239-2134

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? Cal-Maine Foods, Inc.
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.)

N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

| | | | |
|--------------|---|----------|--------------------------|
| Date: | 07/13/2007 | (563882) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 281, SubChapter A 281.25(a)(4) | | |
| Description: | Failure to obtain MSGP coverage. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 2D TWC Chapter 26, SubChapter A 26.121(a)(1) | | |
| Description: | Failure to prevent an unauthorized discharge. | | |
- 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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TEXAS EGG PRODUCTS, LLC
RN104986161

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1388-WQ-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 Texas Egg Products, LLC ("Texas Egg") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Texas Egg, appear before the Commission and together stipulate that:

1. Texas Egg owns and operates an egg cracking facility at 1808 East Highway 90 in Waelder, Gonzales County, Texas (the "Facility").
2. Texas Egg 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 Texas Egg agree that the Commission has jurisdiction to enter this Agreed Order, and that Texas Egg is subject to the Commission's jurisdiction.
4. Texas Egg received notice of the violations alleged in Section II ("Allegations") on or about August 15, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Texas Egg of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Hundred Fifty Dollars (\$950) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Texas Egg has paid Seven Hundred Sixty Dollars (\$760) of the administrative penalty, and One Hundred Ninety Dollars (\$190) is deferred contingent upon Texas Egg'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 Texas Egg fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Texas Egg 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 Texas Egg 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 on August 20, 2007, the TCEQ received documentation that Texas Egg had completed repairs and modifications to the pump station, and re-routed the force main.
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 Texas Egg 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 Facility, Texas Egg is alleged to have failed to prevent an unauthorized discharge from the Facility's on-site lift station, in violation of TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on July 30, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Texas Egg pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Texas Egg'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: Texas Egg Products, LLC, Docket No. 2007-1388-WQ-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. The provisions of this Agreed Order shall apply to and be binding upon Texas Egg. Texas Egg 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.
3. This Agreed Order, issued by the Commission, shall not be admissible against Texas Egg 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Texas Egg, or three days after the date on which the Commission mails notice of the Order to Texas Egg, 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

John S. Miller
For the Executive Director

12/11/07
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.

Tim A. Ecker
Signature

10/10/07
Date

Tim A. Ecker
Name (Printed or typed)
Authorized Representative of
Texas Egg Products, LLC

General Manager
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.

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