

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2008-0041-MLM-E **TCEQ ID:** RN101517597 **CASE NO.:** 35145**RESPONDENT NAME:** 50'S Group Properties, LTD. dba LONE STAR BEEF PROCESSORS

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> LONE STAR BEEF PROCESSORS, 2150 East 37<sup>th</sup> Street, San Angelo, Tom Green County</p> <p><b>TYPE OF OPERATION:</b> Industrial meat packing operation</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Michael Meyer, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-4492; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Chuck Jones, Vice-President, 50'S Group Properties, LTD., 2150 East 37<sup>th</sup> Street, San Angelo, Texas 76903  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 15, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 5, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR/WASTE</b></p> <p>1) Failure to prevent the improper disposal of approximately 15 to 20 cubic yards of industrial solid waste [30 TEX. ADMIN. CODE § 335.4].</p> <p>2) Failure to properly classify wastes [30 TEX. ADMIN. CODE §§ 335.503(a) and 335.513].</p> <p>3) Failure to prevent unauthorized outdoor burning from being conducted at the Facility [30 TEX. ADMIN. CODE § 111.201 and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$2,850</p> <p><b>Total Deferred:</b> \$570  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$2,280</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes on November 1, 2007, the Respondent contacted a consultant to sample and analyze the waste ash which was classified as Class I non-hazardous and it was removed and properly disposed of in the City of San Angelo Landfill, as documented in manifests dated November 14 and 15, 2007. The blood soil mixture was removed and properly disposed of in the City of San Angelo Landfill as documented in a manifest dated December 5, 2007.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, develop and implement procedures to prevent the improper disposal of industrial solid waste and the recurrence of unauthorized burning at the Facility; and</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): 0



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	Assigned	12-Nov-2007		
	PCW	31-Mar-2008	Screening	18-Dec-2007
	EPA Due			

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	50'S Group Properties, LTD. dba LONE STAR BEEF PROCESSORS
Reg. Ent. Ref. No.	RN101517597
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35145	No. of Violations	3	
Docket No.	2008-0041-MLM-E	Order Type	1660	
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Michael Meyer	
Multi-Media	IHW and Air	EC's Team	Enforcement Team 7	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$2,500</b>
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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.

<b>Compliance History</b>	14% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$350</b>
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Notes: The Respondent has two NOV's for similar violations and two NOV's for dissimilar violations during the past five years.

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

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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Before NOV    NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts \$72  
Approx. Cost of Compliance \$2,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$2,850</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$2,850</b>
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	<b>-\$570</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$2,280</b>
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**Screening Date** 18-Dec-2007      **Docket No.** 2008-0041-MLM-E  
**Respondent** 50'S Group Properties, LTD. dba LONE STAR BEEF PR  
**Case ID No.** 35145  
**Reg. Ent. Reference No.** RN101517597  
**Media [Statute]** Industrial and Hazardous Waste  
**Enf. Coordinator** Michael Meyer

**PCW**

Policy Revision 2 (September 2002)  
 PCW Revision November 6, 2007

**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 <i>(number of NOVs meeting criteria)</i>	2	10%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	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)** 14%

>> **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 has two NOVs for similar violations and two NOVs for dissimilar violations during the past five years.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 14%

**Screening Date** 18-Dec-2007 **Docket No.** 2008-0041-MLM-E  
 50'S Group Properties, LTD, dba LONE STAR BEEF

**PCW**

**Respondent** PROCESSORS  
**Case ID No.** 35145

*Policy Revision 2 (September 2002)  
 PCW Revision November 6, 2007*

**Reg. Ent. Reference No.** RN101517597

**Media [Statute]** Industrial and Hazardous Waste

**Enf. Coordinator** Michael Meyer

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 335.4

**Violation Description**  
 Failed to prevent the improper disposal of approximately 15 to 20 cubic yards of industrial solid waste, as documented during an investigation conducted on October 15, 2007. Specifically, the Respondent disposed of a mixture of spilled blood mixed with soil in a pile located adjacent to the gravel pit, near the road leading to the bottom of the pit. In addition, a pile of waste ash was disposed of in the old gravel pit east of and directly adjacent to the wastewater pond. The waste ash was sampled and analyzed for antimony, arsenic, barium, nickel and vanadium but did not exhibit the toxicity characteristic for any of these metals.

**Base Penalty** \$10,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	10%
	Potential				

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes**  
 Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed protective levels as a result of the violation.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events 1 62 Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$1,000

One quarterly event is recommended from the October 15, 2007 investigation to the December 18, 2007 screening date.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$50

**Violation Final Penalty Total** \$1,000

**This violation Final Assessed Penalty (adjusted for limits)** \$1,000

### Economic Benefit Worksheet

**Respondent** 50'S Group Properties, LTD. dba LONE STAR BEEF PROCESSORS  
**Case ID No.** 35145  
**Reg. Ent. Reference No.** RN101517597  
**Media** Industrial and Hazardous Waste  
**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**

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	\$800	15-Oct-2007	5-Dec-2007	0.1	\$6	n/a	\$6
Permit Costs				0.9	\$22	n/a	\$22
Other (as needed)	\$500	15-Oct-2007	31-Aug-2008	0.9	\$22	n/a	\$22

**Notes for DELAYED costs**

Estimated cost to remove and properly dispose of the blood/soil mixture and waste ash and develop and implement procedures to prevent the unauthorized discharge of industrial solid waste at the Facility. The Date Required is the October 15, 2007 investigation and the Final Date is the projected compliance date.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$1,300

**TOTAL**

\$50

<b>Screening Date</b> 18-Dec-2007	<b>Docket No.</b> 2008-0041-MLM-E	<b>PCW</b>
50'S Group Properties, LTD. dba LONE STAR BEEF PROCESSORS		
<b>Respondent</b>		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35145		<i>PCW Revision November 6, 2007</i>
<b>Reg. Ent. Reference No.</b> RN101517597		
<b>Media [Statute]</b> Industrial and Hazardous Waste		
<b>Enf. Coordinator</b> Michael Meyer		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code §§ 335.503(A) and 335.513"/>	
<b>Violation Description</b>	<input type="text" value="Failed to properly classify wastes, as documented during an investigation conducted on October 15, 2007, Specifically, the Respondent failed to classify the waste ash wastestream."/>	
<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>		x
	<b>Percent</b>			<input type="text" value="5%"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	x	

**Violation Base Penalty**

**Economic Benefit (EB) for this violation      Statutory Limit Test**

Estimated EB Amount       Violation Final Penalty Total

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent 50'S Group Properties, LTD. dba LONE STAR BEEF PROCESSORS  
 Case ID No. 35145  
 Reg. Ent. Reference No. RN101517597  
 Media Industrial and Hazardous Waste  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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**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				0.0	\$0	n/a	\$0
Other (as needed)	\$500	15-Oct-2007	15-Nov-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct a waste determination and classify the waste ash wastestream. The Date Required is the date of the investigation and the Final Date is the 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

\$500

**TOTAL**

\$0

<b>Screening Date</b> 18-Dec-2007	<b>Docket No.</b> 2008-0041-MLM-E	<b>PCW</b>
50'S Group Properties, LTD. dba LONE STAR BEEF		
<b>Respondent</b> PROCESSORS	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35145	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101517597		
<b>Media [Statute]</b> Industrial and Hazardous Waste		
<b>Enf. Coordinator</b> Michael Meyer		
<b>Violation Number</b> <input type="text" value="3"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 111.201 and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to prevent unauthorized outdoor burning from being conducted at the Facility, as documented during an investigation conducted on October 15, 2007. Specifically, burned items included a ceiling fan, metal containers, insulated copper wire and a used oil filter.	
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>

**>> Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>				
		Major	Moderate		Minor
	<b>Actual</b>				x
	<b>Potential</b>				
				<b>Percent</b> <input type="text" value="10%"/>	

**>> Programmatic Matrix**

	Major	Moderate	Minor	
<b>Falsification</b>				
				<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="62"/>	Number of violation days												
<i>mark only one with an x</i> <table border="1" style="margin-left: 20px;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>	
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	x													

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$22"/>	Violation Final Penalty Total <input type="text" value="\$1,000"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,000"/>	

### Economic Benefit Worksheet

Respondent: 50'S Group Properties, LTD. dba LONE STAR BEEF PROCESSORS  
 Case ID No. 35145  
 Reg. Ent. Reference No. RN101517597  
 Media: Industrial and Hazardous Waste  
 Violation No. 3

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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No commas or \$

#### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				0.8	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	15-Oct-2007	30-Aug-2008	0.9	\$22	n/a	\$22

#### Notes for DELAYED costs

Estimated cost to develop and implement procedures to prevent the recurrence of outdoor burning at the Facility. The Date Required is the October 15, 2007 investigation and the Final Date is the projected date of compliance.

#### 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

\$200

TOTAL

\$22

## Compliance History

Customer/Respondent/Owner-Operator:	CN600793152    50'S Group Properties, LTD.	Classification: AVERAGE	Rating: 5.20
Regulated Entity:	RN101517597    LONE STAR BEEF PROCESSORS	Classification: AVERAGE	Site Rating: 7.40
ID Number(s):	WASTEWATER	PERMIT	WQ0003574000
	STORMWATER	PERMIT	TXR05M747
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	ID NUMBER	F1713
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000055111
Location:	2150 E 37TH ST, SAN ANGELO, TX, 76903	Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 08 - SAN ANGELO		
Date Compliance History Prepared:	January 25, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 26, 2003 to January 25, 2008		

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

Name: Michael Meyer Phone: (512) 239-4492

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

- |    |            |          |
|----|------------|----------|
| 1  | 05/02/2003 | (35741)  |
| 2  | 08/05/2003 | (148464) |
| 3  | 08/11/2003 | (148688) |
| 4  | 03/15/2004 | (264881) |
| 5  | 09/22/2004 | (335192) |
| 6  | 01/20/2006 | (439698) |
| 7  | 12/13/2006 | (534039) |
| 8  | 03/28/2007 | (554769) |
| 9  | 11/05/2007 | (600016) |
| 10 | 11/05/2007 | (598660) |

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

Date: 08/11/2003    (148688)

Self Report?    NO

Classification:    Moderate

Citation:    30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 335, SubChapter A 335.9(a)(1)

Rqmt Prov:    PERMIT PPVI(H)(1)

Description:    Failure to keep records of all hazardous and industrial solid waste activities.

Self Report?    NO

Classification:    Moderate

Citation:    2D TWC Chapter 26, SubChapter A 26.121  
30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 335, SubChapter A 335.4

Rqmt Prov:    PERMIT PPVI(H)(1)

Description: Failure to prevent discharges of petroleum hydrocarbons to the environment and properly manage wastes in a manner to prevent an imminent threat of discharge to the environment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 324, SubChapter A 324.1  
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)

Rqmt Prov: PERMIT PPVI(C)

Description: Failure to label the tank and containers that contained used oil with "Used Oil".

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 324, SubChapter A 324.1  
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.24

Rqmt Prov: PERMIT PPVI(C)

Description: Failure of a used oil generator to ensure that their used oil is transported off-site by a transporter who has obtained EPA identification numbers.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT PPIV

Description: Failure to comply with daily average permit limitation for carbonaceous 5-day biochemical oxygen demand 5-day (CBOD5) for months of December 2002, February 2003, and March 2003.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.4

Rqmt Prov: PERMIT PPIV

Description: Failure to monitor required parameters.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to maintain a temperature log for the refrigerator used to store samples in the lab prior to shipment for analysis.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62  
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Rqmt Prov: PERMIT PPVI(H)(1)

Description: Failure to perform hazardous waste determinations on all wastes generated at the facility.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: PERMIT PPVI(G)

Description: Failure to provide documentation of required monitoring of specific parameters listed on Attachment A of the permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT PPIV

Description: Failure to maintain documentation of application rates of the nitrogen and organic loading of the effluent routed to the irrigation field in the irrigation log.

Date: 03/15/2004 (264881)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT TXR050000

Description: Failure to conduct and document annual employee training for 2003 according to permit requirements.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT TXR050000

Description: Failure to conduct quarterly visual monitoring from the outfall according to permit requirements.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT TXR050000

Description: Failure to conduct the Annual Comprehensive Compliance Evaluation for the 2003 annual period.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov: PERMIT TXR050000

Description: Failure to implement and maintain good housekeeping procedures.

Date: 01/20/2006 (439698)

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121  
30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 335, SubChapter A 335.4  
 Rqmt Prov: PERMIT PPVI(H)(1)  
 Description: Failure to prevent discharges of petroleum hydrocarbons to the environment and properly manage wastes in a manner to prevent an imminent threat of discharge to the environment.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter C 335.62  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11  
 Rqmt Prov: PERMIT PPVI(H)(1)  
 Description: Failure to perform hazardous waste determinations on all wastes generated at the facility.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT PPIV  
 Description: Failure to comply with daily average permit limitation for carbonaceous 5-day biochemical oxygen demand 5-day (CBOD5) for months of January 2003, January 2005, February 2005, and October 2005.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)  
 Rqmt Prov: PERMIT PPIV  
 Description: Failure to monitor the effluent quality at the required frequency.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT PPIV and V.A.4 and 5  
 Description: Failure to properly calculate hydraulic, nitrogen, and organic loading as required by the permit.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT PPIV  
 Description: Failure to comply with the hydraulic loading limit on the south field during 2003 and 2005.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT PPIV  
 Description: Failure to comply with the nitrogen loading limit on the north and south fields during 2003, 2004, and 2005.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT PPV.G.6  
 Description: Failure to use the correct sample analysis results in the wastewater tabulation report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 335, SubChapter A 335.13(a)  
 Description: Failure to prepare a complete and correct Waste Shipment Summary (S1) from the manifests.  
 Date: 03/28/2007 (554769)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT PPIV  
 Description: Failure to comply with daily average permit limitation for carbonaceous biochemical oxygen demand 5-day (CBOD5).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT PPVI.B.2  
 Description: Failure to submit written notification for effluent noncompliances that exceed the permit limit by more than 40 percent.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
 Description: Failure to maintain calibration records for effluent monitoring instrumentation.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT PPIV  
 Description: Failure to comply with the annual nitrogen loading limit on the north and south fields during 2006.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT PPV.L  
 Description: Failure to monitor soils for the required parameters.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT PPV.L  
Description: Failure to refrain from irrigating with wastewater within 24 hours after a measured rainfall of 0.5 inches or more.

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



<b>IN THE MATTER OF AN</b>	§	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	§	
<b>CONCERNING</b>	§	<b>TEXAS COMMISSION ON</b>
<b>50'S GROUP PROPERTIES, LTD. DBA</b>	§	
<b>LONE STAR BEEF PROCESSORS</b>	§	
<b>RN101517597</b>	§	<b>ENVIRONMENTAL QUALITY</b>

**AGREED ORDER**  
**DOCKET NO. 2008-0041-MLM-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 50'S Group Properties, LTD. dba LONE STAR BEEF PROCESSORS ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an industrial meat packing operation at 2150 East 37<sup>th</sup> Street in San Angelo, Tom Green County, Texas (the "Facility").
2. The Facility consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Facility involves or involved the management of industrial solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
4. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
5. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 10, 2007.
6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.



7. An administrative penalty in the amount of Two Thousand Eight Hundred Fifty Dollars (\$2,850) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Two Hundred Eighty Dollars (\$2,280) of the administrative penalty and Five Hundred Seventy Dollars (\$570) is deferred contingent upon Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
8. 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.
9. The Executive Director recognizes on November 1, 2007, the Respondent contacted a consultant to sample and analyze the waste ash which was classified as Class I non-hazardous and it was removed and properly disposed of in the City of San Angelo Landfill, as documented in manifests dated November 14 and 15, 2007. The blood soil mixture was removed and properly disposed of in the City of San Angelo Landfill as documented in a manifest dated December 5, 2007.
10. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
11. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
12. 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.
13. 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, the Respondent is alleged to have:

1. Failed to prevent the improper disposal of approximately 15 to 20 cubic yards of industrial solid waste, in violation of 30 TEX. ADMIN. CODE § 335.4, as documented during an investigation conducted on October 15, 2007. Specifically, the Respondent disposed of a mixture of spilled blood mixed with soil in a pile located adjacent to the gravel pit, near the road leading to the bottom of the pit. In addition, a pile of waste ash was disposed of in the old gravel pit east of and directly adjacent to the wastewater pond. The waste ash was sampled and analyzed for antimony, arsenic, barium, nickel and vanadium but did not exhibit the toxicity characteristic for any of these metals.



2. Failed to properly classify wastes, in violation of 30 TEX. ADMIN. CODE §§ 335.503(a) and 335.513, as documented during an investigation conducted on October 15, 2007. Specifically, the Respondent failed to classify the waste ash wastestream.
3. Failed to prevent unauthorized outdoor burning from being conducted at the Facility, as documented during an investigation conducted on October 15, 2007, in violation of 30 TEX. ADMIN. CODE § 111.201 and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, burned items included a ceiling fan, metal containers, insulated copper wire and a used oil filter.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and the Respondent'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: 50'S Group Properties, LTD. dba LONE STAR BEEF PROCESSORS, Docket No. 2008-0041-MLM-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 the Respondent shall undertake the following corrective action:
  - a. Within 30 days after the effective date of this Agreed Order, develop and implement procedures to prevent the improper disposal of industrial solid waste and the recurrence of unauthorized burning at the Facility.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No(s). 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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



The certification shall be submitted to:

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

with a copy to:

Manager, Waste Section  
San Angelo Regional Office  
Texas Commission on Environmental Quality  
622 S. Oakes, Ste. K  
San Angelo, Texas 76903-7035

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 Facility 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. 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.
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.



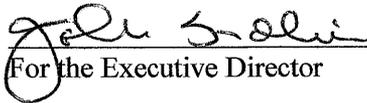
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to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



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 7/21/2008

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.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 4-21-08

\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
50'S Group Properties, LTD. dba  
LONE STAR BEEF PROCESSORS

\_\_\_\_\_  
Title V.P.

**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.

# THE HISTORY OF THE

## ROYAL SOCIETY OF LONDON

### FROM ITS FOUNDATION TO THE PRESENT

BY

JOHN VAN DER HAEGHE

PH.D., F.R.S.

AND

JOHN VAN DER HAEGHE