

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 4  
**DOCKET NO.:** 2008-0627-AGR-E **TCEQ ID:** RN103129680 **CASE NO.:** 35708  
**RESPONDENT NAME:** Jantje Van Gosliga dba Vango Dairy

<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 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Vango Dairy, located on the north side of County Road 2408 approximately two miles east of the intersection of Farm-to-Market Road 269 and County Road 2408, Hopkins County</p> <p><b>TYPE OF OPERATION:</b> Dairy</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received January 22, 2008, alleging nuisance odors and cattle trespassing onto property from the dairy. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 10, 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. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-5806; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Ms. Jantje Van Gosliga, Owner, Vango Dairy, 1775 County Road 2408, Pickton, Texas 75471  <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 checked="" type="checkbox"/> Complaint  <input 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> January 22, 2008</p> <p><b>Date of Investigation Relating to this Case:</b> January 23 and 24, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 7, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>WATER</b></p> <p>1) Failure to maintain a minimum of two feet of storage capacity above the storm water storage capacity for the retention control structure ("RCS") and failure to prevent a discharge of waste and/or wastewater from the RCS. Specifically, the RCS did not maintain the minimum of two feet of storage capacity above the storm water storage capacity, and did not contain storage capacity for the designed rainfall event which resulted in discharges from the RCS [30 TEX. ADMIN. CODE §§ 321.31(a), 321.38(g)(2), and 321.39(b) and (b)(1), TEX. WATER CODE § 26.121(a), and General Permit No. TXG920515, Part III.A.9(a)(1) and A.6(f)(6)].</p> <p>2) Failure to properly dispose of animal carcasses by collecting within 24 hours of death and properly disposing of within three days of death. Specifically, dead animals were observed on top of and around the compost pile [30 TEX. ADMIN. CODE § 321.36(l)].</p> <p>3) Failure to properly maintain the rain gauge. Specifically, the rain gauge was laying on the ground under the milk parlor roof incapable of measuring rainwater [30 TEX. ADMIN. CODE § 321.39(b)(4) and General Permit No. TXG920515, Part III.A.9(a)(5)].</p>	<p><b>Total Assessed:</b> \$9,575</p> <p><b>Total Deferred:</b> \$1,915  <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 (Due) to General Revenue:</b> \$310 (remaining \$7,350 due in 35 monthly payments of \$210 each)</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>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 15 days after the effective date of this Agreed Order:</p> <p>i. Cover existing dead carcasses onsite properly in the composting pile;</p> <p>ii. Properly install a rain gauge capable of measuring the required rainfall event; and</p> <p>iii. Contour the land surface to prevent the ponding of wastewater in the LMU.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin ensuring that the RCS maintains a minimum of two vertical feet between the top of the embankment and the required storage capacity of the RCS;</p> <p>ii. Terrace or contour the land surface to ensure all wastewater from the compost area, open lot, and feed lane to drain to the RCS;</p> <p>iii. Establish and begin implementing control measures whereby unauthorized discharges of wastewater from the CAFO operations are prevented from the RCS and LMU;</p> <p>iv. Establish and begin implementing a procedure whereby the required grab samples are collected within 30 minutes of the occurrence of a discharge, analyzed, and the results reported to the regional office; and</p> <p>v. Establish and begin implementing a system whereby the records required for the dairy operations are kept current and maintained onsite.</p> <p>c. Within 90 days after the effective date of this Agreed Order, construct RCS No. 2 to the required capacity as required by the Recharge Feature Certification completed on January 30, 2005.</p>

<p>4) Failure to design, construct, operate, and maintain the RCS to contain all wastewater from the production area, including the runoff and direct precipitation from the 25-year, 24-hour rainfall event. Specifically, the runoffs from the compost area, open lot, and feed lane did not drain to the RCS [30 TEX. ADMIN. CODE § 321.37(d) and 321.39(f), and General Permit No. TXG920515, Part III.B(4)].</p> <p>5) Failure to construct waste control facilities according to design specifications. Specifically, the General Permit states that the required capacity for RCS Nos. 1 and 2, acting in series, will be 4.64 acre-feet. The certified capacity of RCS No. 1 is 2.54 acre-feet, and RCS No. 2 has not been constructed. The site description section of the Recharge Feature Certification states that RCS No. 2 will be constructed when the herd milking number reaches 300 head; however, the milking herd is currently at 470 head [30 TEX. ADMIN. CODE § 305.125(1) and General Permit No. TXG920515, Part III.A.6(d)].</p> <p>6) Failure to sample the discharge and have it analyzed for the required parameters. Specifically, the discharges observed on January 23, 2008 from the RCS and January 24, 2008 from the land management unit ("LMU") were not sampled and analyzed [30 TEX. ADMIN. CODE § 321.44(b) and General Permit No. TXG920515, Part III.A.5(c)].</p> <p>7) Failure to notify the TCEQ orally within 24 hours and in writing within 14 working days of the discharge. Specifically, the Tyler regional office of the TCEQ was not notified of the discharges that were observed on January 23 and 24, 2008 [30 TEX. ADMIN. CODE § 321.44(a) and General Permit No. TXG920515, Part IV.B.5].</p> <p>8) Failure to maintain complete records on-site, and provide documentation for Dairy Outreach Program Area ("DOPA") training. Specifically, the Pollution Prevention Plan was reviewed, and the records were not up-to-date at the time of the investigation. The last rainfall was recorded on December 15, 2007, the last weekly RCS level was recorded on December 16, 2007, the last wastewater application was recorded on November 14, 2007, and the last DOPA training certificate was dated November 2005; however, the Respondent stated that she</p>		<p>d. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through c.</p>
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<p>had attended the DOPA training each year [30 TEX. ADMIN. CODE § 321.45(b) and 321.46(d) and General Permit No. TXG920515, Parts III.C.2. and IV.A].</p> <p>9) Failure to prevent a discharge of waste and/or wastewater from the LMU, and failure to minimize ponding of wastewater in the LMU. Specifically, the LMU did not contain storage capacity for the designed rainfall event which resulted in discharges from the LMU into an unnamed tributary to Big Sandy Creek, and ponding of wastewater in the LMU located to the east of the RCS [30 TEX. ADMIN. CODE § 321.40(d) and (e), TEX. WATER CODE § 26.121(a), and General Permit No. TXG920515, Parts III.A.11(b)(1) and III.A(d)(1)].</p>		
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Additional ID No(s): General Permit Number TXG920515



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

<b>DATES</b>	<b>Assigned</b>	7-Apr-2008	<b>Screening</b>	10-Apr-2008	<b>EPA Due</b>	NA
	<b>PCW</b>	20-May-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Jantje Van Gosliga dba Vango Dairy
<b>Reg. Ent. Ref. No.</b>	RN103129680
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35708	<b>No. of Violations</b>	9
<b>Docket No.</b>	2008-0627-AGR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	J. Craig Fleming
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>
			\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$8,500</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>	12% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$1,020</b>
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**Notes**  
An enhancement is recommended based on two NOV's that are similar, and one NOV that is non-similar.

<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 EDPRP/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	\$583	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$8,515	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$9,520</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	1%	<b>Adjustment</b>	<b>\$55</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**  
Penalty is enhanced to capture avoided cost that are associated with the violations.

<b>Final Penalty Amount</b>	<b>\$9,575</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$9,575</b>
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	<b>-\$1,915</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>\$7,660</b>
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<b>Screening Date</b>	10-Apr-2008	<b>Docket No.</b>	2008-0627-AGR-E	<b>PCW</b>
<b>Respondent</b>	Jantje Van Gosliga dba Vango Dairy	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	35708	<i>PCW Revision February 29, 2008</i>		
<b>Reg. Ent. Reference No.</b>	RN103129680			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	J. Craig Fleming			

### 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	1	2%
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)** 12%

**>> 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**

An enhancement is recommended based on two NOV's that are similar, and one NOV that is non-similar.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 12%

<b>Screening Date</b>	10-Apr-2008	<b>Docket No.</b>	2008-0627-AGR-E	<b>PCW</b>
<b>Respondent</b>	Jantje Van Gosliga dba Vango Dairy			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	35708			<i>PCW Revision February 29, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN103129680			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	J. Craig Fleming			

<b>Violation Number</b>	1
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 321.31(a), 321.38(g)(2), and 321.39(b) and (b)(1), Tex. Water Code § 26.121(a), and General Permit No. TXG920515, Parts III.A.9(a)(1) and A.6(f)(6)
<b>Violation Description</b>	Failed to maintain a minimum of two feet of storage capacity above the storm water storage capacity for the retention control structure ("RCS"), failed to prevent a discharge of waste and/or wastewater from the RCS. Specifically, the RCS did not maintain the minimum of two feet of storage capacity above the storm water storage capacity, and did not contain storage capacity for the designed rainfall event which resulted in discharges from the RCS.

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**  
Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**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" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended from the date of the investigation conducted on January 23, 2008 to the date of screening on April 10, 2008.

**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:** Jantje Van Gosliga dba Vango Dairy  
**Case ID No.:** 35708  
**Reg. Ent. Reference No.:** RN103129680  
**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)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	23-Jan-2008	1-Dec-2008	0.9	\$3	\$57	\$60
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 establish a pumping system to maintain a minimum of two feet between the top of the embankment and the required storage capacity of the RCS and to prevent discharges from the RCS. The Date Required was the date of the investigation. The 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

N/A

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$60

<b>Screening Date</b> 10-Apr-2008	<b>Docket No.</b> 2008-0627-AGR-E	<b>PCW</b>
<b>Respondent</b> Jantje Van Gosliga dba Vango Dairy	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35708	<small>PCW Revision February 29, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN103129680		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> J. Craig Fleming		

<b>Violation Number</b>	2		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 321.36(l)		
<b>Violation Description</b>	Failed to properly dispose of animal carcasses by collecting within 24 hours of death and properly disposing of within three days of death. Specifically, dead animals were observed on top of and around the compost pile, as observed during the investigation conducted on January 24, 2008.		
<b>Base Penalty</b>			\$10,000

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
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%"/>
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
<b>Adjustment</b> <input type="text" value="\$9,500"/>					

	\$500
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<b>Violation Events</b>																
	<b>Number of Violation Events</b> <input type="text" value="1"/>		<b>Number of violation days</b> <input type="text" value="1"/>													
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td style="padding: 2px;">daily</td><td style="width: 40px;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">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			
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="\$500"/>												
One single event is recommended based on the date of the investigation.																

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b> <input type="text" value="\$4"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$563"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$563"/>	

### Economic Benefit Worksheet

**Respondent:** Jantje Van Gosliga dba Vango Dairy  
**Case ID No.:** 35708  
**Reg. Ent. Reference No.:** RN103129680  
**Media:** Water Quality  
**Violation No.:** 2

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				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	\$100	24-Jan-2008	1-Nov-2008	0.8	\$4	n/a	\$4
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost for the labor associated with the covering of cattle carcasses. The Date Required was the date of the investigation. The Final Date is the expected 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	\$100	<b>TOTAL</b>	\$4
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<b>Screening Date</b>	10-Apr-2008	<b>Docket No.</b>	2008-0627-AGR-E	<b>PCW</b>
<b>Respondent</b>	Jantje Van Gosliga dba Vango Dairy			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	35708			<i>PCW Revision February 29, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN103129680			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	J. Craig Fleming			

<b>Violation Number</b>	3
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 321.39(b)(4) and General Permit No. TXG920515, Part III.A.9(a)(5)
<b>Violation Description</b>	Failed to properly maintain the rain gauge. Specifically, the rain gauge was laying on the ground under the milk parlor roof incapable of measuring rainwater, as observed during the investigation conducted on January 24, 2008.
<b>Base Penalty</b>	\$10,000

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

<b>OR</b>	<b>Harm</b>				
	Major	Moderate	Minor		
<b>Release</b>					
<b>Actual</b>					
<b>Potential</b>			x	<b>Percent</b>	5%

	<b>Programmatic Matrix</b>				
	Major	Moderate	Minor		
<b>Falsification</b>					
<b>Actual</b>					
<b>Potential</b>				<b>Percent</b>	0%

<b>Matrix Notes</b>	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.
<b>Adjustment</b>	\$9,500

\$500

**Violation Events**

<b>Number of Violation Events</b>	1	<b>Number of violation days</b>	1	<b>Violation Base Penalty</b>	\$500
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<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

One single event is recommended based on the date of the investigation.
-------------------------------------------------------------------------

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$0
<b>Violation Final Penalty Total</b>	\$563
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$563

### Economic Benefit Worksheet

**Respondent:** Jantje Van Gosliga dba Vango Dairy  
**Case ID No.:** 35708  
**Reg. Ent. Reference No.:** RN103129680  
**Media:** Water Quality  
**Violation No.:** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)				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)	\$10	24-Jan-2008	1-Nov-2008	0.8	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated cost for the labor associated to install the rain gauge in the proper location. The Date Required was the date of the investigation. The 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**

N/A

**Approx. Cost of Compliance**

\$10

**TOTAL**

\$0

<b>Screening Date</b> 10-Apr-2008	<b>Docket No.</b> 2008-0627-AGR-E	<b>PCW</b>
<b>Respondent</b> Jantje Van Gosliga dba Vango Dairy		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 35708		<i>PCW Revision February 29, 2008</i>
<b>Reg. Ent. Reference No.</b> RN103129680		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> J. Craig Fleming		

<b>Violation Number</b>	4		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 321.37(d) and 321.39(f) and General Permit No. TXG920515, Part III.B(4)		
<b>Violation Description</b>	Failed to design, construct, operate, and maintain the RCS to contain all wastewater from the production area, including the runoff and direct precipitation from the 25-year, 24-hour rainfall event. Specifically, the runoffs from the compost area, open lot, and feed lane did not drain to the RCS, as documented during the investigation conducted on January 24, 2008.		
<b>Base Penalty</b>			\$10,000

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
<b>Adjustment</b>				\$9,000	

	\$1,000
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<b>Violation Events</b>				
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b>	77
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One quarterly event is recommended from the date of the investigation conducted on January 24, 2008 to the screening date of April 10, 2008.				

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$60"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,126"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,126"/>	

### Economic Benefit Worksheet

**Respondent:** Jantje Van Gosliga dba Vango Dairy  
**Case ID No.:** 35708  
**Reg. Ent. Reference No.:** RN103129680  
**Media:** Water Quality  
**Violation No.:** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$1,000	24-Jan-2008	1-Dec-2008	0.9	\$3	\$57	\$60
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 terrace and construct berms to channel wastewater and rain runoff into RCSs. The Date Required was the date of the investigation. The 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:** N/A

<b>Approx. Cost of Compliance</b>	\$1,000	<b>TOTAL</b>	\$60
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<b>Screening Date</b> 10-Apr-2008	<b>Docket No.</b> 2008-0627-AGR-E	<b>PCW</b>													
<b>Respondent</b> Jantje Van Gosliga dba Vango Dairy	<i>Policy Revision 2 (September 2002)</i>														
<b>Case ID No.</b> 35708	<i>PCW Revision February 29, 2008</i>														
<b>Reg. Ent. Reference No.</b> RN103129680															
<b>Media [Statute]</b> Water Quality															
<b>Enf. Coordinator</b> J. Craig Fleming															
<b>Violation Number</b>	5														
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1), and General Permit No. TXG920515, Part III.A.6(d)														
<b>Violation Description</b>	<p>Failed to construct waste control facilities according to design specifications. Specifically, the General Permit states that the required capacity for RCS #1 and RCS #2, acting in series, will be 4.64 acre-feet. The certified capacity of RCS #1 is 2.54 acre-feet, and RCS #2 has not been constructed. The site description section of the Recharge Feature Certification states that RCS #2 will be constructed when the herd milking number reaches 300 head; however, the milking herd is currently at 470 head, as documented during the investigation conducted on January 24, 2008.</p>														
	<b>Base Penalty</b>	\$10,000													
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>															
OR	<b>Release</b>	<b>Harm</b>													
		Major      Moderate      Minor													
	Actual	<table border="1" style="display: inline-table;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table>													
	Potential	<table border="1" style="display: inline-table;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px; text-align: center;">x</td><td style="width: 50px; height: 15px;"></td></tr></table>		x		<b>Percent</b> <input type="text" value="10%"/>									
	x														
<b>&gt;&gt; Programmatic Matrix</b>															
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>											
	<table border="1" style="display: inline-table;"><tr><td style="width: 50px; height: 15px;"></td></tr></table>		<table border="1" style="display: inline-table;"><tr><td style="width: 50px; height: 15px;"></td></tr></table>		<table border="1" style="display: inline-table;"><tr><td style="width: 50px; height: 15px;"></td></tr></table>		<table border="1" style="display: inline-table;"><tr><td style="width: 50px; height: 15px;"></td></tr></table>								
				<b>Percent</b> <input type="text" value="0%"/>											
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.														
	<b>Adjustment</b>	\$9,000													
		\$1,000													
<b>Violation Events</b>															
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days												
		<input type="text" value="77"/>													
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="width: 40px; height: 15px;"></td></tr> <tr><td style="padding: 2px;">monthly</td><td style="width: 40px; height: 15px;"></td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="width: 40px; height: 15px; text-align: center;">x</td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="width: 40px; height: 15px;"></td></tr> <tr><td style="padding: 2px;">annual</td><td style="width: 40px; height: 15px;"></td></tr> <tr><td style="padding: 2px;">single event</td><td style="width: 40px; height: 15px;"></td></tr> </table>	daily		monthly		quarterly	x	semiannual		annual		single event		<b>Violation Base Penalty</b>	\$1,000
daily															
monthly															
quarterly	x														
semiannual															
annual															
single event															
	One quarterly event is recommended from the date of the investigation conducted on January 24, 2008 to the date of screening on April 10, 2008.														
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>													
Estimated EB Amount	<input type="text" value="\$329"/>	Violation Final Penalty Total	<input type="text" value="\$1,126"/>												
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$1,126"/>												

### Economic Benefit Worksheet

**Respondent** Jantje Van Gosliga dba Vango Dairy  
**Case ID No.** 35708  
**Reg. Ent. Reference No.** RN103129680  
**Media** Water Quality  
**Violation No.** 5

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	\$5,000	24-Jan-2008	1-Jan-2009	0.9	\$16	\$313	\$329
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 construct an additional RCS. The Date Required was the date of the investigation. The 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

N/A

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$329

<b>Screening Date</b> 10-Apr-2008	<b>Docket No.</b> 2008-0627-AGR-E	<b>PCW</b>
<b>Respondent</b> Jantje Van Gosliga dba Vango Dairy	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35708	<i>PCW Revision February 29, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN103129680		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> J. Craig Fleming		

<b>Violation Number</b>	6	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 321.44(b) and General Permit No. TXG920515, Part III.A.5(c)	
<b>Violation Description</b>	Failed to sample the discharge and have it analyzed for the required parameters. Specifically, the discharges observed on January 23, 2008 from the RCS and January 24, 2008 from the land management unit ("LMU") were not sampled and analyzed.	
<b>Base Penalty</b>	\$10,000	

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

OR	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<b>Actual</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<b>Potential</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Percent</b> <input style="width:50px;" type="text" value="5%"/>

<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input style="width:50px;" type="text" value="0%"/>

<b>Matrix Notes</b>	Human health or the environment will or could be exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.
<b>Adjustment</b>	\$9,500

	<b>Adjustment</b> <input style="width:100px;" type="text" value="\$9,500"/>
	<input style="width:100px;" type="text" value="\$500"/>

**Violation Events**

<b>Number of Violation Events</b>	<input style="width:50px;" type="text" value="2"/>	<b>Number of violation days</b>	<input style="width:50px;" type="text" value="2"/>	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input style="width:100px;" type="text" value="\$1,000"/>	
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		

Two single events (one for each day required samples were not taken) are recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
-------------------------------------------------	-----------------------------

<b>Estimated EB Amount</b>	<input style="width:100px;" type="text" value="\$52"/>	<b>Violation Final Penalty Total</b>	<input style="width:100px;" type="text" value="\$1,126"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input style="width:100px;" type="text" value="\$1,126"/>

## Economic Benefit Worksheet

**Respondent:** Jantje Van Gosliga dba Vango Dairy  
**Case ID No.:** 35708  
**Reg. Ent. Reference No.:** RN103129680  
**Media:** Water Quality  
**Violation No.:** 6

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				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	\$50	23-Jan-2008	1-Dec-2008	0.9	\$2	n/a	\$2
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 establish and begin implementing a procedure to obtain grab samples. The Date Required was the first day of a documented runoff. The Final Date is the expected 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]	\$50	23-Jan-2008	24-Jan-2008	0.0	\$0	\$50	\$50
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated one-time avoided cost to obtain samples and analyze (\$25 for each) for the sampling events. The Date Required was the first day of a documented runoff. The Final Date is the last day of a documented runoff.

Approx. Cost of Compliance

\$100

**TOTAL**

\$52

**Screening Date** 10-Apr-2008 **Docket No.** 2008-0627-AGR-E **PCW**  
**Respondent** Jantje Van Gosliga dba Vango Dairy *Policy Revision 2 (September 2002)*  
**Case ID No.** 35708 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN103129680  
**Media [Statute]** Water Quality  
**Enf. Coordinator** J. Craig Fleming

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of violation days

*mark only one with an x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="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:** Jantje Van Gosliga dba Vango Dairy  
**Case ID No.:** 35708  
**Reg. Ent. Reference No.:** RN103129680  
**Media:** Water Quality  
**Violation No.:** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$100	23-Jan-2008	1-Dec-2008	0.9	\$4	n/a	\$4
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 establish a reporting procedure for the sampling events. The Date Required was the first day of a documented discharge. The 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]	\$5	24-Jan-2008	7-Feb-2008	0.0	\$0	\$5	\$5
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated one-time avoided cost (\$2.50 for each document) to report to the regional office for discharges. The Date Required was 24 hours after the first documented discharge. The Final Date was 14 days after the last documented discharge.

Approx. Cost of Compliance

\$105

**TOTAL**

\$9

<b>Screening Date</b>	10-Apr-2008	<b>Docket No.</b>	2008-0627-AGR-E	<b>PCW</b>
<b>Respondent</b>	Jantje Van Gosliga dba Vango Dairy			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	35708			PCW Revision February 29, 2008
<b>Reg. Ent. Reference No.</b>	RN103129680			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	J. Craig Fleming			

<b>Violation Number</b>	8
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 321.45(b) and 321.46(d), and General Permit No. TXG920515, Parts III.C.2 and IV.A
<b>Violation Description</b>	Failed to maintain complete records on-site, and provide documentation for Dairy Outreach Program Area ("DOPA") training. Specifically, the Pollution Prevention Plan was reviewed, and the records were not up-to-date at the time of the investigation. The last rainfall was recorded on December 15, 2007, the last weekly RCS level was recorded on December 16, 2007, the last wastewater application was recorded on November 14, 2007, and the last DOPA training certificate was dated November 2005; however, the Respondent stated that she had attended the DOPA training each year, as documented during the investigation conducted on January 24, 2008.
<b>Base Penalty</b>	\$10,000

>> Environmental, Property and Human Health Matrix

OR	<b>Harm</b>			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential				0%

>> Programmatic Matrix

Matrix Notes	<b>Falsification</b>			Percent
	Major	Moderate	Minor	
		x		
				5%
Most (30 to 70 percent) of the rule requirement was not met.				
<b>Adjustment</b>	\$9,500			

\$500

Violation Events

	1	78	Number of violation days
mark only one with an x	daily		Violation Base Penalty
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended.			
<b>Violation Base Penalty</b>	\$500		

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	\$9
<b>Violation Final Penalty Total</b>	\$563
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$563

### Economic Benefit Worksheet

**Respondent** Jantje Van Gosliga dba Vango Dairy  
**Case ID No.** 35708  
**Reg. Ent. Reference No.** RN103129680  
**Media** Water Quality  
**Violation No.** 8

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				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	\$200	24-Jan-2008	1-Dec-2008	0.9	\$9	n/a	\$9
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 establish and begin implementing the record keeping system. The Date Required was the date of the investigation. The Final Date is the expected 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

N/A

Approx. Cost of Compliance

\$200

TOTAL

\$9

<b>Screening Date</b>	10-Apr-2008	<b>Docket No.</b>	2008-0627-AGR-E	<b>PCW</b>
<b>Respondent</b>	Jantje Van Gosliga dba Vango Dairy			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	35708			PCW Revision February 29, 2008
<b>Reg. Ent. Reference No.</b>	RN103129680			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	J. Craig Fleming			
<b>Violation Number</b>	9			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 321.40 (d) and (e), Tex. Water Code § 26.121(a), and General Permit No. TXG920515, Parts III.A.11(b)(1) and III.A.11(d)(1)			
<b>Violation Description</b>	Failed to prevent a discharge of waste and/or wastewater from the LMU, and failed to minimize ponding of wastewater in the LMU. Specifically, the LMU did not contain storage capacity for the designed rainfall event which resulted in discharges from the LMU into an unnamed tributary to Big Sandy Creek, and ponding of wastewater in the LMU located to the east of the RCS.			
		<b>Base Penalty</b>	\$10,000	

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

OR		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	<b>Actual</b>			x	
	<b>Potential</b>				<b>Percent</b> 10%

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
					<b>Percent</b> 0%
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events   Number of violation days

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

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

One quarterly event is recommended from the date of the investigation conducted on January 24, 2008 to the date of screening on April 10, 2008.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> \$60	<b>Violation Final Penalty Total</b> \$1,126
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,126	

### Economic Benefit Worksheet

**Respondent** Jantje Van Gosliga dba Vango Dairy  
**Case ID No.** 35708  
**Reg. Ent. Reference No.** RN103129680  
**Media** Water Quality  
**Violation No.** 9

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	\$1,000	24-Jan-2008	1-Dec-2008	0.9	\$3	\$57	\$60
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 establish a pumping system to maintain a minimum of two feet between the top of the embankment and the required storage capacity to prevent discharges from the LMU, and to terrace the LMU to prevent ponding. The Date Required was the date of the investigation. The 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

N/A

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$60

# Compliance History

Customer/Respondent/Owner-Operator:	CN602766057	VAN GOSLIGA, JANTJE	Classification: AVERAGE	Rating: 1.50
Regulated Entity:	RN103129680	VANGO DAIRY	Classification: AVERAGE	Site Rating: 1.50
ID Number(s):	WASTEWATER AGRICULTURE	PERMIT	TXG920515	
	WASTEWATER AGRICULTURE NON PERMITTED	ID NUMBER	R05AG0574	
Location:	located on north side of County Road 2408 approximately 2 miles east of the intersection of Farm-to-Market Road 269 and County Road 2408, Hopkins County, Texas		Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	April 07, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	April 07, 2003 to April 07, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>J. Craig Fleming</u>		Phone:	<u>(512) 239-5806</u>

## 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?                                                         | <u>Jantje Van Gosliga</u> |
| 4. If Yes, who was/were the prior owner(s)?                                                  | Jim Van Gosliga           |
| 5. When did the change(s) in ownership occur?                                                | 5-Jan-05                  |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, 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 | 06/18/2003 | (112939) |
| 2 | 01/14/2005 | (346304) |
| 3 | 06/07/2005 | (380248) |
| 4 | 12/30/2005 | (450311) |
| 5 | 02/26/2007 | (541029) |
| 6 | 06/19/2007 | (564186) |
| 7 | 08/02/2007 | (570405) |
| 8 | 02/04/2008 | (616342) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |                                                                                                                                                     |          |                          |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------|
| Date:        | 06/18/2003                                                                                                                                          | (112939) |                          |
| Self Report? | NO                                                                                                                                                  |          | Classification: Minor    |
| Citation:    | 30 TAC Chapter 321, SubChapter B 321.39(f)(28)(B)                                                                                                   |          |                          |
| Description: | Failure to take soil samples within the same 45-day time-frame each year.                                                                           |          |                          |
| Self Report? | NO                                                                                                                                                  |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 321, SubChapter B 321.39(f)(17)                                                                                                      |          |                          |
| Description: | Failure to have the liner certified by a NRCS engineer, licensed professional enginee, or qualified groundwater scientist verifying no hydrological |          |                          |

Date: 06/13/2005 (380248)

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 321, SubChapter B 321.47

Description: Operators of Animal Feeding Operations (AFO) not defined or designated as Concentrated Animal Feeding Operations (CAFOs) must maintain records on

for a minimum of five years from the date the date the record was created.

Date 03/06/2007 (541029)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 321, SubChapter B 321.39(b)

Description: Failure of the CAFO using an RCS to ensure that the required capacity in the RCS is available to contain rainfall and rainfall runoff from the required rainfall event.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
JANTJE VAN GOSLIGA DBA VANGO  
DAIRY  
RN103129680

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-0627-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 Jantje Van Gosliga dba Vango Dairy ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. 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 a dairy located on the north side of County Road 2408 approximately two miles east of the intersection of Farm-to-Market Road 269 and County Road 2408, Hopkins County, Texas (the "Facility").
2. The Respondent has 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 the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 12, 2008.
5. 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.



6. An administrative penalty in the amount of Nine Thousand Five Hundred Seventy-Five Dollars (\$9,575) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Ten Dollars (\$310) of the administrative penalty and One Thousand Nine Hundred Fifteen Dollars (\$1,915) is deferred contingent upon the Respondent's timely and satisfactory compliance with all 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.

The remaining amount of Seven Thousand Three Hundred Fifty Dollars (\$7,350) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Ten Dollars (\$210) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

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 the Respondent 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to maintain a minimum of two feet of storage capacity above the storm water storage capacity for the retention control structure ("RCS"), failed to prevent a discharge of waste and/or wastewater from the RCS, in violation of 30 TEX. ADMIN. CODE §§ 321.31(a), 321.38(g)(2), and 321.39(b) and (b)(1), TEX. WATER CODE § 26.121(a), and General Permit No. TXG920515, Part III.A.9(a)(1) and A.6(f)(6), as documented during an investigation conducted on January 23 and



- 24, 2008. Specifically, the RCS did not maintain the minimum of two feet of storage capacity above the storm water storage capacity, and did not contain storage capacity for the designed rainfall event which resulted in discharges from the RCS.
2. Failed to properly dispose of animal carcasses by collecting within 24 hours of death and properly disposing of within three days of death, in violation of 30 TEX. ADMIN. CODE § 321.36(l), as documented during an investigation conducted on January 24, 2008. Specifically, dead animals were observed on top of and around the compost pile.
  3. Failed to properly maintain the rain gauge, in violation of 30 TEX. ADMIN. CODE § 321.39(b)(4) and General Permit No. TXG920515, Part III.A.9(a)(5), as documented during an investigation conducted on January 24, 2008. Specifically, the rain gauge was laying on the ground under the milk parlor roof incapable of measuring rainwater.
  4. Failed to design, construct, operate, and maintain the RCS to contain all wastewater from the production area, including the runoff and direct precipitation from the 25-year, 24-hour rainfall event, in violation of 30 TEX. ADMIN. CODE §§ 321.37(d) and 321.39(f), and General Permit No. TXG920515, Part III.B(4), as documented during an investigation conducted on January 24, 2008. Specifically, the runoffs from the compost area, open lot, and feed lane did not drain to the RCS.
  5. Failed to construct waste control facilities according to design specifications, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and General Permit No. TXG920515, Part III.A.6(d), as documented during an investigation conducted on January 24, 2008. Specifically, the General Permit states that the required capacity for RCS Nos. 1 and 2, acting in series, will be 4.64 acre-feet. The certified capacity of RCS No. 1 is 2.54 acre-feet, and RCS No. 2 has not been constructed. The site description section of the Recharge Feature Certification states that RCS No. 2 will be constructed when the herd milking number reaches 300 head; however, the milking herd is currently at 470 head.
  6. Failed to sample the discharge and have it analyzed for the required parameters, in violation of 30 TEX. ADMIN. CODE § 321.44(b) and General Permit No. TXG920515, Part III.A.5(c), as documented during an investigation conducted on January 23 and 24, 2008. Specifically, the discharges observed on January 23, 2008 from the RCS and January 24, 2008 from the LMU were not sampled and analyzed.
  7. Failed to notify the TCEQ orally within 24 hours and in writing within 14 working days of the discharge, in violation of 30 TEX. ADMIN. CODE § 321.44(a) and General Permit No. TXG920515, Part IV.B.5, as documented during an investigation conducted on January 23 and 24, 2008. Specifically, the Tyler regional office of the TCEQ was not notified of the discharges that were observed on January 23 and 24, 2008.
  8. Failed to maintain complete records on-site, and provide documentation for Dairy Outreach Program Area ("DOPA") training, in violation of 30 TEX. ADMIN. CODE §§ 321.45(b) and 321.46(d) and General Permit No. TXG920515, Parts III.C.2. and IV.A, as documented during an investigation conducted on January 24, 2008. Specifically, the Pollution Prevention Plan was reviewed, and the records were not up-to-date at the time of the investigation. The last rainfall was recorded on December 15, 2007, the last weekly RCS level was recorded on December 16, 2007, the last wastewater application was recorded on November 14, 2007, and the last DOPA



training certificate was dated November 2005; however, the Respondent stated that she had attended the DOPA training each year.

9. Failed to prevent a discharge of waste and/or wastewater from the land management unit ("LMU"), and failed to minimize ponding of wastewater in the LMU, in violation of 30 TEX. ADMIN. CODE § 321.40(d) and (e), TEX. WATER CODE § 26.121(a), and General Permit No. TXG920515, Parts III.A.11(b)(1) and III.A(d)(1). Specifically, the LMU did not contain storage capacity for the designed rainfall event which resulted in discharges from the LMU into an unnamed tributary to Big Sandy Creek, and ponding of wastewater in the LMU located to the east of the RCS.

### 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 6 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: Jantje Van Gosliga dba Vango Dairy, Docket No. 2008-0627-AGR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Agreed Order:
    - i. Cover existing dead carcasses onsite properly in the composting pile, in accordance with 30 TEX. ADMIN. CODE ch. 321;
    - ii. Properly install a rain gauge capable of measuring the required rainfall event; and
    - iii. Contour the land surface to prevent the ponding of wastewater in the LMU.
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Begin ensuring that the RCS maintains a minimum of two vertical feet between the top of the embankment and the required storage capacity of the RCS, in accordance with 30 TEX. ADMIN. CODE § 321.38;



- ii. Terrace or contour the land surface to ensure all wastewater from the compost area, open lot, and feed lane to drain to the RCS;
  - iii. Establish and begin implementing control measures whereby unauthorized discharges of wastewater from the CAFO operations are prevented from the RCS and LMU, in accordance with 30 TEX. ADMIN. CODE §§ 321.31(a) and 321.40(d) and (e);
  - iv. Establish and begin implementing a procedure whereby the required grab samples are collected within 30 minutes of the occurrence of a discharge, analyzed, and the results reported to the regional office, in accordance with the General Permit No. TXG920515; and
  - v. Establish and begin implementing a system whereby the records required for the dairy operations are kept current and maintained onsite.
- c. Within 90 days after the effective date of this Agreed Order, construct RCS No. 2 to the required capacity as required by the Recharge Feature Certification completed on January 30, 2005.
- d. Within 105 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 Nos. 2.a. through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The certification shall 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  
Tyler Regional Office  
Texas Commission on Environmental Quality

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by appropriate documentation and receipts.

3. Regular audits should be conducted to verify the accuracy of the records and to identify any discrepancies.

4. The second part of the document outlines the procedures for handling disputes and resolving conflicts.

5. It is important to establish clear communication channels and to resolve issues promptly and fairly.

6. The third part of the document provides a detailed overview of the company's financial performance and projections.

7. This section includes a comprehensive analysis of the company's revenue, expenses, and profit margins.

8. The fourth part of the document discusses the company's strategic goals and future plans.

9. It outlines the key initiatives and projects that will be undertaken to achieve these goals.

10. The fifth part of the document provides a summary of the key findings and recommendations.

11. It concludes with a statement of confidence in the company's ability to succeed in the future.

12. The final part of the document includes a list of appendices and references.

13. These appendices provide additional information and data to support the main text.

14. The document is intended to provide a clear and concise overview of the company's operations and financial performance.

15. It is hoped that this document will be helpful and informative to all stakeholders.

2916 Teague Drive  
Tyler, Texas 75701-3756

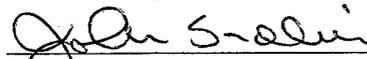
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any 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

11/14/2008  
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.

  
\_\_\_\_\_  
Signature

7-16-08  
Date

Mantje van Gosliga.  
Name (Printed or typed)  
Authorized Representative of  
Jantje Van Gosliga dba Vango 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.

