

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-0775-WQ-E TCEQ ID: RN100756931 CASE NO.: 33535
RESPONDENT NAME: W W CATTLE FEEDS, INC.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 6391 Old Agnes Road, Poolville, Parker County

TYPE OF OPERATION: Livestock feed processing facility

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 9, 2009. No comments were received.

CONTACTS AND MAILING LIST:

- TCEQ Attorney:** Ms. Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
- TCEQ Enforcement Coordinator:** Mr. Clinton Sims, Waste Enforcement Section, MC 128, (512) 239-6933
- TCEQ Regional Contact:** Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901
- Respondent:** Mr. Dwayne Woody, President, W W Cattle Feeds, Inc., 6391 Old Agnes Road, Poolville, Texas 76487
- Respondent's Attorney:** Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 27, 2007</p> <p>Date of NOE Relating to this Case: April 11, 2007</p> <p>Background Facts: The EDPRP was filed on February 28, 2008 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on March 1, 2008, as evidenced by the signature on the card. The Respondent has failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: Respondent is not in compliance.</p> <p>WQ: Failed to obtain authorization to discharge stormwater associated with an industrial activity to water in the state through an individual permit or multi-sector general permit [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CFR § 122.26(c)].</p>	<p>Total Assessed: \$3,640</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$3,640</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Technical Requirements:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days, develop and implement a Storm Water Pollution Prevention Plan, in accordance with the requirements for a multi-sector general permit (TPDES General Permit No. TXR050000); 2. Within 45 days, submit a Notice of Intent and \$100 application fee to TCEQ; and 3. Within 60 days, submit written certification including supporting documentation necessary to demonstrate compliance with Ordering Provisions above.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

DATES	Assigned	23-Apr-2007	PCW	Screening	16-May-2007	EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	W W Cattle Feeds, Inc.		
Reg. Ent. Ref. No.	RN100756931		
Facility/Site Region	4 - Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	33535	No. of Violations	1
Docket No.	2007-0775-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Cynthia McKaughan
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

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

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

Compliance History	82% Enhancement	Subtotal 2, 3, & 4	\$1,640
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Notes: The Respondent received one NOV for the same or similar violation, one NOV for a dissimilar violation and two Orders. The Respondent is a Repeat Violator and a Poor Performer.

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

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Other Factors	0% Enhancement	Subtotal 6	\$0
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Total EB Amounts	\$294	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,640
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OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%)

Notes

Final Penalty Amount	\$3,640
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$3,640
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DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral not offered for non-expedited settlement

PAYABLE PENALTY	\$3,640
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Screening Date 16-May-2007

Docket No. 2007-0775-WQ-E



Respondent W W Cattle Feeds, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33535

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100756931

Media [Statute] Water Quality

Enf. Coordinator Cynthia McKaughan

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 47%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 25%

>> Compliance History Reason Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

The Respondent received one NOV for the same or similar violation, one NOV for a dissimilar violation and two Orders. The Respondent is a Repeat Violator and a Poor Performer.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 82%

Screening Date 16-May-2007

Docket No. 2007-0775-WQ-E

PCW

Respondent W W Cattle Feeds, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33535

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN100756931

Media [Statute] Water Quality

Enf. Coordinator Cynthia McKaughan

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(c)

Violation Description Failed to obtain authorization to discharge stormwater associated with an industrial activity to water in the state through an individual permit or the Multi-Sector General Permit, as documented during an investigation conducted on March 27, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

50 Number of violation days

mark only one with an x

daily	
monthly	X
quarter	
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two monthly events are recommended from the March 27, 2007 investigation date to the May 16, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$294

Violation Final Penalty Total \$3,640

This violation Final Assessed Penalty (adjusted for limits) \$3,640

Economic Benefit Worksheet

Respondent W W Cattle Feeds, Inc.
 Case ID No. 33535
 Reg. Ent. Reference No. RN100756931
 Media Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item/Description	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	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs	\$2,000	20-Jan-2005	30-Dec-2007	2.9	\$294	\$0	\$294
Other (as needed)				0.0	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost to obtain a stormwater permit and to develop and implement a stormwater pollution prevention plan. Date required is the date when a permit first should have been obtained. Final date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$294

Compliance History

Customer/Respondent/Owner-Operator:	CN600443535 W W Cattle Feeds, Inc.	Classification: POOR	Rating: 178.25									
Regulated Entity:	RN100756931 W W CATTLE FEEDS	Classification: POOR	Site Rating: 178.25									
ID Number(s):	<table border="0" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">AIR NEW SOURCE PERMITS</td> <td style="width: 25%;">ACCOUNT NUMBER</td> <td style="width: 25%;">PC0310L</td> </tr> <tr> <td>MUNICIPAL SOLID WASTE PROCESSING</td> <td>REGISTRATION</td> <td>47026</td> </tr> <tr> <td>INDUSTRIAL AND HAZARDOUS WASTE GENERATION</td> <td>EPA ID</td> <td>TXR000057224</td> </tr> </table>			AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	PC0310L	MUNICIPAL SOLID WASTE PROCESSING	REGISTRATION	47026	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000057224
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	PC0310L										
MUNICIPAL SOLID WASTE PROCESSING	REGISTRATION	47026										
INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000057224										
Location:	6391 OLD AGNES RD, POOLVILLE, TX, 76487 Rating Date: 9/1/2006 Repeat Violator: YES											
TCEQ Region:	REGION 04 - DFW METROPLEX											
Date Compliance History Prepared:	February 03, 2009											
Agency Decision Requiring Compliance History:	Enforcement											
Compliance Period:	May 11, 2002 to May 11, 2007											
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History												
Name:	Clinton Sims	Phone:	512-239-6933									

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.
- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Effective Date: 10/25/2004 | ADMINORDER 2004-0336-MSW-E |
| Classification: Major | |
| Citation: 30 TAC Chapter 330, SubChapter A 330.5 | |
| Description: Failed to prevent an unauthorized discharge, specifically, run-off water from waste stockpiles outside the contained area and the area around the cattle troughs into the Clear Fork of the Trinity River, Segment 0833. | |
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- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Effective Date: 08/20/2005 | ADMINORDER 2004-1848-MLM-E |
| Classification: Major | |
| Citation: 30 TAC Chapter 335, SubChapter A 335.4(2) | |
| Description: Failure to prevent the disposal of industrial solid waste in such a manner as to cause the creation and maintenance of a nuisance. | |
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- | | |
|-----------------------------------------------------------------------------------------------------------------------|--|
| Classification: Moderate | |
| Citation: 30 TAC Chapter 332, SubChapter A 332.4(2) | |
| Description: Failure to compost material in a sanitary manner that shall prevent the creation of nuisance conditions. | |
- 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 | 11/17/2003 | (249462) |
| 2 | 02/04/2004 | (253295) |
| 3 | 06/22/2004 | (277072) |
| 4 | 03/30/2005 | (372834) |
| 5 | 03/23/2007 | (554158) |
| 6 | 04/16/2007 | (555787) |

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

Date	03/30/2005	(372834)		
Self Report?	NO		Classificatio	Major
Citation:	30 TAC Chapter 281, SubChapter A 281.25(a)(4) 40 CFR Chapter 122, SubChapter D, PT 122, SubPT B 122.26(c)			
Description:	Failed to obtain authorization to discharge stormwater associated with an industrial activity to water in the state through an individual permit or the multi-sector general permit.			
Date	08/15/2005	(373061)		
Self Report?	NO		Classificatio	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)			
Description:	Failure to prevent unauthorized discharges.			

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
W W CATTLE FEEDS, INC.,
RN100756931

§
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§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2007-0775-WQ-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26, 40 CODE OF FEDERAL REGULATIONS PT. 122, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is W W Cattle Feeds, Inc. ("W W Cattle").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. W W Cattle owns and operates a livestock feed processing facility located at 6391 Old Agnes Road, in Poolville, Parker County, Texas (the "Facility").
2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any state water under the Texas Water Code.
3. During an inspection on March 27, 2007, a TCEQ Dallas/Fort Worth Regional Office investigator documented that W W Cattle failed to obtain authorization to discharge stormwater associated with an industrial activity to water in the state through an individual permit or Multi-Sector General Permit.
4. W W Cattle received notice of the violation on or about April 16, 2007.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of W W Cattle Feeds, Inc." (the "EDPRP") in the TCEQ Chief Clerk's office on February 28, 2008.

6. By letter dated February 28, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served W W Cattle with notice of the EDPRP. According to the return receipt "green card", W W Cattle received notice of the EDPRP on March 1, 2008, as evidenced by the signature on the card.
7. More than 20 days have elapsed since W W Cattle received notice of the EDPRP, provided by the Executive Director. W W Cattle failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, W W Cattle is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, 40 CODE OF FEDERAL REGULATIONS PT. 122, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3., W W Cattle failed to obtain authorization to discharge stormwater associated with an industrial activity to water in the state through an individual permit or multi-sector general permit, in violation of 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 CODE OF FEDERAL REGULATIONS § 122.26(c).
3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served W W Cattle with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 7, W W Cattle has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against W W Cattle and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against W W Cattle for violations of the Texas Water Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of three thousand six hundred forty dollars (\$3,640.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. W W Cattle is assessed an administrative penalty in the amount of three thousand six hundred forty dollars (\$3,640.00) for violations of TEX. WATER chs.7 and 26, 40 CODE OF FEDERAL REGULATIONS PT. 122, and rules of the TCEQ. The payment of this administrative penalty and W W Cattle's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: W W Cattle Feeds, Inc; Docket No. 2007-0775-WQ-E" to:

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

2. W W Cattle shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, W W Cattle shall develop and implement a Storm Water Pollution Prevention Plan, in accordance with the requirements for a Multi-Sector General Permit (TPDES General Permit No. TXR050000).
 - b. Within 45 days after the effective date of this Order, W W Cattle shall submit a complete Notice of Intent and \$100 application fee to:

Texas Commission on Environmental Quality
Storm Water & General Permits Team, MC-228
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 60 days after the effective date of this Order, W W Cattle shall submit written certification as described in Ordering Provision No. 2.d. to demonstrate compliance with Ordering Provisions Nos. 2.a and b.
- d. The certification required by Ordering Provision No. 2.c. shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, 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

and

Sid Slocum, Water Section, Manager
Texas Commission on Environmental Quality
Dallas/ Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon W W Cattle. W W Cattle is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If W W Cattle fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or

other catastrophe, W W Cattle's failure to comply is not a violation of this Order. W W Cattle shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. W W Cattle shall notify the Executive Director within seven days after W W Cattle becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by W W Cattle shall be made in writing to the Executive Director. Extensions are not effective until W W Cattle receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to W W Cattle if the Executive Director determines that W W Cattle has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

