

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1597-AGR-E **TCEQ ID:** RN101608230 **CASE NO.:** 36634

**RESPONDENT NAME:** David Lloyd dba Prairieview 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> Prairie View Dairy, located on the east side of the intersection of County Road 10232 and Farm-to-Market Road 4, approximately 4 miles southeast of the City of Godley, Johnson County</p> <p><b>TYPE OF OPERATION:</b> Concentrated animal feeding operation</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 9, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Lauren Smitherman, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5223; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. David Lloyd, Owner, Prairieview Dairy, 10323 West Farm-to-Market Road 4, Godley, Texas 76044  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 26, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 12, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to ensure that the required capacity in the retention control structure ("RCS") is available to contain rainfall and rainfall runoff from the required rainfall event [30 TEX. ADMIN. CODE § 321.39(b) and Texas Pollutant Discharge Elimination System ("TPDES") Concentrated Animal Feeding Operation ("CAFO") General Permit No. TXG920503, Part III.A.9(a)(1)].</p> <p>2) Failure to provide written notification to the TCEQ ten days before a RCS cleaning is scheduled and written verification within five days after the cleaning has been completed [30 TEX. ADMIN. CODE § 321.39(c)(2) and TPDES CAFO General Permit No. TXG920503, Part IV.B.3].</p> <p>3) Failure to have a licensed Texas professional engineer re-certify a modified RCS prior to use [30 TEX. ADMIN. CODE § 321.38(e)(2) and TPDES CAFO General Permit No. TXG920503, Part III.A.6(a)(1)].</p>	<p><b>Total Assessed:</b> \$6,420</p> <p><b>Total Deferred:</b> \$1,284  <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> \$236 (remaining \$4,900 due in 35 monthly payments of \$140 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 30 days after the effective date of this Agreed Order, update the Pollution Prevention Plan to include procedures that require written notification to be submitted to the TCEQ ten days before a RCS cleaning is scheduled and written verification within five days after the cleaning has been completed.</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a.</p> <p>c) Within 60 days after the effective date of this Agreed Order, obtain certification of the modified liner in RCS No. 3 from a licensed Texas professional engineer.</p> <p>d) Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision c.</p> <p>e) Within 365 days after the effective date of this Agreed Order, complete the removal of the solids from RCS No. 2 to restore the required capacity to contain rainfall and rainfall runoff from the required rainfall event.</p> <p>f) Within 380 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision e.</p> <p>g) Within 395 days after the effective date of this Agreed Order, obtain certification of the RCS No. 2 liner from a licensed Texas professional engineer.</p> <p>h) Within 410 days after the effective date of this Agreed Order, submit written certification of compliance Ordering Provision g.</p>

Additional ID No(s): TXG920503



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	22-Sep-2008	Screening	2-Oct-2008	EPA Due	
	PCW	2-Oct-2008				

## RESPONDENT/FACILITY INFORMATION

Respondent	David Lloyd dba Prairieview Dairy		
Reg. Ent. Ref. No.	RN101608230		
Facility/Site Region	4-Stephenville	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	36634	No. of Violations	3
Docket No.	2008-1597-AGR-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Lauren Smitherman
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts    
 Approx. Cost of Compliance    
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes 

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes 

**PAYABLE PENALTY**

Screening Date 2-Oct-2008

Docket No. 2008-1597-AGR-E

PCW

Respondent David Lloyd dba Prairieview Dairy

Policy Revision 2 (September 2002)

Case ID No. 36634

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101608230

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

**Compliance History Worksheet**

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	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) 7%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement due to one NOV with same or similar violations and one NOV with unrelated violations.

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

<b>Screening Date</b> 2-Oct-2008	<b>Docket No.</b> 2008-1597-AGR-E	<b>PCW</b>																		
<b>Respondent</b> David Lloyd dba Prairieview Dairy	<i>Policy Revision 2 (September 2002)</i>																			
<b>Case ID No.</b> 36634	<i>PCW Revision June 12, 2008</i>																			
<b>Reg. Ent. Reference No.</b> RN101608230																				
<b>Media [Statute]</b> Water Quality																				
<b>Enf. Coordinator</b> Lauren Smitherman																				
<b>Violation Number</b> <input type="text" value="1"/>																				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 321.39(b) and Texas Pollutant Discharge Elimination System ("TPDES") Concentrated Animal Feeding Operation ("CAFO") General Permit No. TXG920503, Part III.A.9(a)(1)																			
<b>Violation Description</b>	Failed to ensure that the required capacity in the retention control structure ("RCS") is available to contain rainfall and rainfall runoff from the required rainfall event. Specifically, the investigator observed that RCS No. 2 was estimated to be 95% full of solids during the July 7, 2006 investigation. The Respondent had not finished cleaning out RCS No. 2, as documented during the June 26, 2008 investigation.																			
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>																		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td><b>Release</b></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="text-align: right;"><b>Percent</b> <input type="text" value="10%"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> </tr> </table>		Harm				<b>Release</b>	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>	Potential	<input type="text"/>	x	<input type="text"/>
	Harm																			
<b>Release</b>	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>																
Potential	<input type="text"/>	x	<input type="text"/>																	
<b>&gt;&gt; Programmatic Matrix</b>																				
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: right;"><b>Percent</b> <input type="text" value="0%"/></td> </tr> </table>		Falsification	Major	Moderate	Minor			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>							
	Falsification	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>	Failure to maintain sufficient capacity in an RCS could result in human health or the environment being exposed to significant amounts of pollutants which would not exceed levels protective of human health or environmental receptors.																			
<b>Adjustment</b>		<input type="text" value="\$9,000"/>																		
		<input type="text" value="\$1,000"/>																		
<b>Violation Events</b>																				
	<b>Number of Violation Events</b> <input type="text" value="2"/>	<input type="text" value="98"/> <b>Number of violation days</b>																		
<i>mark only one with an x</i>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,000"/>						
daily	<input type="text"/>																			
monthly	<input type="text"/>																			
quarterly	x																			
semiannual	<input type="text"/>																			
annual	<input type="text"/>																			
single event	<input type="text"/>																			
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">                 Two quarterly events are recommended based on the investigation date (June 26, 2008) to the date of screening (October 2, 2008).             </div>																				
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/> <b>Reduction</b> <input type="text" value="\$0"/>																		
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Before NOV</th> <th>NOV to EDPRP/Settlement Offer</th> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	x	(mark with x)							
	Before NOV	NOV to EDPRP/Settlement Offer																		
Extraordinary	<input type="text"/>	<input type="text"/>																		
Ordinary	<input type="text"/>	<input type="text"/>																		
N/A	x	(mark with x)																		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																			
<b>Violation Subtotal</b>		<input type="text" value="\$2,000"/>																		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																		
<b>Estimated EB Amount</b>	<input type="text" value="\$14,096"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$2,140"/>																		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$2,140"/>																		

### Economic Benefit Worksheet

**Respondent** David Lloyd dba Prairieview Dairy  
**Case ID No.** 36634  
**Reg. Ent. Reference No.** RN101608230  
**Media** Water Quality  
**Violation No.** 1

<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**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$100,000	7-Jul-2006	1-May-2009	2.82	\$14,096	n/a	\$14,096
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of the solids from RCS No. 2. Date required is the date the violation was first documented. 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100,000

TOTAL

\$14,096

<b>Screening Date</b> 2-Oct-2008	<b>Docket No.</b> 2008-1597-AGR-E	<b>PCW</b>		
<b>Respondent</b> David Lloyd dba Prairieview Dairy	<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 36634	<small>PCW Revision June 12, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN101608230				
<b>Media [Statute]</b> Water Quality				
<b>Enf. Coordinator</b> Lauren Smitherman				
<b>Violation Number</b> <input type="text" value="2"/>				
<b>Rule Cite(s)</b> 30 Tex. Admin. Code § 321.39(c)(2) and TPDES CAFO General Permit No. TXG920503, Part IV.B.3				
<b>Violation Description</b>	Failed to provide written notification to the TCEQ ten days before a RCS cleaning is scheduled and written verification within five days after the cleaning has been completed. Specifically, during an investigation on June 26, 2008, the investigator observed that RCS No. 3 was cleaned out, but notification had not been submitted prior to or after the cleaning.			
<b>Base Penalty</b>	<input type="text" value="\$10,000"/>			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
			<b>Percent</b> <input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
			<b>Falsification</b>	
			Major	
			Moderate	
			Minor	
			<input type="text" value="x"/>	
			<b>Percent</b> <input type="text" value="10%"/>	
<b>Matrix Notes</b>	<input type="text" value="100% of the permit requirement was not met."/>			
<b>Adjustment</b>			<input type="text" value="\$9,000"/>	
			<input type="text" value="\$1,000"/>	
<b>Violation Events</b>				
<b>Number of Violation Events</b> <input type="text" value="2"/>		<b>Number of violation days</b> <input type="text" value="98"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,000"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
<input type="text" value="Two single events are recommended."/>				
<b>Good Faith Efforts to Comply</b>				
		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>	
		Before NOV    NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input type="text" value="x"/>	(mark with x)		
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
<b>Violation Subtotal</b>			<input type="text" value="\$2,000"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b> <input type="text" value="\$5"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$2,140"/>			
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$2,140"/>	

## Economic Benefit Worksheet

**Respondent** David Lloyd dba Prairieview Dairy  
**Case ID No.** 36634  
**Reg. Ent. Reference No.** RN101608230  
**Media** Water Quality  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

Item Description No commas or \$

**Delayed Costs**

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	26-Jun-2008	1-Apr-2009	0.76	\$0	\$5	\$5
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs  
 Estimated cost to update the Pollution Prevention Plan to include procedures that require written notification to be submitted ten days before a RCS cleaning is scheduled and five days after the cleaning has been completed. Date Required is the investigation date. 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 Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$5

<b>Screening Date</b> 2-Oct-2008	<b>Docket No.</b> 2008-1597-AGR-E	<b>PCW</b>		
<b>Respondent</b> David Lloyd dba Prairieview Dairy	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 36634	<i>PCW Revision June 12, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN101608230				
<b>Media [Statute]</b> Water Quality				
<b>Enf. Coordinator</b> Lauren Smitherman				
<b>Violation Number</b> 3				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 321.38(e)(2) and TPDES CAFO General Permit No. TXG920503, Part III.A.6(a)(1)			
<b>Violation Description</b>	Failed to have a licensed Texas professional engineer re-certify a modified RCS prior to use. Specifically, the Respondent used a dredge to clean out RCS No. 3, which resulted in an increase of 1.24 acre-feet from the original capacity; however, a new liner certification had not been obtained.			
<b>Base Penalty</b>		\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
		<b>Percent</b>		10%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
		<b>Percent</b>		0%
<b>Matrix Notes</b>	Damage to a RCS liner could lead to groundwater contamination which could result in human health or the environment being exposed to significant amounts of pollutants which would not exceed levels protective of human health or environmental receptors.			
<b>Adjustment</b>				\$9,000
				\$1,000
<b>Violation Events</b>				
Number of Violation Events		2	Number of violation days	
		98		
<i>mark only one with an x</i>	daily			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
		<b>Violation Base Penalty</b>		\$2,000
Two quarterly events recommended based on the investigation date (June 26, 2008) to the date of screening (October 2, 2008).				
<b>Good Faith Efforts to Comply</b>		0.0% Reduction		\$0
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	x	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$2,000
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
Estimated EB Amount		\$63	Violation Final Penalty Total	
				\$2,140
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$2,140

## Economic Benefit Worksheet

**Respondent** David Lloyd dba Prairieview Dairy  
**Case ID No.** 36634  
**Reg. Ent. Reference No.** RN101608230  
**Media** Water Quality  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

Item Description No commas or \$

**Delayed Costs**

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,500	26-Jun-2008	31-Jan-2009	0.60	\$3	\$60	\$63
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to have the liner for RCS No. 3 certified by a licensed Texas professional engineer. Date required is the investigation date. Final date is the expected date of compliance.

**Avoided Costs**

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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$63

# COMPLIANCE HISTORY

Customer/Respondent/Owner-Operator:	CN602776957      DAVID LLOYD	Classification: AVERAGE	Rating: 1.75
Regulated Entity:	RN101608230      PRAIRIEVIEW DAIRY	Classification: AVERAGE	Site Rating: 1.75
ID Number(s):	WASTEWATER AGRICULTURE	PERMIT TXG920503	
Location:	ON THE E SIDE OF THE INTX OF CR 10232 AND FM 4 APPROX 4 MILES SE OF THE CITY OF GODLEY, JOHNSON CO, TX	Rating Date: 9/1/2008	
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	October 02, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 02, 2003 to October 02, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Lauren Smitherman</u>	Phone:	<u>512-239-5223</u>

### Site Compliance History Components

- |  |                    |
|--|--------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | No                 |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | Yes                |
| 3. If Yes, who is the current owner?   | N/A                |
| 4. If Yes, who was/were the prior owner(s)?  | Crider Dairy, Inc. |
| 5. When did the change(s) in ownership occur?  | 1/15/2004          |

### 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 | 07/01/2004 | (262021) |
| 2 | 11/09/2004 | (340083) |
| 3 | 02/09/2005 | (346932) |
| 4 | 08/11/2005 | (403606) |
| 5 | 08/18/2006 | (486622) |
| 6 | 01/03/2007 | (533850) |
| 7 | 08/27/2007 | (573392) |
| 8 | 09/18/2008 | (684464) |

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

Date: 06/18/2004 (262021)

Self      NO      Classification:      Minor

Citation:      30 TAC Chapter 321, SubChapter B 321.39(f)(28)(E)

Description:      Failure to provide soil analysis results which included nutrient application recommendations for the intended crop yields.

Self      NO      Classification:      Minor

Citation:      30 TAC Chapter 321, SubChapter B 321.39(f)(12)

Description:      Failure to maintain markers in the retention control structures (RCS) to indicate the 25-year, 24-hour storm water storage capacity of the RCS.

Self      NO      Classification:      Minor

Citation:      30 TAC Chapter 321, SubChapter B 321.39(f)(19)(i)(ii)

Description:      Failure to maintain a description of the soil types found on the regulated entity property in the PPP.

Date: 08/18/2006 (486622)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)

Rqmt Prov: PERMIT V:D

Description: Failure to properly operate and maintain all facilities and systems of treatment and control installed or used by the permittee to achieve compliance with the permit conditions.

Self Report? NO Classification Major

Citation: 30 TAC Chapter 321, SubChapter B 321.39(c)(1)

Rqmt Prov: PERMIT III.A.9(b)(1)

Description: Failure to remove the sludge from the retention control structures in accordance with the design schedule to prevent the accumulation from exceeding the designed sludge volume.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(12)

Rqmt Prov: PERMIT II.C.8(a)

Description: Failure to submit a notice of change (NOC) letter with supplemental or corrected information when the operator becomes aware of a failure to submit any relevant facts or incorrect information in the notice of intent (NOI) or NOI attachments.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.34(f)(3)

Rqmt Prov: PERMIT III.A.3

Description: Failure to provide a recharge feature certification, sealed by a Texas PE or Licensed Texas geoscientist, which documents the presence or absence of recharge features on all parts of the CAFO.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.46(a)(1)

Rqmt Prov: PERMIT III.A.2(b)

Description: Failure to develop a map of all LMUs that depicts the boundary of each LMU, the acreage, all buffer zones, and the unit name and soil symbol.

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  
DAVID LLOYD DBA PRAIRIEVIEW  
DAIRY  
RN101608230

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-1597-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 David Lloyd dba Prairieview 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 east side of the intersection of County Road 10232 and Farm-to-Market Road 4, approximately four miles southeast of the City of Godley in Johnson 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 September 17, 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 Six Thousand Four Hundred Twenty Dollars (\$6,420) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Thirty-Six Dollars (\$236) of the administrative penalty and One Thousand Two Hundred Eighty-Four Dollars (\$1,284) 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, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Four Thousand Nine Hundred Dollars (\$4,900) of the administrative penalty shall be payable in thirty-five monthly payments of One Hundred Forty Dollars (\$140) 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 ensure that the required capacity in the retention control structure ("RCS") is available to contain rainfall and rainfall runoff from the required rainfall event, in violation of 30 TEX. ADMIN. CODE § 321.39(b) and Texas Pollutant Discharge Elimination System ("TPDES") Concentrated Animal Feeding Operation ("CAFO") General Permit No. TXG920503, Part III.A.9(a)(1), as documented during an investigation conducted on June 26, 2008. Specifically,

Dear Sir,

I am writing to you regarding the matter of the...

I have been thinking about the situation for some time...

I hope you can help me with this problem...

I am sure you will find a way to solve this...

I am looking forward to hearing from you...

Thank you very much for your time and attention...

I am sure you will find a way to solve this...

I am looking forward to hearing from you...

Yours faithfully,

[Signature]

the investigator observed that RCS No. 2 was estimated to be 95% full of solids during the July 7, 2006 investigation and the Respondent had not finished cleaning out RCS No. 2, as documented during the June 26, 2008 investigation.

2. Failed to provide written notification to the TCEQ ten days before a RCS cleaning is scheduled and written verification within five days after the cleaning has been completed, in violation of 30 TEX. ADMIN. CODE § 321.39(c)(2) and TPDES CAFO General Permit No. TXG920503, Part IV.B.3, as documented during an investigation conducted on June 26, 2008. Specifically, during an investigation on June 26, 2008, the investigator observed that RCS No. 3 was cleaned out, but notification had not been submitted prior to or after the cleaning.
3. Failed to have a licensed Texas professional engineer re-certify a modified RCS prior to use, in violation of 30 TEX. ADMIN. CODE § 321.38(e)(2) and TPDES CAFO General Permit No. TXG920503, Part III.A.6(a)(1), as documented during an investigation conducted on June 26, 2008. Specifically, the Respondent used a dredge to clean out RCS No. 3, which resulted in an increase of 1.24 acre-feet from the original capacity; however, a new liner certification had not yet been obtained.

### 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: David Lloyd dba Prairieview Dairy, Docket No. 2008-1597-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 30 days after the effective date of this Agreed Order, update the Pollution Prevention Plan to include procedures that require written notification to be submitted to the TCEQ ten days before a RCS cleaning is scheduled and written verification within five days after the cleaning has been completed;
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, as described in Ordering Provision No. 2.i below;



- c. Within 60 days after the effective date of this Agreed Order, obtain certification of the modified liner in RCS No. 3 from a licensed Texas professional engineer;
- d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c, as described in Ordering Provision No. 2.i below;
- e. Within 365 days after the effective date of this Agreed Order, complete the removal of the solids from RCS No. 2 to restore the required capacity to contain rainfall and rainfall runoff from the required rainfall event;
- f. Within 380 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e, as described in Ordering Provision No. 2.i below;
- g. Within 395 days after the effective date of this Agreed Order, obtain certification of the RCS No. 2 liner from a licensed Texas professional engineer;
- h. Within 410 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.g, as described in Ordering Provision No. 2.i below; and
- i. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a, 2.c, 2.e, and 2.g. 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 fines 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

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include interviews, surveys, and focus groups. Each method has its own strengths and weaknesses, and the choice of method depends on the specific research objectives and the nature of the data being collected.

3. The third part of the document discusses the importance of ensuring the reliability and validity of the data. This involves using standardized procedures and instruments, and carefully monitoring the quality of the data throughout the collection process. It also emphasizes the need for transparency and documentation of all steps taken to ensure the integrity of the research.

4. The fourth part of the document discusses the importance of ensuring the confidentiality and anonymity of the data. This is particularly important when dealing with sensitive information, such as personal or financial data. Researchers should take appropriate measures to protect the data and ensure that it is only used for the purposes for which it was collected.

5. The fifth part of the document discusses the importance of ensuring the ethical treatment of research participants. This involves obtaining informed consent, providing appropriate information about the research, and ensuring that the research is conducted in a fair and equitable manner. Researchers should also be aware of any potential risks to participants and take steps to minimize these risks.

with a copy to:

Water Section, Manager  
Stephenville Regional Office  
Texas Commission on Environmental Quality  
580-D West Lingleville Road  
Stephenville, Texas 76401

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.

### UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: [Illegible Case Name]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*John Bralin*  
For the Executive Director

2/16/2009  
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.

*David Lloyd*  
Signature

1-8-09  
Date

David Lloyd dba Prairieview Dairy  
Name (Printed or typed)  
Authorized Representative of  
David Lloyd dba Prairieview 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.

1994

1997

1998