

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2009-0297-AIR-E    **TCEQ ID:** RN102649399    **CASE NO.:** 37227

**RESPONDENT NAME:** MillerCoors LLC

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input 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 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> Miller Breweries West, 7001 South Freeway, Fort Worth, Tarrant County</p> <p><b>TYPE OF OPERATION:</b> Brewery</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 13, 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> Mr. James Nolan, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-6634; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. James R. Jackson, Brewery Vice President-Fort Worth, MillerCoors LLC, 7001 South Freeway, Fort Worth, Texas 76134  <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 type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" 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>                      December 23, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b>                      February 20, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>AIR</b></p> <p>1) Failure to maintain pH of the biogas hydrogen sulfide scrubber solution at or above 10.6 standard units ("su"). Specifically, the Respondent reported that the scrubber pH was below 10.6 su during the deviation reporting periods of October 10, 2007 through April 9, 2008 and April 10, 2008 through October 9, 2008 [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and New Source Review ("NSR") Permit No. 1498, Special Condition No. 4].</p> <p>2) Failure to comply with permitted emission limits. Specifically, the Respondent exceeded the hourly sulfur dioxide emission rate from January 17 through 18, 2008, due to a frozen caustic supply line [30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and NSR Permit No. 1498, Special Condition No. 1].</p> <p>3) Failure to keep lids on three degreaser units closed when not in use. Specifically, the Respondent reported on the October 10, 2007 through April 9, 2008 deviation report that open lids were found on three occasions (two on November 6, 2007 and one on December 11, 2007) [30 TEX. ADMIN. CODE § 115.412(1)(A) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$7,640</p> <p><b>Total Deferred:</b> \$1,528  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$6,112</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. By December 11, 2007, the three degreaser lids were closed immediately upon discovery, and the appropriate personnel were trained to eliminate future occurrences; and</p> <p>b. By January 18, 2008, the heat tracer on the supply line was replaced and the supply line itself was reinsulated, to address the hourly sulfur dioxide exceedances that occurred from January 17 through 18, 2008, and to prevent the reoccurrence of same or similar events.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, implement improvements to training, design, operation, or maintenance procedures in order to ensure the scrubber solution pH is maintained at or above 10.6 su, and to prevent the reoccurrence of same or similar incidents; and</p> <p>b. Within 75 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 Provision a.</p>

Additional ID No(s): TA0235N



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	23-Feb-2009	<b>Screening</b>	26-Feb-2009	<b>EPA Due</b>	
	<b>PCW</b>	26-Feb-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	MillerCoors LLC
<b>Reg. Ent. Ref. No.</b>	RN102649399
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	37227	<b>No. of Violations</b>	3
<b>Docket No.</b>	2009-0297-AIR-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Air	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Bryan Elliott
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit</b>	Minimum \$0	<b>Maximum</b>	\$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**  **Subtotals 2, 3, & 7**

**Notes**

**Culpability**   **Subtotal 4**

**Notes**

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

**Economic Benefit**  **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 indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

**PAYABLE PENALTY**

**Screening Date** 26-Feb-2009

**Docket No.** 2009-0297-AIR-E

**PCW**

**Respondent** MillerCoors LLC

Policy Revision 2 (September 2002)

**Case ID No.** 37227

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102649399

**Media [Statute]** Air

**Enf. Coordinator** Bryan Elliott

### 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>	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	1	20%
	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)** 27%

>> **Repeat Violator (Subtotal 3)**

No

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

The penalty was enhanced due to one NOV for similar violations, one NOV for dissimilar violations, and one 1660 style order.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 27%

<p><b>Screening Date</b> 26-Feb-2009</p> <p><b>Respondent</b> MillerCoors LLC</p> <p><b>Case ID No.</b> 37227</p> <p><b>Reg. Ent. Reference No.</b> RN102649399</p> <p><b>Media [Statute]</b> Air</p> <p><b>Enf. Coordinator</b> Bryan Elliott</p> <p><b>Violation Number</b> <input type="text" value="1"/></p> <p><b>Rule Cite(s)</b> 30 Tex. Admin. Code § 116.115(c), Tex. Health &amp; Safety Code § 382.085(b), and New Source Review ("NSR") Permit No. 1498, Special Condition No. 4</p> <p><b>Violation Description</b> Failed to maintain pH of the biogas hydrogen sulfide scrubber solution at or above 10.6 standard units ("su"), as documented during a record review conducted on December 23, 2008. Specifically, the Respondent reported that the scrubber pH was below 10.6 su during the deviation reporting periods of October 10, 2007 through April 9, 2008 and April 10, 2008 through October 9, 2008.</p>	<p><b>Docket No.</b> 2009-0297-AIR-E</p> <p><b>PCW</b></p> <p><small>Policy Revision 2 (September 2002)</small></p> <p><small>PCW Revision October 30, 2008</small></p>																		
<p><b>Base Penalty</b> <input type="text" value="\$10,000"/></p>																			
<p><b>&gt;&gt; Environmental, Property and Human Health Matrix</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="3" style="width:10%; text-align: center; vertical-align: middle;">OR</td> <td colspan="3" style="text-align: center;">Harm</td> <td rowspan="3" style="width:10%;"></td> </tr> <tr> <td style="width:15%; text-align: center;">Release</td> <td style="width:15%; text-align: center;">Major</td> <td style="width:15%; text-align: center;">Moderate</td> <td style="width:15%; text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input checked="" type="text" value="x"/></td> <td style="text-align: center;">Percent <input type="text" value="10%"/></td> </tr> </table>		OR	Harm				Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	Percent <input type="text" value="10%"/>
OR	Harm																		
	Release		Major		Moderate		Minor												
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>														
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	Percent <input type="text" value="10%"/>															
<p><b>&gt;&gt; Programmatic Matrix</b></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:15%; text-align: center;">Falsification</td> <td style="width:15%; text-align: center;">Major</td> <td style="width:15%; text-align: center;">Moderate</td> <td style="width:15%; text-align: center;">Minor</td> <td style="width:10%;"></td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;">Percent <input type="text" value="0%"/></td> </tr> </table> <p><b>Matrix Notes</b> Human health or the environment could have been exposed to insignificant amounts of pollutants which would not exceed levels protective of human health or environmental receptors as a result of the violation.</p> <p style="text-align: right;"><b>Adjustment</b> <input type="text" value="\$9,000"/></p>			Falsification	Major	Moderate	Minor			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>						
	Falsification	Major	Moderate	Minor															
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>														
<p><input type="text" value="\$1,000"/></p>																			
<p><b>Violation Events</b></p> <p>Number of Violation Events <input type="text" value="2"/>      <input type="text" value="365"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="7" style="width:10%; text-align: center; vertical-align: middle;"><small>mark only one with an x</small></td> <td style="width:15%; text-align: center;">daily</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;"><input checked="" type="text" value="x"/></td> </tr> </table> <p style="text-align: right;"><b>Violation Base Penalty</b> <input type="text" value="\$2,000"/></p> <p style="text-align: center; border: 1px solid black; padding: 5px;">Two single events are recommended based on the two reporting periods.</p>		<small>mark only one with an x</small>	daily	<input type="text"/>	weekly	<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"/>			
<small>mark only one with an x</small>	daily		<input type="text"/>																
	weekly		<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"/>																	
<p><b>Good Faith Efforts to Comply</b> <input type="text" value="0.0%"/> Reduction <input type="text" value="\$0"/></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:10%;"></td> <td style="width:15%; text-align: center;">Before NOV</td> <td style="width:15%; text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;"><input checked="" type="text" value="x"/></td> <td style="text-align: center;"><input type="text" value="(mark with x)"/></td> </tr> </table> <p><b>Notes</b> The Respondent does not meet the good faith criteria for this violation.</p> <p style="text-align: right;"><b>Violation Subtotal</b> <input type="text" value="\$2,000"/></p>			Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	<input checked="" type="text" value="x"/>	<input type="text" value="(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	<input checked="" type="text" value="x"/>	<input type="text" value="(mark with x)"/>																	
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;"><b>Economic Benefit (EB) for this violation</b></td> <td style="width:50%;"><b>Statutory Limit Test</b></td> </tr> <tr> <td>Estimated EB Amount <input type="text" value="\$199"/></td> <td>Violation Final Penalty Total <input type="text" value="\$2,540"/></td> </tr> <tr> <td colspan="2" style="text-align: center;">This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,540"/></td> </tr> </table>		<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>	Estimated EB Amount <input type="text" value="\$199"/>	Violation Final Penalty Total <input type="text" value="\$2,540"/>	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,540"/>													
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>																		
Estimated EB Amount <input type="text" value="\$199"/>	Violation Final Penalty Total <input type="text" value="\$2,540"/>																		
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,540"/>																			

## Economic Benefit Worksheet

**Respondent** MillerCoors LLC  
**Case ID No.** 37227  
**Reg. Ent. Reference No.** RN102649399  
**Media** Air  
**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**

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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,000	10-Oct-2007	5-Oct-2009	1.99	\$199	n/a	\$199

Notes for DELAYED costs

Estimated cost for additional oversight and management practices designed to ensure the pH of the biogas scrubber is maintained at or above 10.6 su. Date Required is based on the earliest date of the emissions exceedance and Final Date is the prospective date of compliance.

**Avoided Costs**

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

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 \$2,000

TOTAL \$199

<b>Screening Date</b> 26-Feb-2009	<b>Docket No.</b> 2009-0297-AIR-E	<b>PCW</b>														
<b>Respondent</b> MillerCoors LLC		<small>Policy Revision 2 (September 2002)</small>														
<b>Case ID No.</b> 37227		<small>PCW Revision October 30, 2008</small>														
<b>Reg. Ent. Reference No.</b> RN102649399																
<b>Media [Statute]</b> Air																
<b>Enf. Coordinator</b> Bryan Elliott																
<b>Violation Number</b> <input type="text" value="2"/>																
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 116.115(c), Tex. Health & Safety Code § 382.085(b), and NSR Permit No. 1498, Special Condition No. 1															
<b>Violation Description</b>	Failed to comply with permitted emission limits, as documented during a record review conducted on December 23, 2008. Specifically, the Respondent exceeded the hourly sulfur dioxide emission rate from January 17 through 18, 2008, due to a frozen caustic supply line.															
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>														
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																
	<b>Harm</b>															
	Release    Major    Moderate    Minor															
<b>OR</b>	Actual	<input type="text" value="x"/>														
	Potential	<input type="text"/>														
	<b>Percent</b>	<input type="text" value="25%"/>														
<b>&gt;&gt; Programmatic Matrix</b>																
	Falsification    Major    Moderate    Minor															
	<input type="text"/>	<input type="text"/>														
	<b>Percent</b>	<input type="text" value="0%"/>														
<b>Matrix Notes</b>	Human health or the environment was been exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation.															
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>														
		<input type="text" value="\$2,500"/>														
<b>Violation Events</b>																
	<b>Number of Violation Events</b> <input type="text" value="1"/>	<input type="text" value="2"/> <b>Number of violation days</b>														
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>weekly</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input checked="" type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input checked="" type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>
daily	<input type="text"/>															
weekly	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	<input checked="" type="text"/>															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															
	<input type="text" value="One quarterly event is recommended based on the violation dates."/>															
<b>Good Faith Efforts to Comply</b>																
	<input type="text" value="25.0%"/> <b>Reduction</b>	<input type="text" value="\$625"/>														
	Before NOV    NOV to EDPRP/Settlement Offer															
Extraordinary	<input type="text"/>															
Ordinary	<input checked="" type="text"/>															
N/A	<input type="text"/>	(mark with x)														
<b>Notes</b>	<input type="text" value="The Respondent came into compliance by January 18, 2008."/>															
	<b>Violation Subtotal</b>	<input type="text" value="\$1,875"/>														
<b>Economic Benefit (EB) for this violation</b>																
	<b>Estimated EB Amount</b> <input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$2,550"/>														
	<b>Statutory Limit Test</b>															
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$2,550"/>															

## Economic Benefit Worksheet

**Respondent** MillerCoors LLC  
**Case ID No.** 37227  
**Reg. Ent. Reference No.** RN102649399  
**Media** Air  
**Violation No.** 2

<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				0.00	\$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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	17-Jan-2008	18-Jan-2008	0.00	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is based on the earliest date of the emissions exceedance and Final Date is the date of compliance.

**Avoided Costs**

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

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**

<b>Approx. Cost of Compliance</b>	\$1,500	<b>TOTAL</b>	\$0
-----------------------------------	---------	--------------	-----

<b>Screening Date</b> 26-Feb-2009	<b>Docket No.</b> 2009-0297-AIR-E	<b>PCW</b>	
<b>Respondent</b> MillerCoors LLC		<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 37227		<small>PCW Revision October 30, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN102649399			
<b>Media [Statute]</b> Air			
<b>Enf. Coordinator</b> Bryan Elliott			
<b>Violation Number</b> <input type="text" value="3"/>			
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 115.412(1)(A) and Tex. Health &amp; Safety Code § 382.085(b)"/>		
<b>Violation Description</b>	<input type="text" value="Failed to keep lids on three degreaser units closed when not in use, as documented during a record review conducted on December 23, 2008. Specifically, the Respondent reported on the October 10, 2007 through April 9, 2008 deviation report that open lids were found on three occasions (two on November 6, 2007 and one on December 11, 2007)."/>		
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual	<input type="text"/>	<input type="text" value="x"/>
	Potential	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>
<b>Matrix Notes</b>	<input type="text" value="Human health or the environment have been exposed to insignificant amounts of pollutants which did not exceed levels protective of human health or environmental receptors as a result of the violation."/>		
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>	
			<input type="text" value="\$2,500"/>
<b>Violation Events</b>			
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days
		<input type="text" value="2"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	
	weekly	<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"/>	
		<b>Violation Base Penalty</b>	<input type="text" value="\$2,500"/>
<input type="text" value="One quarterly event is recommended."/>			
<b>Good Faith Efforts to Comply</b>			<input type="text" value="\$625"/>
	<b>25.0% Reduction</b>		
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text" value="x"/>	<input type="text"/>	
N/A	<input type="text"/>	(mark with x)	
<b>Notes</b>	<input type="text" value="The Respondent came into compliance by December 11, 2007."/>		
	<b>Violation Subtotal</b>	<input type="text" value="\$1,875"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
Estimated EB Amount	<input type="text" value="\$2"/>	Violation Final Penalty Total	<input type="text" value="\$2,550"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$2,550"/>

## Economic Benefit Worksheet

**Respondent** MillerCoors LLC  
**Case ID No.** 37227  
**Reg. Ent. Reference No.** RN102649399  
**Media** Air  
**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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

**Delayed Costs**

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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	6-Nov-2007	11-Dec-2007	0.10	\$2	n/a	\$2

Notes for DELAYED costs: Estimated cost for additional oversight and management practices designed to ensure proper maintenance practices are followed. Date Required is based on the earliest date of noncompliance and Final Date is the date of compliance.

**Avoided Costs**

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

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 \$500

TOTAL \$2

## Compliance History Report

Customer/Respondent/Owner-Operator: CN603385568 MillerCoors LLC Classification: AVERAGE Rating: 1.00  
 Regulated Entity: RN102649399 MILLER BREWERIES WEST Classification: AVERAGE Site Rating: 1.00

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	TA0235N
	AIR OPERATING PERMITS	PERMIT	996
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	18103
	AIR NEW SOURCE PERMITS	PERMIT	1498
	AIR NEW SOURCE PERMITS	PERMIT	3113
	AIR NEW SOURCE PERMITS	PERMIT	3114
	AIR NEW SOURCE PERMITS	PERMIT	3115
	AIR NEW SOURCE PERMITS	PERMIT	3116
	AIR NEW SOURCE PERMITS	PERMIT	10830
	AIR NEW SOURCE PERMITS	PERMIT	41910
	AIR NEW SOURCE PERMITS	PERMIT	42025
	AIR NEW SOURCE PERMITS	PERMIT	42675
	AIR NEW SOURCE PERMITS	PERMIT	43401
	AIR NEW SOURCE PERMITS	PERMIT	46256
	AIR NEW SOURCE PERMITS	PERMIT	46602
	AIR NEW SOURCE PERMITS	PERMIT	47976
	AIR NEW SOURCE PERMITS	PERMIT	48161
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	TA0235N
	AIR NEW SOURCE PERMITS	AFS NUM	4843900107
	AIR NEW SOURCE PERMITS	REGISTRATION	70677
	AIR NEW SOURCE PERMITS	PERMIT	50769
	AIR NEW SOURCE PERMITS	REGISTRATION	40631
	AIR NEW SOURCE PERMITS	REGISTRATION	77111
	AIR NEW SOURCE PERMITS	REGISTRATION	83162
	AIR NEW SOURCE PERMITS	REGISTRATION	85476
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD026445395
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	30443
	STORMWATER	PERMIT	TXR05X659

Location: 7001 SOUTH FWY, FORT WORTH, TX, 76134

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: February 26, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 26, 2004 to February 26, 2009

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

Name: Bryan Elliott Phone: 239 - 6162

### 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?  
MillerCoors LLC  
Miller Brewing Company  
Miller Breweries West Limited Partnership
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

### 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: 09/22/2008 ADMINORDER 2008-0633-AIR-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(B)  
 5C THSC Chapter 382.382.085(b)  
 Description: Failure to submit a deviation report for each of the applicable six month reporting period.
- 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 12/22/2004 (342934)
- 2 03/01/2006 (450738)
- 3 08/09/2007 (563569)
- 4 03/13/2008 (614948)
- 5 02/20/2009 (722086)

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

Date: 08/09/2007 (563569) CN603385568

Self NO Classification: Moderate  
Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Special Condition 3 OP  
Description: Failure to comply with all terms and conditions in Federal Operating Permit (FOP) O996.

Date: 03/13/2008 (639531) CN603385568  
Self NO Classification: Moderate  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THSC Chapter 382 382.085(b)  
NSR Permit #1498, Special Condition 4 PERMIT  
Description: Failure to maintain scrubber pH at or above 10.6

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  
MILLERCOORS LLC  
RN102649399

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2009-0297-AIR-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 MillerCoors LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a brewery at 7001 South Freeway in Fort Worth, Tarrant County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
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 February 25, 2009.
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 Seven Thousand Six Hundred Forty Dollars (\$7,640) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand One Hundred Twelve Dollars (\$6,112)

of the administrative penalty and One Thousand Five Hundred Twenty-Eight Dollars (\$1,528) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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 recognizes that the Respondent has implemented the following corrective measures at the Plant:
  - a. By December 11, 2007, the three degreaser lids were closed immediately upon discovery, and the appropriate personnel were trained to eliminate future occurrences; and
  - b. By January 18, 2008, the heat tracer on the supply line was replaced and the supply line itself was reinsulated, to address the hourly sulfur dioxide exceedances that occurred from January 17 through 18, 2008, and to prevent the reoccurrence of same or similar events.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to maintain pH of the biogas hydrogen sulfide scrubber solution at or above 10.6 standard units ("su"), in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and New Source Review ("NSR") Permit No. 1498, Special Condition No. 4, as documented during a record review conducted on December 23, 2008. Specifically, the Respondent reported that the scrubber pH was below 10.6 su during the deviation reporting periods of October 10, 2007 through April 9, 2008 and April 10, 2008 through October 9, 2008.

2. Failed to comply with permitted emission limits, in violation of 30 TEX. ADMIN. CODE § 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and NSR Permit No. 1498, Special Condition No. 1, as documented during a record review conducted on December 23, 2008. Specifically, the Respondent exceeded the hourly sulfur dioxide emission rate from January 17 through 18, 2008, due to a frozen caustic supply line.
3. Failed to keep lids on three degreaser units closed when not in use, in violation of 30 TEX. ADMIN. CODE § 115.412(1)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on December 23, 2008. Specifically, the Respondent reported on the October 10, 2007 through April 9, 2008 deviation report that open lids were found on three occasions (two on November 6, 2007 and one on December 11, 2007).

### 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: MillerCoors LLC, Docket No. 2009-0297-AIR-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 60 days after the effective date of this Agreed Order, implement improvements to training, design, operation, or maintenance procedures, in order to ensure the scrubber solution pH is maintained at or above 10.6 su, and to prevent the reoccurrence of same or similar incidents; and
  - b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

with a copy to:

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

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 Plant 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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
  
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

*J. On Srdien*  
For the Executive Director

6/18/2009  
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.

*J.R. Jackson*  
Signature

5/18/09  
Date

James R. Jackson  
Name (Printed or typed)  
Authorized Representative of  
MillerCoors LLC

Brewery VP Fort Worth  
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.