

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2009-1564-AIR-E **TCEQ ID:** RN100825405 **CASE NO.:** 38408

**RESPONDENT NAME:** Rio Grande Valley Sugar Growers, Inc.

<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> Rio Grande Valley Sugar Growers W R Cowley Sugar House, located two and a half miles west of Santa Rosa on Highway 107 at Farm-to-Market Road 1425, near Santa Rosa, Hidalgo County</p> <p><b>TYPE OF OPERATION:</b> Sugar processing plant</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 January 18, 2010. 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. Kirk Schoppe, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-0489; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Mark Nittler, Factory Manager, Rio Grande Valley Sugar Growers, Inc., P.O. Box 459, Santa Rosa, Texas 78593                      Mr. Steve B. Bearden, President/CBO, Rio Grande Valley Sugar Growers, Inc., P.O. Box 459, Santa Rosa, Texas 78593  <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> July 1, 2009</p> <p><b>Date of NOY/NOE Relating to this Case:</b> August 28, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>AIR</b></p> <p>1) Failure to obtain authorization prior to conducting surface coating operations [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH &amp; SAFETY CODE §§ 382.0518(a) and 382.085(b)].</p> <p>2) Failure to obtain authorization prior to conducting sandblasting operations [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH &amp; SAFETY CODE §§ 382.0518(a) and 382.085(b)].</p> <p>3) Failure to identify any other material information that must be included in the Title V certification. Specifically, the responsible official signed and certified the annual certification on April 20, 2009, eighteen days before the certification period end date of May 8, 2009, and was received in the regional office on April 30, 2009 [30 TEX. ADMIN. CODE § 122.146(4) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$5,855</p> <p><b>Total Deferred:</b> \$1,171  <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> \$4,684</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 submitted a corrected Title V certification for the May 9, 2008 to May 8, 2009 certification period on September 23, 2009.</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, submit an administratively complete permit application or Form PI-7s requesting authorization to operate under Permits By Rule for abrasive blasting operations and surface coating operations;</p> <p>b. If a permit application is submitted then respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>c. Within 90 days after the effective date of this Agreed Order, submit written certification that either authorization to construct and operate a source of air emissions has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained. The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): HN0083G



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	31-Aug-2009	Screening	21-Sep-2009	EPA Due	
	PCW	28-Sep-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Rio Grande Valley Sugar Growers, Inc.
Reg. Ent. Ref. No.	RN100825405
Facility/Site Region	15-Harlingen
Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	38408	No. of Violations	3
Docket No.	2009-1564-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Kirk Schoppe
		EC's Team	Enforcement Team 4
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	\$124	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,250	

**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 21-Sep-2009

Docket No. 2009-1564-AIR-E

PCW

Respondent Rio Grande Valley Sugar Growers, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38408

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100825405

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

### 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 (number of NOVs meeting criteria)	1	5%
	Other written NOVs	5	10%
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 judgements 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%
<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) 15%

>> 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

Enhancement due to one similar NOV and five non-similar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date 21-Sep-2009

Docket No. 2009-1564-AIR-E

PGW

Respondent Rio Grande Valley Sugar Growers, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38408

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100825405

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to obtain authorization prior to conducting surface coating operations, as documented during an investigation conducted on July 1, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

		Harm				
		Major	Moderate	Minor		
Release	Actual				Percent	0%
	Potential					

>> Programmatic Matrix

		Major	Moderate	Minor		
Falsification		x			Percent	25%
Matrix Notes	100% of the rule requirement was not met.					

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 82

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended from the investigation date of July 1, 2009 to the screening date of September 21, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$60

Violation Final Penalty Total \$2,875

This violation Final Assessed Penalty (adjusted for limits) \$2,875

## Economic Benefit Worksheet

**Respondent** Rio Grande Valley Sugar Growers, Inc.  
**Case ID No.** 38408  
**Reg. Ent. Reference No.** RN100825405  
**Media** Air  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.00	\$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	\$1,000	1-Jul-2009	12-Sep-2010	1.20	\$80	n/a	\$60
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for preparation and submittal of a Permit By Rule application. Date required is the date of the investigation. Final date is the expected date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$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

\$1,000

TOTAL

\$60

Screening Date 21-Sep-2009

Docket No. 2009-1584-AIR-E

PCW

Respondent Rio Grande Valley Sugar Growers, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38408

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100825405

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)

Violation Description Failed to obtain authorization prior to conducting sandblasting operations, as documented during an investigation conducted on July 1, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 25%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

82 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the investigation date of July 1, 2009 to the screening date of September 21, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$60

Violation Final Penalty Total \$2,875

This violation Final Assessed Penalty (adjusted for limits) \$2,875

## Economic Benefit Worksheet

**Respondent** Rio Grande Valley Sugar Growers, Inc.  
**Case ID No.** 38408  
**Reg. Ent. Reference No.** RN100825405  
**Media:** Air  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description: 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	\$1,000	1-Jul-2009	12-Sep-2010	1.20	\$80	n/a	\$80
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of preparation and submittal of a Permit By Rule application. Date required is the date of investigation. Final date is the expected date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$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

\$1,000

**TOTAL**

\$80

Screening Date 21-Sep-2009

Docket No. 2009-1564-AIR-E

PCW

Respondent Rio Grande Valley Sugar Growers, Inc.

Policy Revision 2 (September 2002)

Case ID No. 38408

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100825405

Media [Statute] Air

Enf. Coordinator Kirk Schoppe

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 122.146(4) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to identify any other material information that must be included in the Title V certification. Specifically, the responsible official signed and certified the annual certification on April 20, 2009, eighteen days before the certification period end date of May 8, 2009, and was received in the regional office on April 30, 2009.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

30% or less of the submittal was inaccurate.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 1

146 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended based on the date the annual certification was submitted, April 30, 2009.

Good Faith Efforts to Comply

10.0% Reduction

\$10

	Before NOV	NOV to EDFRP/Settlement Offer
	Extraordinary	
Ordinary		x
N/A		(mark with x)

Notes

The Respondent returned to compliance on September 23, 2009, and the NOE is dated August 28, 2009.

Violation Subtotal \$90

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

## Economic Benefit Worksheet

**Respondent** Rio Grande Valley Sugar Growers, Inc.  
**Case ID No.** 38408  
**Reg. Ent. Reference No.** RN100825405  
**Media** Air  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$.

**Delayed Costs**

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	\$250	7-Jun-2009	23-Sep-2009	0.30	\$4	n/a	\$4
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 of preparation and submittal of an accurate annual compliance certification. Date required is the date the report should have been submitted. 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

\$250

**TOTAL**

\$4

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600505630 Rio Grande Valley Sugar Growers, Inc. Classification: AVERAGE Rating: 0.30

Regulated Entity: RN100825405 RIO GRANDE VALLEY SUGAR GROWERS W R COWLEY SUGAR HOUSE Classification: AVERAGE Site Rating: 0.30

ID Number(s):	AIR OPERATING PERMITS	ACCOUNT NUMBER	HN0083G
	AIR OPERATING PERMITS	PERMIT	995
	WASTEWATER	PERMIT	WQ0001752000
	WASTEWATER	PERMIT	TPDES0032905
	WASTEWATER	PERMIT	TX0032905
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD066447418
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31721
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	22898
	AIR NEW SOURCE PERMITS	PERMIT	114
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HN0083G
	AIR NEW SOURCE PERMITS	AFS NUM	4821500015
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1024
	AIR NEW SOURCE PERMITS	REGISTRATION	89602
	WASTEWATER LICENSING	LICENSE	WQ0001752000
	STORMWATER	PERMIT	TXR05O480
	AIR EMISSIONS INVENTORY	ACCOUNT NUMBER	HN0083G

Location: 2 1/2 MILES WEST OF SANTA ROSA ON HWY 107 AT FM 1425

TCEQ Region: REGION 15 - HARLINGEN

Date Compliance History Prepared: October 13, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: October 13, 2004 to October 13, 2009

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

Name: Kirk Schoppe Phone: 239 - 0489

### 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2009 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.

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	10/26/2004	(355667)
N/A	2	12/03/2004	(383818)
	3	12/16/2004	(341827)
	4	12/16/2004	(344236)
	5	12/20/2004	(341828)
	6	12/20/2004	(344748)
	7	12/20/2004	(344760)
	8	12/20/2004	(344762)
	9	01/03/2005	(383819)
	10	01/07/2005	(344078)
	11	01/07/2005	(344079)
	12	02/03/2005	(421748)
	13	02/17/2005	(333574)
	14	02/17/2005	(333577)
	15	02/25/2005	(372067)
	16	02/25/2005	(372117)
	17	03/02/2005	(421749)
	18	03/04/2005	(333589)
	19	03/04/2005	(373023)
	20	03/04/2005	(373035)
	21	03/04/2005	(373049)
	22	03/04/2005	(373080)
	23	03/04/2005	(373126)
	24	03/09/2005	(373133)
	25	03/09/2005	(373140)
	26	03/11/2005	(333586)
	27	03/22/2005	(373415)
	28	03/22/2005	(373416)
	29	03/22/2005	(373417)
	30	03/22/2005	(373418)
	31	04/05/2005	(421750)
	32	04/20/2005	(373075)
	33	04/21/2005	(372978)
	34	04/21/2005	(372980)
	35	04/21/2005	(372982)
	36	04/21/2005	(372984)
	37	05/03/2005	(421751)
	38	05/05/2005	(380332)
	39	05/05/2005	(380334)
	40	06/06/2005	(421752)
	41	07/06/2005	(421753)
	42	07/15/2005	(397075)
	43	07/25/2005	(372415)
	44	08/04/2005	(442661)
	45	09/02/2005	(442662)
	46	10/03/2005	(471906)
	47	11/02/2005	(471907)
	48	11/17/2005	(436645)
	49	11/17/2005	(436671)

50 11/29/2005 (431465)  
51 11/29/2005 (431466)  
52 11/29/2005 (437995)  
53 11/29/2005 (437996)  
54 11/29/2005 (437997)  
55 11/30/2005 (436577)  
56 11/30/2005 (436625)  
57 12/07/2005 (471908)  
58 12/30/2005 (471909)  
59 01/05/2006 (431458)  
60 01/05/2006 (431460)  
61 02/08/2006 (471904)  
62 02/17/2006 (456101)  
63 02/17/2006 (456102)  
64 02/28/2006 (457509)  
65 02/28/2006 (457511)  
66 02/28/2006 (457512)  
67 02/28/2006 (457514)  
68 03/03/2006 (471905)  
69 04/03/2006 (500386)  
70 04/04/2006 (431462)  
71 04/04/2006 (431463)  
72 04/07/2006 (462071)  
73 04/07/2006 (462079)  
74 04/14/2006 (462087)  
75 04/14/2006 (462422)  
76 05/02/2006 (500387)  
77 05/24/2006 (463753)  
78 05/30/2006 (465917)  
79 05/30/2006 (465919)  
80 05/30/2006 (465920)  
81 05/30/2006 (480350)  
82 05/30/2006 (480351)  
83 05/30/2006 (480430)  
84 05/31/2006 (480675)  
85 06/02/2006 (500388)  
86 06/29/2006 (483391)  
87 06/30/2006 (522495)  
88 08/02/2006 (522496)  
89 08/29/2006 (510199)  
90 08/29/2006 (510215)  
91 08/29/2006 (510217)  
92 08/29/2006 (510238)  
93 08/29/2006 (510240)  
94 08/29/2006 (510241)  
95 09/05/2006 (522497)  
96 09/15/2006 (512620)  
97 10/02/2006 (547200)  
98 11/02/2006 (547201)  
99 11/16/2006 (519665)  
100 11/16/2006 (519677)  
101 11/20/2006 (518597)  
102 11/20/2006 (531681)  
103 11/20/2006 (531696)  
104 11/21/2006 (531704)  
105 11/27/2006 (531762)  
106 11/27/2006 (532082)  
107 11/27/2006 (532091)

108 12/11/2006 (547202)  
109 01/03/2007 (579740)  
110 01/17/2007 (535151)  
111 01/17/2007 (535153)  
112 01/17/2007 (535155)  
113 01/31/2007 (538416)  
114 02/02/2007 (579735)  
115 02/15/2007 (511222)  
116 02/15/2007 (511224)  
117 02/19/2007 (540979)  
118 02/27/2007 (542114)  
119 02/28/2007 (542531)  
120 03/05/2007 (579736)  
121 03/29/2007 (542693)

122 03/29/2007 (542695)  
123 03/29/2007 (542898)  
124 03/29/2007 (555308)  
125 03/29/2007 (555318)  
126 03/29/2007 (555321)  
127 04/13/2007 (579737)  
128 05/02/2007 (579738)  
129 05/25/2007 (561915)  
130 05/30/2007 (562005)  
131 05/31/2007 (562317)  
132 06/04/2007 (579739)  
133 07/06/2007 (565266)  
134 07/13/2007 (602921)  
135 08/02/2007 (602922)  
136 08/07/2007 (511210)  
137 08/18/2007 (572760)  
138 09/04/2007 (602923)  
139 10/01/2007 (621309)  
140 11/02/2007 (599016)  
141 11/02/2007 (621310)  
142 11/09/2007 (600670)  
143 11/30/2007 (609634)  
144 11/30/2007 (609635)  
145 11/30/2007 (609636)  
146 11/30/2007 (609637)  
147 12/03/2007 (621311)  
148 01/04/2008 (673366)  
149 01/11/2008 (613769)  
150 01/11/2008 (613862)  
151 01/15/2008 (613609)  
152 01/15/2008 (613611)  
153 01/16/2008 (610399)  
154 01/18/2008 (614082)  
155 01/18/2008 (614159)  
156 02/04/2008 (673365)  
157 03/05/2008 (691543)  
158 03/28/2008 (639822)  
159 03/28/2008 (639823)  
160 03/28/2008 (639824)  
161 03/28/2008 (639826)  
162 04/24/2008 (679824)  
163 05/02/2008 (640033)  
164 05/02/2008 (640034)  
165 05/07/2008 (691544)

166 05/08/2008 (691545)  
167 05/30/2008 (681580)  
168 05/30/2008 (681581)  
169 05/30/2008 (681582)  
170 06/02/2008 (712492)  
171 08/06/2008 (712494)  
172 08/27/2008 (701251)  
173 08/28/2008 (701114)  
174 08/29/2008 (701274)  
175 09/04/2008 (712493)  
176 09/30/2008 (728743)  
177 11/03/2008 (728745)  
178 11/21/2008 (708315)  
179 11/21/2008 (708316)  
180 11/21/2008 (708317)

181 11/21/2008 (708748)  
182 11/21/2008 (708830)  
183 11/24/2008 (708910)  
184 11/24/2008 (708956)  
185 11/24/2008 (708961)  
186 11/25/2008 (708995)  
187 11/25/2008 (709228)  
188 12/01/2008 (728746)  
189 12/09/2008 (728742)  
190 12/09/2008 (728744)  
191 12/23/2008 (709541)  
192 01/02/2009 (751829)  
193 01/13/2009 (723043)  
194 01/26/2009 (722957)  
195 01/26/2009 (722958)  
196 01/26/2009 (722960)  
197 02/04/2009 (751828)  
198 02/24/2009 (735753)  
199 02/24/2009 (735754)  
200 02/27/2009 (736863)  
201 03/04/2009 (769638)  
202 04/02/2009 (769639)  
203 05/04/2009 (769640)  
204 05/22/2009 (746354)  
205 05/22/2009 (746390)  
206 05/22/2009 (746392)  
207 05/28/2009 (747134)  
208 06/02/2009 (742678)  
209 06/02/2009 (742679)  
210 08/18/2009 (765072)  
211 08/18/2009 (765073)  
212 08/28/2009 (759185)

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

Date: 06/09/2005 (372415) CN600505630  
N/A Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 324, SubChapter A 324.6  
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)  
Description: Failure to clearly mark or label containers and above ground tanks used to store  
used oil with the words "Used Oil."  
Date: 07/15/2005 (397075)

Self Report? NO Classification: Major  
Citation: 106.433(9) PA  
30 TAC Chapter 116, SubChapter B 116.110  
5C THSC Chapter 382 382.0518(a)  
5C THSC Chapter 382 382.085(b)

Description: Failure to have the required authorization from TCEQ to conduct a surface coating operation

Self Report? NO Classification: Major  
Citation: 106.452 PA  
30 TAC Chapter 116, SubChapter B 116.110  
5C THSC Chapter 382 382.0518(a)  
5C THSC Chapter 382 382.085(b)

Description: Failure to have the required authorization from the TCEQ to conduct a dry abrasive blasting operation

Date: 07/25/2005 (372415) CN600505630

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 335, SubChapter R 335.503(a)(4)  
30 TAC Chapter 335, SubChapter R 335.513

Description: Failure to maintain all information required under 30 TAC 335.513(b)(1-6) and all analytical and/or process knowledge used to characterize Hazardous, Class1, Class2, and Class 3 wastes on site immediately upon waste generation and for a

minimum of five years after the waste is no longer generated or stored or until sit

Date: 05/31/2006 (480675) CN600505630

Self Report? NO Classification: Minor  
Citation: General Permit No. TXR050000, PERMIT

Description: Failure to identify a specific individual, or group of individuals, within the facility as members of the storm water Pollution Prevention Team.

Self Report? NO Classification: Minor  
Citation: General Permit No. TXR050000, PERMIT

Description: Failure to identify the direction of flow or potential flow to the final permitted outfalls for each pollutant or material listed in the inventory of exposed materials.

Self Report? NO Classification: Minor  
Citation: General Permit No. TXR050000, PERMIT

Description: Failure to depict the location of each outfall covered by the permit on site map.

Self Report? NO Classification: Minor  
Citation: General Permit No. TXR050000 PERMIT

Description: Failure to depict an outline of the drainage area that is within the facility's boundary and that contributes storm water to each permitted outfall.

Self Report? NO Classification: Minor  
Citation: General Permit No. TXR050000, PERMIT

Description: Failure to depict process wastewater treatment units (including ponds) on site map.

Date: 02/16/2007 (540979)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failure to maintain its emission limits as stated in the facility's permit. The facility exceeded its maximum allowable annual throughputs on which the emissions of the bagasse boilers are based.

Date: 04/24/2008 (679824) CN600505630

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)	
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE	

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

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  
RIO GRANDE VALLEY SUGAR  
GROWERS, INC.  
RN100825405**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2009-1564-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 Rio Grande Valley Sugar Growers, Inc. ("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 sugar processing plant two and a half miles west of Santa Rosa on Highway 107 at Farm-to-Market Road 1425 near Santa Rosa, Hidalgo 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 September 2, 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 Five Thousand Eight Hundred Fifty-Five Dollars (\$5,855) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Four Thousand Six Hundred Eighty-Four Dollars (\$4,684) of the administrative penalty and One Thousand One Hundred Seventy-One Dollars (\$1,171) 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 submitted a corrected Title V certification for the May 9, 2008 to May 8, 2009 certification period on September 23, 2009.
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 obtain authorization prior to conducting surface coating operations, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during an investigation conducted on July 1, 2009.
2. Failed to obtain authorization prior to conducting sandblasting operations, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b), as documented during an investigation conducted on July 1, 2009.
3. Failed to identify any other material information that must be included in the Title V certification, in violation of 30 TEX. ADMIN. CODE § 122.146(4) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on July 1, 2009. Specifically, the responsible official signed and certified the annual certification on April 20, 2009, eighteen days

before the certification period end date of May 8, 2009, and was received in the regional office on April 30, 2009.

### 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: Rio Grande Valley Sugar Growers, Inc., Docket No. 2009-1564-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 30 days after the effective date of this Agreed Order, submit an administratively complete permit application or Form PI-7s requesting authorization to operate under Permits By Rule for abrasive blasting operations and surface coating operations, in accordance with 30 TEX. ADMIN. CODE §116.110(a) to:

Air Permits Division, MC 162  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - b. If a permit application is submitted then respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and
  - c. Within 90 days after the effective date of this Agreed Order, submit written certification that either authorization to construct and operate a source of air emissions has been obtained or that construction/operation has ceased until such time that appropriate authorization is obtained. The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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  
Harlingen Regional Office  
Texas Commission on Environmental Quality  
1804 West Jefferson Avenue  
Harlingen, Texas 78550-5247

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

John Ordier  
For the Executive Director

12/23/2009  
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.

Steve B. Bearden  
Signature

NOVEMBER 10, 2009  
Date

STEVE B. BEARDEN  
Name (Printed or typed)  
Authorized Representative of  
Rio Grande Valley Sugar Growers, Inc.

PRESIDENT/CEO  
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.