EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1113-AIR-E TCEQ ID: RN101925196 CASE NO.: 15009
RESPONDENT NAME: MAGNUM BLUE RIBBON FEEDS, INC.

ORDER TYPE:		
_X_ 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__X AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION OCCURRED: 3510 United States Highway 385, Hereford, Deaf Smith County

TYPE OF OPERATION: Cattle feed supplement production plant

SMALL BUSINESS: ____ Yes __X__ No

OTHER SIGNIFICANT MATTERS: Three complaints were received alleging that blowing dust coming from the Respondent's plant was going into the neighboring business. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: The Complainants have not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired February 15, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC 175, (713) 442-8914
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400
TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Air Enforcement Section, MC 149
TCEQ Regional Contact: Mr. Eddy Vance, Amarillo Regional Office, MC R-1
Respondent: Mr. Tim A. Gearn, President, Magnum Blue Ribbon Feeds, Inc., Route 5, Box 38 AB, Hereford, TX 79045
Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: _X_ Complaint ___ Routine ___ Enforcement Follow-up ___ Records Review **Dates of Complaints Relating to this Case**: May 22, 2008, May 23, 2008, and June 20, 2008 **Date of Investigation Relating to this Case**: June 23, 2008 **Date of NOE Relating to this Case**: August 1, 2008 **Background Facts**: The EDPRP was filed on October 14, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on December 10, 2009. **Current Compliance Status:** The Respondent has not yet submitted documentation certifying compliance. **AIR:** Failed to comply with the visible emissions opacity limit of 20% and the Permit By Rule ("PBR") Registration No. 37018 opacity limit of 5% [30 TEX. ADMIN. CODE §§ 106.147(a)(1)(B)* and 111.111(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed**: $1,550 **Total Deferred**: $0 ___ Expedited Order ___ Financial Inability to Pay ___ SEP Conditional Offset **Total Paid to General Revenue**: $1,550 The Respondent paid the administrative penalty in full. **Site Compliance History Classification:** __ High __ Average _X_ Poor **Person Compliance History Classification:** __ High __ Average _X_ Poor **Major Source**: ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Respondent shall undertake the following technical requirements: 1. Within 30 days, complete corrective actions necessary to comply with PBR Registration No. 37018 and Commission rules relating to visible emissions. 2. Within 45 days, submit written certification demonstrating compliance.

* Pursuant to 30 TEX. ADMIN. CODE § 106.13, facilities previously authorized by the standard exemptions and exemptions from permitting under repealed portions 30 TEX. ADMIN. CODE ch. 106 continue to be authorized unless modifications or changes to those facilities has caused them to no longer meet the conditions of the former standard exemption or exemption from permitting and the general requirements of this subchapter.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision October 30, 2008*

TCEQ

DATES					
Assigned	13-Jul-2009				
PCW	11-Sep-2009	Screening	17-Jul-2009	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Magnum Blue Ribbon Feeds, Inc.		
Reg. Ent. Ref. No.	RN101925196		
Facility/Site Region	1 - Amarillo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	15009	No. of Violations	1
Docket No.	2009-1113-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Suzanne Walrath
		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* **$1,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **55.0%** Enhancement *Subtotals 2, 3, & 7* **$550**

Notes: The Respondent received an Agreed Order with a denial of liability, and one Agreed Order without a denial of liability. Penalty enhancement due to poor performer classification.

Culpability No **0.0%** Enhancement *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **$0**

Economic Benefit **0.0%** Enhancement* *Subtotal 6* **$0**

Total EB Amounts	$993
Approx. Cost of Compliance	$10,000

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$1,550**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$1,550**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$1,550**

DEFERRAL **0.0%** Reduction *Adjustment* **$0**

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

Notes: Deferral not offered for non-expedited cases.

PAYABLE PENALTY **$1,550**

Screening Date	17-Jul-2009	**Docket No.**	2009-1113-AIR-E	**PCW**
Respondent	Magnum Blue Ribbon Feeds, Inc.			*Policy Revision 2 (September 2002)*
Case ID No.	15009			*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101925196			
Media [Statute]	Air			
Enf. Coordinator	Suzanne Walrath			

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*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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	1	25%
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%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

The Respondent received an Agreed Order with a denial of liability, and one Agreed Order without a denial of liability. Penalty enhancement due to poor performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 55%

Screening Date	17-Jul-2009	**Docket No.** 2009-1113-AIR-E	**PCW**
Respondent	Magnum Blue Ribbon Feeds, Inc.		*Policy Revision 2 (September 2002)*
Case ID No.	15009		*PCW Revision October 30, 2008*
Reg. Ent. Reference No.	RN101925196		
Media [Statute]	Air		
Enf. Coordinator	Suzanne Walrath		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 106.147(a)(1)(B) and 111.111(a)(1)(B) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the visible emissions opacity limit of 20% and the Permit By Rule Registration No. 37018 opacity limit of 5%. Specifically, during an investigation on June 23, 2008, TCEQ staff documented that during two opacity observations that began at 10:00 AM and ended at 10:32 AM, the opacity averages were 61.97% and 64.79%, respectively.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1 | 1 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended.

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 $1,000

Economic Benefit (EB) for this violation

Estimated EB Amount $993

Statutory Limit Test

Violation Final Penalty Total $1,550

This violation Final Assessed Penalty (adjusted for limits) $1,550

Economic Benefit Worksheet

Respondent Magnum Blue Ribbon Feeds, Inc.
Case ID No. 15009
Reg. Ent. Reference No. RN101925196
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$5,000	23-Jun-2008	17-Feb-2010	1.65	$28	$552	$579
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)	$5,000	23-Jun-2008	17-Feb-2010	1.65	$414	n/a	$414
Notes for DELAYED costs	These are additional costs for implementing measures and/or installing equipment that will ensure that the Plant can comply with the allowable opacity limit of 5%. The date required is the date of investigation. The final date is the projected 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	$10,000	**TOTAL**	$993

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601051337	Magnum Blue Ribbons Feeds, Inc.	Classification: POOR	Rating: 48.33
Regulated Entity:	RN101925196	HOLLY SUGAR PLANT	Classification: POOR	Site Rating: 48.33

ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT	37018
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	DD0066S

Location: 3510 US HIGHWAY 385, HEREFORD, TX, 79045

TCEQ Region: REGION 01 - AMARILLO

Date Compliance History Prepared: July 22, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 22, 2004 to July 22, 2009

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

Name: Suzanne Walrath Phone: 239 - 2134

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: 9/1/2008 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: 11/26/2004 ADMINORDER 2004-0599-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 106, SubChapter E 106.147

30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: Failed to comply with the State Wide Opacity limit of 20% and permit by rule registration No. 37018 opacity limit of 5%.

Effective Date: 10/25/2007 ADMINORDER 2007-0680-AIR-E

Classification: Major

Citation: 30 TAC Chapter 106, SubChapter E 106.147(a)(1)(B)

30 TAC Chapter 111, SubChapter A 111.111(a)(1)(B)

5C THC Chapter 382, SubChapter D 382.085(b)

Description: failed to comply with the State wide opacity limit of 20% and permit by rule registration No. 37018 opacity limit of 5%.

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 02/22/2006 (451799)

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

N/A

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 MAGNUM BLUE RIBBON FEEDS, INC. RN101925196	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2009-1113-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Magnum Blue Ribbon Feeds, Inc. ("Magnum") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Magnum, appear before the Commission and together stipulate that:

1. Magnum owns and operates a cattle feed supplement production plant at 3510 United States Highway 385 in Hereford, Deaf Smith County, Texas (the "Plant").

2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.

3. The Commission and Magnum agree that the Commission has jurisdiction to enter this Agreed Order, and that Magnum is subject to the Commission's jurisdiction.

4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Magnum of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

5. An administrative penalty in the amount of one thousand five hundred fifty dollars ($1,550.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Magnum paid one thousand five hundred fifty dollars ($1,550.00) of the administrative penalty.

6. 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.

7. The Executive Director of the TCEQ and Magnum agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

8. 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 Magnum has not complied with one or more of the terms or conditions in this Agreed Order.

9. 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.

10. 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

1. During an investigation conducted on June 23, 2008, a TCEQ Amarillo Regional Office investigator documented that Magnum violated 30 TEX. ADMIN. CODE §§ 106.147(a)(1)(B) * and 111.111(a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to comply with the visible emissions opacity limit of 20% and the Permit By Rule ("PBR") Registration No. 37018 opacity limit of 5%. Specifically, during two opacity observations that began at 10:00 a.m. and ended at 10:32 a.m., the opacity averages were 61.97% and 64.79%.

2. Magnum received notice of the violation on or about August 6, 2008.

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* Pursuant to 30 TEX. ADMIN. CODE § 106.13, facilities previously authorized by the standard exemptions and exemptions from permitting under repealed portions 30 TEX. ADMIN. CODE ch. 106 continue to be authorized unless modifications or changes to those facilities has caused them to no longer meet the conditions of the former standard exemption or exemption from permitting and the general requirements of this subchapter.

III. DENIALS

Magnum generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Magnum pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Magnum'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 considering or requiring corrective action or penalties for violations which are not raised here.

2. Magnum shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order, Magnum shall complete corrective actions necessary to comply with Permit By Rule Registration No. 37018 and Commission rules relating to visible emissions; and

   b. Within 45 days after the effective date of this Agreed Order, Magnum shall 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
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

3. The provisions of this Agreed Order shall apply to and be binding upon Magnum. Magnum 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 Magnum 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, Magnum's failure to comply is not a violation of this Agreed Order. Magnum shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Magnum shall notify the Executive Director within seven days after Magnum 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 Magnum shall be made in writing to the Executive Director. Extensions are not effective until Magnum 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 Magnum 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Agreed Order to Magnum, or three days after the date on which the Commission mails notice of this Agreed Order to Magnum, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

For the Executive Director

2/24/2010
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Magnum's compliance history;
- Greater scrutiny of any permit applications submitted by Magnum;
- 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 against Magnum;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Magnum; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Tim A Gearn
Signature

12/10/09
Date

TIM A GEARN
Name (Printed or typed)
Authorized representative of
Magnum Blue Ribbon Feeds, Inc.

President
Title