

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

AGR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

North side of State Highway 6 on County Road 2495 which is approximately 5.5 miles east of the intersection of State Highway 6 and Highway 281, Bosque County

Type of Operation:

confined animal feeding operation ("CAFO")

Other Significant Matters:

Additional Pending Enforcement Actions: 2010-0585-AGR-E (Peter H. Schouten and Nova D. Schouten d/b/a P & L Dairy)

Past-Due Penalties: None

Past-Due Fees: None

Other: None

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: July 8, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$5,200

Amount Deferred for Expedited Settlement: N/A

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$170

Total Due to General Revenue: \$5,030

Payment Plan: 34 payments of \$145 each followed by one payment of \$100

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – Average (All 3 Respondents)

Site/RN – Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Docket No. 2010-0093-AGR-E
Investigation Information

Complaint Date(s): November 9, 2009
Complaint Information: Complaint alleged dark water with a bad odor was running onto his property from the adjoining property.

Date(s) of Investigation: November 9, 2009

Date(s) of NOV(s): N/A

Date(s) of NOE(s): January 8, 2010

Violation Information

Failed to prevent a discharge of wastewater from a concentrated animal feeding operation [30 TEX. ADMIN. CODE § 321.31(a); TEX. WATER CODE § 26.121; and State Permit No. WQ0003656000, Section IX., Standard Permit Conditions D.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. Within 30 days, develop and implement measures to improve design, operations, and/or maintenance practices to prevent the reoccurrence of unauthorized discharges from the Site.
2. Within 45 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: August 20, 2010

Date Answer(s) Filed: September 14, 2010

SOAH Referral Date: November 19, 2010

Hearing Date(s):
Preliminary hearing: February 3, 2011 (continued to February 24, 2011)
Evidentiary hearing: July 7, 2011

Settlement Date: June 16, 2011

Contact Information

TCEQ Attorneys: James Sallans, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400

TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Jorge Ibarra, Water Enforcement Section, (817) 588-5890

TCEQ Regional Contact: Sid Slocum, Abilene Regional Office, (817) 588-5901

Respondent: Peter H. Schouten and Nova D. Schouten, 287 County Road 2495 Hico, Texas 76547
Pieter Bakker, 287 County Road 2495 Hico, Texas 76547

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	11-Jan-2010	Screening	20-Jan-2010	EPA Due	
	PCW	2-Feb-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Peter H. Schouten, Nova D. Schouten, and Pieter Bakker dba Golden Star Dairy
Reg. Ent. Ref. No.	RN102804879
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	39017	No. of Violations	1	
Docket No.	2010-0093-AGR-E	Order Type	Findings	
Media Program(s)	Water Quality	Government/Non-Profit	No	
Multi-Media		Enf. Coordinator	Jorge Ibarra, P.E.	
		EC's Team	Enforcement Team 3	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1				
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.				
Compliance History	4.0% Enhancement	Subtotals 2, 3, & 7	\$200	
Notes	The Respondents were issued two NOVs without same/similar type of violations.			
Culpability	No	0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondents do 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	\$210	*Capped at the Total EB \$ Amount		
Approx. Cost of Compliance	\$5,500			

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			
	Final Penalty Amount	\$5,200	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,200
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)				
Notes	No deferral is recommended for Findings Orders.			

PAYABLE PENALTY	\$5,200
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Screening Date 20-Jan-2010

Docket No. 2010-0093-AGR-E

PCW

Respondent Peter H. Schouten, Nova D. Schouten, and Pieter Bakke

Policy Revision 2 (September 2002)

Case ID No. 39017

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102804879

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

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>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<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) 4%

>> 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 Respondents were issued two NOVs without same/similar type of violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 4%

Screening Date 20-Jan-2010 **Docket No.** 2010-0093-AGR-E **PCW**
Respondent Peter H. Schouten, Nova D. Schouten, and Pieter Bakker dba Gol *Policy Revision 2 (September 2002)*
Case ID No. 39017 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102804879
Media [Statute] Water Quality
Enf. Coordinator Jorge Ibarra, P.E.

Violation Number

Rule Cite(s) State Permit No. WQ0003656000, Section IX., Standard Permit Conditions D., 30 Tex. Admin. Code § 321.31(a), and Tex. Water Code § 26.121

Violation Description
 Failed to prevent a discharge of wastewater from a concentrated animal feeding operation. Specifically, a stationary irrigation gun was discharging wastewater on land management unit ("LMU") No. 4 on the east side of County Road 2495. The wastewater was observed flowing as it left the Site. The wastewater entered the drainage area of the North Bosque River in Segment No. 1226 of the Brazos River Basin.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="50%"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="0%"/>

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input checked="" type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>

Violation Base Penalty

One daily event is recommended based on the investigation date.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDRP/ Settlement
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Peter H. Schouten, Nova D. Schouten, and Pieter Bakker dba Golden Star Dairy
Case ID No. 39017
Reg. Ent. Reference No. RN102804879
Media Water Quality
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	\$5,000	9-Nov-2009	15-Aug-2010	0.76	\$191	n/a	\$191
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	9-Nov-2009	15-Aug-2010	0.76	\$19	n/a	\$19

Notes for DELAYED costs

Estimated cost to develop and implement measures to improve design, operations, and/or maintenance practices to prevent the reoccurrence of unauthorized discharges from the Site and to remove all wastewater and contaminated soil from affected areas. Date Required is the investigation date, Final Date is the expected compliance date.

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

\$5,500

TOTAL

\$210

Compliance History

Customer/Respondent/Owner-Operator:	CN601479512 SCHOUTEN, PETER H	Classification: AVERAGE	Rating: 0.58
Regulated Entity:	RN102804879 GOLDEN STAR DAIRY	Classification: AVERAGE	Site Rating: 0.67
ID Number(s):	WASTEWATER AGRICULTURE PERMIT		WQ0003656000
Location:	On the north side of State Highway 6 on County		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	January 21, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 21, 2005 to January 21, 2010		
TCEQ Staff Member to Contact for Information Regarding this Compliance History:			
Name:	Jorge Ibarra, P.E.	Phone: (817) 588-5890	

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 judgments, and consent decrees of the State of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	11/4/2005	(432654)
2	11/10/2006	(513395)
3	11/16/2007	(596360)
4	10/13/2008	(704366)
5	11/14/2008	(708186)
6	11/16/2009	(780370)

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

Date: 10/21/2005 (432654)

Self Report? No Classification: Minor

Citation: 30 TAC Chapter 321, SubChapter B 321.39(f)(18)

WQ PERMIT 03656, SPECIAL PROVISION D. OP

Description: Failure to maintain 3 years of well monitoring data on-site.

Date: 10/10/2008 (704366)

Self Report? No Classification: Moderate

Citation: 30 TAC Chapter 321, SubChapter B 321.40(1)

Description: Failure to construct, managed & maintain control facilities to contain the contaminated runoff from open lots & associated areas during a 25-year, 24-hour rainfall event. Calves were confined outside of the containment area.

- F. Environmental audits.

N/A

- G. Type of environmental management systems (EMSs).

N/A

- H. Voluntary on-site compliance

N/A

- I. Participation in a voluntary pollution reduction program.

N/A

- J. Early compliance.

N/A

- Sites Outside of Texas

N/A

Compliance History

Customer/Respondent/Owner-Operator:	CN601479520 SCHOUTEN, NOVA D	Classification: AVERAGE	Rating: 0.58
Regulated Entity:	RN102804879 GOLDEN STAR DAIRY	Classification: AVERAGE	Site Rating: 0.67
ID Number(s):	WASTEWATER AGRICULTURE PERMIT		WQ0003656000
Location:	On the north side of State Highway 6 on County		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	January 21, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 21, 2005 to January 21, 2010		
TCEQ Staff Member to Contact for Information Regarding this Compliance History:			
Name:	Jorge Ibarra, P.E.	Phone:	(817) 588-5890

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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 judgments, and consent decrees of the State of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)

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Date: 10/10/2008	(704366)
Self Report? No	Classification: Moderate
Citation: 30 TAC Chapter 321, SubChapter B 321.40(1)	
Description: Failure to construct, managed & maintain control facilities to contain the contaminated runoff from open lots & associated areas during a 25-year, 24-hour rainfall event. Calves were confined outside of the containment area.	
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

Compliance History

Customer/Respondent/Owner-Operator:	CN601424229 BAKKER, PIETER	Classification: AVERAGE	Rating: 0.58
Regulated Entity:	RN102804879 GOLDEN STAR DAIRY	Classification: AVERAGE	Site Rating: 0.67
ID Number(s):	WASTEWATER AGRICULTURE PERMIT		WQ0003656000
Location:	On the north side of State Highway 6 on County		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	January 21, 2010		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 21, 2005 to January 21, 2010		
TCEQ Staff Member to Contact for Information Regarding this Compliance History:			
Name:	Jorge Ibarra, P.E.	Phone:	(817) 588-5890

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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 judgments, and consent decrees of the State of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
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 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)

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Description: Failure to construct, managed & maintain control facilities to contain the contaminated runoff from open lots & associated areas during a 25-year, 24-hour rainfall event. Calves were confined outside of the containment area.	
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PETER H. SCHOUTEN DBA
GOLDEN STAR DAIRY,
NOVA D. SCHOUTEN DBA
GOLDEN STAR DAIRY, AND
PIETER BAKKER DBA
GOLDEN STAR DAIRY;
RN102804879**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2010-0093-AGR-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Peter H. Schouten DBA Golden Star Dairy, Nova D. Schouten DBA Golden Star Dairy and Pieter Bakker DBA Golden Star Dairy ("Respondents") under the authority of TEX. WATER CODE ch. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

Respondents understand that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondents agree to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Respondents.

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

FINDINGS OF FACT

1. Respondents own and operate a confined animal feeding operation ("CAFO") located on the north side of State Highway 6 on County Road 2495 which is approximately 5.5 miles east of the intersection of State Highway 6 and Highway 281 in Bosque County, Texas (the "Site"). Respondents have discharged waste from the Site into or adjacent to any water in the state or committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.

2. During an investigation conducted on November 9, 2009, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Respondents failed to prevent a discharge of wastewater from a concentrated animal feeding operation. Specifically, a stationary irrigation gun was discharging waste water on land management unit ("LMU") No. 4 on the east side of County Road 2495. The wastewater was observed flowing as it left the Site. The wastewater entered the drainage area of the North Bosque River in Segment No. 1226 of the Brazos River Basin.
3. Respondents received notice of the violation on or about January 13, 2010.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Respondents violated 30 TEX. ADMIN. CODE § 321.31(a), TEX. WATER CODE § 26.121 and State Permit No. WQ0003656000, Section IX., Standard Permit Conditions D., by failing to prevent a discharge of wastewater from a concentrated animal feeding operation.
3. Pursuant to Tex. Water Code § 7.051, the Commission has the authority to assess an administrative penalty against Respondents for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of five thousand two hundred dollars (\$5,200.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Respondents paid one hundred seventy dollars (\$170.00) of the administrative penalty. The remaining amount of five thousand thirty dollars (\$5,030.00) of the administrative penalty shall be payable in thirty-four (34) monthly payments of one hundred forty-five dollars (\$145.00) each, followed by one payment of one hundred dollars (\$100.00). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondents fail to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondents' failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondents to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. Respondents are assessed an administrative penalty as set forth in Conclusion of Law No. 4, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondents' compliance with all the terms and

conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Peter H. Schouten, DBA Golden Star Dairy, Nova D. Schouten DBA Golden Star Dairy, and Pieter Bakker dba Golden Star Dairy, Docket No. 2010-0093-AGR-E" to:

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

2. Within 30 days after the effective date of this Agreed Order, Respondents shall develop and implement measures to improve design, operations, and/or maintenance practices to prevent the reoccurrence of unauthorized discharges from the Site.
3. Within 45 days after the effective date of this Agreed Order, Respondents shall submit written certification and detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision No. 2. The certification shall be notarized by a State of Texas Notary Public and shall include the following certification language:

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

Respondents shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team
Texas Commission on Environmental Quality
Enforcement Division, MC 149A
P.O. Box 13087
Austin, Texas 78711-3087

and:

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

4. All relief not expressly granted in this Agreed Order is denied.

5. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
6. If Respondents fail 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, Respondents' failure to comply is not a violation of this Agreed Order. Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondents shall notify the Executive Director within seven days after Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
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 Respondents have 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. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. Pursuant to 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 this Agreed Order to Respondents, or three days after the date on which the Commission mails notice of this Agreed Order to Respondents, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Peter H. Schouten, DBA Golden Star Dairy, Nova D. Schouten DBA Golden Star Dairy, and Pieter Bakker DBA Golden Star Dairy
Docket No. 2010-0093-AGR-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John G. Pender

9/14/2011

For the Executive Director

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, 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Peter H. Schouten
Nova D. Schouten
Signature - Peter H. and Nova D. Schouten Owners
PETER H SCHOUTEN

6-16-11
Date

Nova D. Schouten
Name - (printed) Peter H. and Nova D. Schouten, Owners

P. Bakker
Signature - Pieter Bakker, Operator

6-16-11
Date

Pieter Bakker
Name - (printed) Pieter Bakker, Operator