

Executive Summary – Enforcement Matter – Case No. 40387
PX Feeders LLC
RN101354298
Docket No. 2010-1534-AGR-E

Order Type:
Agreed Order

Findings Order Justification:
N/A

Media:
AGR

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
South side of County Road 523 about one-half mile west of the intersection of County Road 523 and County Road 528, approximately 2.5 miles north of the intersection of County Road 528 and Highway 84, Hamilton County

Type of Operation:
concentrated animal feeding operation (“CAFO”)

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third-Parties: The complainant has not expressed an interest in this matter.

Texas Register Publication Date: August 19, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,050
Amount Deferred for Expedited Settlement: N/A
Amount Deferred for Financial Inability to Pay: N/A
Total Paid to General Revenue: \$1,050
Total Due to General Revenue: \$0
SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – Average
Site/RN – Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

PX Feeders LLC

RN101354298

Docket No. 2010-1534-AGR-E

Investigation Information

Complaint Date(s): January 29, 2010
Complaint Information: Anonymous complaint received by the Waco regional office alleging a discharge from nearby cattle pens.

Date(s) of Investigation: August 17, 2010

Date(s) of NOV(s): May 22, 2009

Date(s) of NOE(s): October 10, 2010

Violation Information

Failed to have retention control structures (“RCS”) designed and constructed to meet or exceed the capacity required to contain the runoff and direct precipitation from the 25 year, 24 hour rainfall event [30 TEX. ADMIN. CODE §§ 321.36(c) and 321.38(e)(7)(A)(ii), and TPDES General Permit No. TXG920139, Part III A.6.(d)(1)(ii)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. By July 12, 2012, construct and maintain RCS to manage manure, litter or wastewater from the pens.
2. Within 15 days after completion of the RCS construction, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: March 15, 2011

Date Answer(s) Filed: March 29, 2011

SOAH Referral Date: June 6, 2011

Hearing Date(s):
Preliminary hearing: July 21, 2011 (scheduled)
Evidentiary hearing: N/A

Settlement Date: July 19, 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: Cheryl Thompson, Water Enforcement Section, (817) 588-5886

TCEQ Regional Contact: Frank Burlison, Waco Regional Office, (254) 761-3001

Respondent: Donald Parrish, Owner, PX Feeders LLC, 4715 County Road 523, Evant, Texas 76525

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	11-Oct-2010	Screening	18-Oct-2010	EPA Due	
	PCW	18-Oct-2010				

RESPONDENT/FACILITY INFORMATION						
Respondent	PX Feeders LLC					
Reg. Ent. Ref. No.	RN101354298					
Facility/Site Region	9-Waco	Major/Minor Source	Minor			

CASE INFORMATION						
Enf./Case ID No.	40387	No. of Violations	1			
Docket No.	2010-1534-AGR-E	Order Type	1660			
Media Program(s)	Water Quality	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Cheryl Thompson			
		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	\$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	5.0% Enhancement	Subtotals 2, 3, & 7	\$50
---------------------------	-------------------------	--------------------------------	-------------

Notes	Enhancement for one NOV for same violations.
-------	--

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	\$2,177	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$25,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,050
-----------------------------	-----------------------	----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	-------------	-------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
-------	--

Final Penalty Amount	\$1,050
-----------------------------	----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,050
-----------------------------------	-------------------------------	----------------

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 settlement.
-------	--

PAYABLE PENALTY	\$1,050
------------------------	----------------

Screening Date 18-Oct-2010

Docket No. 2010-1534-AGR-E

PCW

Respondent PX Feeders LLC

Case ID No. 40387

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101354298

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
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) 5%

>> 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 for one NOV for same violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 18-Oct-2010
Respondent PX Feeders LLC
Case ID No. 40387
Reg. Ent. Reference No. RN101354298
Media [Statute] Water Quality
Enf. Coordinator Cheryl Thompson

Docket No. 2010-1534-AGR-E

PCW

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

Violation Number

Rule Cite(s) TPDES General Permit No. TXG920139 Part III A.6.(d)(1)(ii) and 30 Tex. Admin. Code §§ 321.38(e)(7)(A)(ii) and 321.36(c)

Violation Description
 Failed to have retention control structures ("RCS") designed and constructed to meet or exceed the capacity required to contain the runoff and direct precipitation from the 25-year, 24-hour rainfall event. Specifically, the cattle pens along County Roads 528 and 523 were populated with no control structures to prevent runoff.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

Matrix Notes
 Human health or the environment will or could be exposed to significant amounts of pollutants as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended from the period of August 17, 2010 (investigation date) to October 18, 2010 (date of screening).

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>

Notes
 The Respondent does 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 PX Feeders LLC
Case ID No. 40387
Req. Ent. Reference No. RN101354298
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	\$10,000	29-Jan-2010	31-Jul-2011	1.50	\$50	\$1,000	\$1,050
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)	\$15,000	29-Jan-2010	31-Jul-2011	1.50	\$1,126	n/a	\$1,126

Notes for DELAYED costs

Estimated cost to install control structures to prevent runoff from the cattle pens and estimated cost to remove cattle from the three pens (\$5,000 per pen) until control structures are built. Date required is the date the violation was first documented. 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

\$25,000

TOTAL

\$2,176

Compliance History Report

Customer/Respondent/Owner-Operator: CN603435793 PX Feeders LLC Classification: AVERAGE Rating: 0.60
Regulated Entity: RN101354298 PX FEEDERS Classification: AVERAGE Site Rating: 0.60
ID Number(s): STORMWATER PERMIT TXR15NF43
WASTEWATER AGRICULTURE PERMIT TXG920139

Location: south side of County Road 523 about 0.5 mile west of the intersection of County Road 523 and County Road 528 which is approximately 2.5 miles north of the intersection of County Road 528 and U.S. Highway 84 in Hamilton County, Texas

TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: September 15, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 15, 2005 to September 15, 2010
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Cheryl Thompson Phone: (817) 588-5886

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: 9/1/2010 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 05/22/2006 (467040)
 - 2 05/10/2007 (554823)
 - 3 04/01/2008 (640468)
 - 4 05/22/2009 (745852)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/22/2009 (745852) CN603435793
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 321.38(e)(7)(A)(ii)
Description: Failed to have retention control structures ("RCS") designed and constructed to meet or exceed the capacity required to contain the runoff and direct precipitation from the 25-year, 24-hour rainfall event. The areas are along and adjacent to County Roads 258 and 259.
 - 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

THIS PAGE INTENTIONALLY LEFT BLANK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PX FEEDERS LLC;
RN101354298**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2010-1534-AGR-E

I. JURISDICTION AND STIPULATIONS

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 PX Feeders LLC ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent appear before the Commission and together stipulate that:

1. Respondent owns and operates a concentrated animal feeding operation ("CAFO") located on the south side of County Road 523 about one-half mile west of the intersection of County Road 523 and County Road 528, approximately 2.5 miles north of the intersection of County Road 528 and U.S. Highway 84 in Hamilton County, Texas (the "Site"). The Site adjoins, is contiguous with, surrounds, or is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
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. WATER CODE ch. 26 and TCEQ rules.
3. The Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of one thousand fifty dollars (\$1,050.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid one thousand fifty dollars (\$1,050.00) 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 Respondent agree on a settlement of the matters addressed in this Agreed Order, 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 Respondent 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 August 17, 2010, a TCEQ Waco Regional Office investigator documented that Respondent failed to have retention control structures ("RCS") designed and constructed to meet or exceed the capacity required to contain the runoff and direct precipitation from the 25-year, 24-hour rainfall event, in violation of 30 TEX. ADMIN. CODE §§ 321.36(c) and 321.38(e)(7)(A)(ii), and TPDES General Permit No. TXG920139, Part III A.6. (d)(1)(ii).
2. Respondent received notice of the violation on or about October 15, 2010.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegation in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here.
2. Respondent shall undertake the following technical requirements:
 - a. By July 20, 2012, Respondent shall construct and maintain RCS to manage manure, litter or wastewater from the pens in accordance with TPDES General Permit No. TXG920139 and the TCEQ letter dated February 1, 2011, granting an extension regarding construction and operation of RCS (Attachment A).
 - b. Within 15 days after the completion of construction of the RCS, Respondent shall submit written certification and detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a. The certification required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, 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."

Respondent shall submit the written certifications and supporting 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
Waco Regional Office
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is 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.
5. If 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, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against 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.

8. 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.

9. 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 Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to 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

Johnnie Purdie

For the Executive Director

10/12/2011

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 PX Feeders LLC, 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.

Donald Parrish
Donald Parrish, Owner, PX Feeders LLC

7.19.11

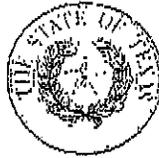
Date

RECEIVED
JUL 21 2011
OFFICE OF LEGAL SERVICES

Attachment A
2010-1534-AGR-E
PX Feeders LLC

Mar 21 2011 02:07pm P001/001

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.C., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 1, 2011

Mr. Donald Parrish
P.O. Box 1000
Lorena, Texas 76655



Re: Construction and Operational Deadline Extension; PX Feeders; Permit No. TXG920139

Dear Mr. Parrish:

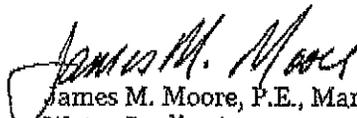
In accordance with the Concentrated Animal Feeding Operation (CAFO) general permit number TXG920000, Part II.G.1., a CAFO that renews their authorization must be operational within 18 months of the effective date of the permit. The effective date of the permit was July 20, 2009. Therefore the construction and operational deadline is January 20, 2011. The general permit allows the executive director to grant a one-time, 18 month, extension to this requirement upon written request.

On January 28, 2011, the executive director received a written request for an 18-month extension for the above referenced facility to complete construction activities. The executive director is granting the requested extension.

The above referenced facility must be operational by July 20, 2012. Failure to be operational by this deadline will result in revocation of the authorization for this facility.

If you need further assistance or have questions, please contact the CAFO Permits Team by email at CAFO@tceq.state.tx.us, by phone at 512-239-4671, or include MC-150 in the letterhead address.

Sincerely,


James M. Moore, P.E., Manager
Water Quality Assessment Section
Water Quality Division

JMM/LF/sc

cc: J. Claire Baker, 900 West Frey Street, Stephenville, Texas 76401

