EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2010-1347-IWD-E **TCEQ ID:** RN101511772 **CASE NO.:** 40223
RESPONDENT NAME: San Angelo Packing Company, 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:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: San Angelo Packing, located on the Atchinson Topeka & Santa Fe Railway, 5,000 feet east and 4,000 feet south of the intersection of Armstrong Road and 50th Street, San Angelo, Tom Green County

TYPE OF OPERATION: Wastewater treatment facility

SMALL BUSINESS: __X__ **Yes** ___ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 10, 2011. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, P.E., Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5890; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495
Respondent: Mr. Jarrod Stokes, President, San Angelo Packing Company, Inc., 1809 North Bell Street, San Angelo, Texas 76903
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: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** July 28, 2010 **Date of NOV/NOE Relating to this Case:** August 11, 2010 (NOE) **Background Facts:** This was a routine investigation. **WATER** 1) Failed to comply with the permitted limits for biochemical oxygen demand (5 day)("BOD5") and flow [Permit No. WQ0003901000, Part IV, Conditions of the Permit and 30 TEX. ADMIN. CODE § 305.125(1)]. 2) Failed to submit noncompliance notification for any effluent violation which deviates from the permitted effluent limitation by greater than 40% and for unauthorized discharges in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the BOD5 permit limit was exceeded by more than 40% for samples collected on eight occasions during the period of July 1, 2009 through January 12, 2010 and noncompliance notifications were not submitted [Permit No. WQ0003901000, Part VI, Standard Permit Conditions, Monitoring Requirements No. 7.c. and 30 TEX. ADMIN. CODE § 305.125(1)]. 3) Failed to comply with the permitted application rate for total nitrogen loading of 400 lbs/acre/year for effluent used for irrigation. Specifically, the nitrogen loading rate was exceeded in 2007, 2008, and 2009 [Permit No. WQ0003901000, Part IV, Conditions of the Permit and 30 TEX. ADMIN. CODE § 305.125(1)].	**Total Assessed:** $20,573 **Total Deferred:** $4,114 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $16,459 **Compliance History Classification:** Person/CN – Average Site/RN – Average **Major Source:** __ Yes __X__ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility: a. Ceased all irrigation practices by January 1, 2010; b. Began sending all wastewater to the City of San Angelo sanitary sewer system by January 15, 2010; c. Copies of the tabulated effluent quality and volume data for the wastewater used for irrigation and the soil monitoring reports for years 2007, 2008, and 2009 were obtained during the July 28, 2010 investigation; and d. Began maintaining the 2009 soil monitoring records for total nitrogen available for review by September 9, 2010. **Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, update the Facility's operational guidance and conduct employee training to ensure that all reporting and recordkeeping requirements are timely and properly accomplished, including procedures to ensure that written reports for effluent violations which deviate by more than 40% from the permitted limit are properly submitted to the TCEQ as well as the tabulated effluent quality and volume data for the wastewater used for irrigation; and b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.

4) Failed to make soil monitoring records available for review by a TCEQ representative. Specifically, the Respondent failed to have the 2009 soil monitoring records for total nitrogen available for review [Permit No. WQ0003901000, Part VI, Monitoring Requirements No. 3.b. and 30 TEX. ADMIN. CODE § 305.125(1)]. 5) Failed to timely submit copies of the soil monitoring reports to the Regional Office during September of each year. Specifically, copies of the soil monitoring reports for years 2007, 2008, and 2009 were not provided to the Regional Office by September of each calendar year [Permit No. WQ0003901000, Part V, Special Provision M and 30 TEX. ADMIN. CODE § 305.125(1)]. 6) Failed to timely submit copies of the tabulated effluent quality and volume data for the wastewater used for irrigation to the Regional Office during September of each year. Specifically, copies of the tabulated effluent quality and volume data for the wastewater used for irrigation for years 2007, 2008, and 2009 were not provided to the Regional Office by September of each calendar year [Permit No. WQ0003901000, Part V, Special Provision K and 30 TEX. ADMIN. CODE § 305.125(1)].		

Additional ID No(s).: WQ0003901000

Penalty Calculation Worksheet (PCW)

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

TCEQ

DATES					
Assigned	16-Aug-2010				
PCW	18-Aug-2010	Screening	17-Aug-2010	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	San Angelo Packing Company, Inc.		
Reg. Ent. Ref. No.	RN101511772		
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	40223	No. of Violations	5
Docket No.	2010-1347-IWD-E	Order Type	1660
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*: $19,200

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 10.0% Enhancement — *Subtotals 2, 3, & 7*: $1,920

Notes: Enhancement for two NOVs with the same/similar 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*: $760

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

Total EB Amounts: $1,298
Approx. Cost of Compliance: $16,300
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal*: $20,360

OTHER FACTORS AS JUSTICE MAY REQUIRE — 1.0% — *Adjustment*: $213

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost associated with Violation No. 2.

Final Penalty Amount: $20,573

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty*: $20,573

DEFERRAL — 20.0% Reduction — *Adjustment*: -$4,114

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY: $16,459

Screening Date 17-Aug-2010 **Docket No.** 2010-1347-IWD-E **PCW**

Respondent San Angelo Packing Company, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40223

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101511772

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 (*number of NOVs meeting criteria*)	2	10%
	Other written NOVs	0	0%
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%

		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) 10%

>> 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 two NOVs with the same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 17-Aug-2010 **Docket No.** 2010-1347-IWD-E **PCW**

Respondent San Angelo Packing Company, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 40223 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101511772

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s) Permit No. WQ0003901000, Part IV, Conditions of the Permit and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to comply with the permitted limits. See attached Effluent Limit Violation Table.

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 environment receptors as a result of the violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 3 — 195 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $3,000

Three quarterly events are recommended.

Good Faith Efforts to Comply

25.0% Reduction — $750

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

Notes: The Respondent achieved compliance by January 15, 2010 for this violation.

Violation Subtotal $2,250

Economic Benefit (EB) for this violation

Estimated EB Amount $271

Statutory Limit Test

Violation Final Penalty Total $2,577

This violation Final Assessed Penalty (adjusted for limits) $2,577

Economic Benefit Worksheet

Respondent San Angelo Packing Company, Inc.
Case ID No. 40223
Reg. Ent. Reference No. RN101511772
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				0.00	$0	n/a	$0
Other (as needed)	$10,000	1-Jul-2009	15-Jan-2010	0.54	$271	n/a	$271
Notes for DELAYED costs	Estimated cost to return to compliance with permit limits by sending all wastewater to the City of San Angelo sanitary sewer system. Date Required is the first day of non-compliance, Final Date is the 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	$10,000				TOTAL		$271

Screening Date 17-Aug-2010 **Docket No.** 2010-1347-IWD-E **PCW**

Respondent San Angelo Packing Company, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 40223 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101511772

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s) Permit No. WQ0003901000, Part VI, Standard Permit Conditions, Monitoring Requirements No. 7.c. and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to submit noncompliance notification for any effluent violation which deviates from the permitted effluent limitation by greater than 40% in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance. Specifically, the biochemical oxygen demand (5 day) ("BOD5") permit limit was exceeded by more than 40% for samples collected on eight occasions during the period of July 1, 2009 through January 12, 2010 and noncompliance notifications were not submitted. See attached Effluent Limit Violation Table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Harm: Release	Major	Moderate	Minor
	Actual			
	Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events: 8 — 8 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $8,000

Eight single events are 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 $8,000

Economic Benefit (EB) for this violation

Estimated EB Amount $251

Statutory Limit Test

Violation Final Penalty Total $8,892

This violation Final Assessed Penalty (adjusted for limits) $8,892

Economic Benefit Worksheet

Respondent San Angelo Packing Company, Inc.
Case ID No. 40223
Reg. Ent. Reference No. RN101511772
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$500	26-Aug-2009	1-Mar-2011	1.51	$38	n/a	$38
Notes for DELAYED costs	Estimated cost to update the Facility's operational guidance and conduct employee training to ensure that all reporting and recordkeeping requirements are timely and properly accomplished. Date Required is the date the first noncompliance notification was due, 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)	$200	26-Aug-2009	19-Jan-2010	1.32	$13	$200	$213
Notes for AVOIDED costs	Estimated cost ($25.00 per notice) to submit the required noncompliance notifications. Date Required is the date the first noncompliance notification was due, Final Date is the date the last noncompliance notification was due.						

Approx. Cost of Compliance $700

TOTAL $251

Screening Date 17-Aug-2010 **Docket No.** 2010-1347-IWD-E **PCW**

Respondent San Angelo Packing Company, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40223

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101511772

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 3

Rule Cite(s) Permit No. WQ0003901000, Part IV, Conditions of the Permit and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to comply with the permitted application rate for total nitrogen loading of 400 lbs/acre/year for effluent used for irrigation. Specifically, the nitrogen loading rate was exceeded in 2007, 2008, and 2009.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual		x	
	Potential			

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to comply with the permitted application rate for total nitrogen loading of effluent used for irrigation resulted in the release of significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events: 3 — 1095 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $7,500

Three annual events are 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 $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $751

Statutory Limit Test

Violation Final Penalty Total $8,336

This violation Final Assessed Penalty (adjusted for limits) $8,336

Economic Benefit Worksheet

Respondent San Angelo Packing Company, Inc.
Case ID No. 40223
Reg. Ent. Reference No. RN101511772
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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				0.00	$0	n/a	$0
Other (as needed)	$5,000	1-Jan-2007	1-Jan-2010	3.00	$751	n/a	$751
Notes for DELAYED costs	Estimated cost to comply with the permitted application rate for total nitrogen loading of effluent used for irrigation by ceasing all irrigation practices and sending all wastewater to an alternate disposal site. Date Required is the first date of non-compliance. Final Date is the 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 $5,000

TOTAL $751

Screening Date 17-Aug-2010 **Docket No.** 2010-1347-IWD-E **PCW**

Respondent San Angelo Packing Company, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 40223 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101511772

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number	4
Rule Cite(s)	Permit No. WQ0003901000, Part VI, Monitoring Requirements No. 3.b. and 30 Tex. Admin. Code § 305.125(1)
Violation Description	Failed to make soil monitoring records available for review by a TCEQ representative. Specifically, the Respondent failed to have the 2009 soil monitoring records for total nitrogen available for review.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: More than 70% of the rule requirement was met.

Adjustment $9,900

$100

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 $100

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction — $10

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

Notes: The Respondent achieved compliance by September 9, 2010 for this violation.

Violation Subtotal $90

Economic Benefit (EB) for this violation — Statutory Limit Test

Estimated EB Amount $1

Violation Final Penalty Total $101

This violation Final Assessed Penalty (adjusted for limits) $101

Economic Benefit Worksheet

Respondent San Angelo Packing Company, Inc.
Case ID No. 40223
Reg. Ent. Reference No. RN101511772
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$100	28-Jul-2010	9-Sep-2010	0.12	$1	n/a	$1
Notes for DELAYED costs	Estimated cost to maintain the soil monitoring records available for review by a TCEQ representative. Date Required is the investigation date. Final Dateis the 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 $100

TOTAL $1

Screening Date 17-Aug-2010 **Docket No.** 2010-1347-IWD-E **PCW**

Respondent San Angelo Packing Company, Inc.

Policy Revision 2 (September 2002)

Case ID No. 40223

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101511772

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 5

Rule Cite(s) Permit No. WQ0003901000, Part V, Special Provisions K and M and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to timely submit copies of the tabulated effluent quality and volume data for the wastewater used for irrigation and the soil monitoring reports to the Region Office during September of each year. Specifically, copies of the tabulated effluent quality and volume data for the wastewater used for irrigation and the soil monitoring reports for years 2007, 2008 and 2009 were not provided to the Regional Office by September of each calendar year.

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: More than 70% of the rule requirement was met.

Adjustment $9,900

$100

Violation Events

Number of Violation Events 6 — 3 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $600

Six single events are recommended, one for each report not timely submitted.

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 $600

Economic Benefit (EB) for this violation

Estimated EB Amount $25

Statutory Limit Test

Violation Final Penalty Total $667

This violation Final Assessed Penalty (adjusted for limits) $667

Economic Benefit Worksheet

Respondent San Angelo Packing Company, Inc.
Case ID No. 40223
Reg. Ent. Reference No. RN101511772
Media Water Quality
Violation No. 5

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				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)	$500	16-Mar-2010	15-Mar-2011	1.00	$25	n/a	$25
Notes for DELAYED costs	Estimated cost to complete and submit copies of the tabulated effluent quality and volume data for the wastewater used for irrigation and the soil monitoring reports to the Region Office and to update the Facility's operational guidance and conduct employee training to ensure that all reporting procedures are timely and properly accomplished. 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 $500

TOTAL $25

Effluent Limit Violation Table

table rev.

San Angelo Packing Company, Inc.

RN101511772, Case No. 40223

2010-1347-IWD-E

Jorge Ibarra, P.E.

Corresponds to Violation Number: 1 & 2

EFFLUENT PARAMETER

Permit Limit

	BOD5 Daily Maximum Concentration	BOD5 Greater than 40%	Flow						
Month/Year	200 mg/L	280 mg/L	0.15 MGD						
07/01/09	265	c	c						
07/08/09	234	c	c						
08/05/09	220	c	c						
08/19/09	288	Yes	c						
08/26/09	243	c	c						
09/01/09	225	c	c						
09/30/09	275	c	c						
10/07/09	283	Yes	c						
10/14/09	274	c	c						
10/21/09	297	Yes	c						
10/28/09	265	c	c						
10/31/09	c	c	0.165						
11/04/09	206	c	c						
11/11/09	250	c	c						
11/24/09	236	c	c						
12/09/09	312	Yes	c						
12/16/09	306	Yes	c						
12/25/09	345	Yes	c						
12/29/09	216	c	c						
01/06/10	302	Yes	c						
01/12/10	381	Yes	c						

Name	Abbreviation
milligram per liter	mg/L
million gallons per day	MGD
Biochemical Oxygen Demand (5-day)	BOD5
compliant	c

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600788517	San Angelo Packing Company, Inc.	Classification: AVERAGE	Rating: 10.10
Regulated Entity:	RN101511772	SAN ANGELO PACKING	Classification: AVERAGE	Site Rating: 17.20
ID Number(s):	WASTEWATER		PERMIT	WQ0003901000
	INDUSTRIAL AND HAZARDOUS WASTE		ID NUMBER	F1610
Location:	located on the Atchinson Topeka & Santa Fe Railway, 5,000 feet east and 4,000 feet south of the intersection of Armstrong Road and 50th Street in San Angelo, Tom Green, Texas			
TCEQ Region:	REGION 08 - SAN ANGELO			
Date Compliance History Prepared:	August 16, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 16, 2005 to August 16, 2010			

TCEQ Staff Member to Contact for Additional 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 02/22/2006 (455440)
2 01/25/2007 (537048)
3 05/14/2007 (555424)
4 07/06/2007 (566614)

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

Date: 02/22/2006 (455440)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
WQ0003901, IV. PERMIT
Description: Failure to comply with daily maximum permit limitation for 5-day biochemical oxygen demand (BOD5).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 328, SubChapter D 328.23(a)
WQ0003901, VI.C. PERMIT
Description: Failure to store used oil filter in a manner that prevents the discharge of oil into soil.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 324, SubChapter A 324.1
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)
WQ0003901, VI.C. PERMIT

Description: Failure to label containers that contained used oil with "Used Oil".

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter B 111.201
WQ0003901, VI.C. PERMIT

Description: Unauthorized burning of solid waste.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62
WQ0003901, VI.H.1 PERMIT

Description: Failure to perform hazardous waste determinations on all wastes generated at the facility.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)
WQ0003901, VI.H.1 PERMIT

Description: Failure to keep records of all hazardous and industrial solid waste activities.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4
TWC Chapter 26 26.121
WQ0003901, VI.H.1. PERMIT

Description: Failure to manage wastes in a manner to prevent an imminent threat of discharge to the environment.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.4
TWC Chapter 26 26.121
WQ0003901, VI.H.1 PERMIT

Description: Failure to prevent discharges of denaturant waste to the environment, ash waste to the environment, lead-acid batteries to the environment, sandblast waste to the environment, petroleum hydrocarbon spills to the environment, and parts washer solvent spills to the environment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.4
PPV.R PERMIT

Description: Failure to monitor required parameters.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPV.A.4., G, and K. PERMIT

Description: Failure to calculate/record the total nitrogen and hydraulic loading rates of effluent used for irrigation.

Date: 05/14/2007 (555424)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVI.5 PERMIT

Description: Failure to calibrate automatic flow meters used to monitor flow at least annually.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIV PERMIT

Description: Failure to meet the permit limit for daily average flow.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPIV PERMIT

Description: Failure to meet the permit limit for five-day biochemical oxygen demand (BOD5).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPVI.7.c PERMIT

Description: Failure to submit noncompliance notification for effluent exceedances that exceed the permit limit by more than 40%.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

PPV.A.3 PERMIT

Description: Failure to properly calculate the daily average flow.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

PPV.K PERMIT

Description: Failure to maintain records of the BOD5 loading rates for the irrigation fields.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPV.G and K PERMIT

Description: Failure to submit during September the tabulated quality and volume data of the wastewater used for irrigation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.121
PPV.E PERMIT

Description: Failure to obtain written approval prior to irrigating areas consisting of restricted soils.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
PPV.F PERMIT

Description: Failure to maintain a record of the mowing and/or grazing of the irrigated fields.

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 SAN ANGELO PACKING COMPANY, INC. RN101511772	**§ § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2010-1347-IWD-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 San Angelo Packing Company, Inc. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. 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 wastewater treatment facility located on the Atchinson Topeka & Santa Fe Railway, 5,000 feet east and 4,000 feet south of the intersection of Armstrong Road and 50th Street in San Angelo, Tom Green County, Texas (the "Facility").

2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

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 August 16, 2010.

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 Twenty Thousand Five Hundred Seventy-Three Dollars ($20,573) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Sixteen Thousand Four Hundred Fifty-Nine Dollars ($16,459) of the administrative penalty and Four Thousand One Hundred Fourteen Dollars ($4,114) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

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

9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:

   a. Ceased all irrigation practices by January 1, 2010;

   b. Began sending all wastewater to the City of San Angelo sanitary sewer system by January 15, 2010;

   c. Copies of the tabulated effluent quality and volume data for the wastewater used for irrigation and the soil monitoring reports for years 2007, 2008 and 2009 were obtained during the July 28, 2010 investigation; and

   d. Began maintaining the 2009 soil monitoring records for total nitrogen available for review by September 9, 2010.

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 Facility, the Respondent is alleged to have:

1. Failed to comply with the permitted limits, in violation of Permit No. WQ0003901000, Part IV, Conditions of the Permit and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on July 28, 2010, and shown in the table below:

EFFLUENTPARAMETER			
Permit Limit			
	BOD5 Daily Maximum Concentration	Greater than 40%	Flow
Month/Year	200 mg/L	280 mg/L	0.15 MGD
07/01/09	265	c	c
07/08/09	234	c	c
08/05/09	220	c	c
08/19/09	288	Yes	c
08/26/09	243	c	c
09/01/09	225	c	c
09/30/09	275	c	c
10/07/09	283	Yes	c
10/14/09	274	c	c
10/21/09	297	Yes	c
10/28/09	265	c	c
10/31/09	c	c	0.165
11/04/09	206	c	c
11/11/09	250	c	c
11/24/09	236	c	c
12/09/09	312	Yes	c
12/16/09	306	Yes	c
12/25/09	345	Yes	c
12/29/09	216	c	c
01/06/10	302	Yes	c
01/12/10	381	Yes	c

BOD5 = biochemical oxygen demand (5 day) mg/L = milligrams per liter
million gallons per day = MGD c = compliant

2. Failed to submit noncompliance notification for any effluent violation which deviates from the permitted effluent limitation by greater than 40% and for unauthorized discharges in writing to the Regional Office and the Enforcement Division within five working days of becoming aware of the noncompliance, in violation of Permit No. WQ0003901000, Part VI, Standard Permit Conditions, Monitoring Requirements No. 7.c. and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on July 28, 2010. Specifically, the BOD5 permit limit was exceeded by more than 40% for samples collected on eight occasions during the period of July 1, 2009 through January 12, 2010 and noncompliance notifications were not submitted, as shown in the table above.

3. Failed to comply with the permitted application rate for total nitrogen loading of 400 lbs/acre/year for effluent used for irrigation, in violation of Permit No. WQ0003901000, Part IV, Conditions of the Permit and 30 TEX. ADMIN. CODE § 305.125(1), as documented

during an investigation conducted on July 28, 2010. Specifically, the nitrogen loading rate was exceeded in 2007, 2008, and 2009.

4. Failed to make soil monitoring records available for review by a TCEQ representative, in violation of Permit No. WQ0003901000, Part VI, Monitoring Requirements No. 3.b. and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on July 28, 2010. Specifically, the Respondent failed to have the 2009 soil monitoring records for total nitrogen available for review.

5. Failed to timely submit copies of the soil monitoring reports to the Region Office during September of each year, in violation of Permit No. WQ0003901000, Part V, Special Provision M and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on July 28, 2010. Specifically, copies of the soil monitoring reports for the years 2007, 2008 and 2009 were not provided to the Regional Office by September of each calendar year.

6. Failed to timely submit copies of the tabulated effluent quality and volume data for the wastewater used for irrigation to the Region Office during September of each year, in violation of Permit No. WQ0003901000, Part V, Special Provision K and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on July 28, 2010. Specifically, copies of the tabulated effluent quality and volume data for the wastewater used for irrigation for years 2007, 2008 and 2009 were not provided to the Regional Office by September of each calendar year.

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: San Angelo Packing Company, Inc., Docket No. 2010-1347-IWD-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, update the Facility's operational guidance and conduct employee training to ensure that all reporting and recordkeeping requirements are timely and properly accomplished, including procedures to ensure that written reports for effluent violations which deviate by more than 40% from the permitted limit are properly submitted to the TCEQ as well as the tabulated effluent quality and volume data for the wastewater used for irrigation; and

b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

Water Section, Manager
San Angelo Regional Office
Texas Commission on Environmental Quality
622 South Oakes, Suite K
San Angelo, Texas 76903-7013

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 Facility 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 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 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.

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

_____ _____
For the Executive Director Date 11/10/2011

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.

_____ _____
Signature Date November 2, 2010

Jarrod Stokes President
Name (Printed or typed) Title
Authorized Representative of
San Angelo Packing Company, Inc.

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.