

Executive Summary – Enforcement Matter – Case No. 48220
Molinos Anahuac, Inc.
RN105452072
Docket No. 2014-0175-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Macsa Facility, located north of the IH-27 and Farm-to-Market Road 1294 intersection, north of the Lubbock Airport, Lubbock, Lubbock County

Type of Operation:

Wet corn milling facility authorized to utilize reclaimed water

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 29, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$29,219

Amount Deferred for Expedited Settlement: \$5,843

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$699

Total Due to General Revenue: \$22,677

Payment Plan: 33 payments of \$666 each and one payment of \$699

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 26, 2013 through December 2, 2013

Date(s) of NOE(s): January 16, 2014

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Violation Information

1. Failed to provide warning signs or secure the area to prevent access by the public to the area where reclaimed water is stored. Specifically, no warning signs reading both in English and Spanish, "Reclaimed Water, Do Not Drink" or similar warning, were installed at all storage areas, hose bibs, and faucets [30 TEX. ADMIN. CODE § 210.25(b)].
2. Failed to provide ensure all exposed piping within a building shall be either purple or painted purple and failed to label exposed piping with a warning stenciled in white reading "NON-POTABLE WATER" [30 TEX. ADMIN. CODE § 210.25(g)].
3. Failed to ensure all initial holding ponds designed to contain Type I effluent conform to the storage requirements for reclaimed water. Specifically, two holding ponds were constructed using an unknown synthetic membrane; the synthetic membrane had multiple rips and tears; the bank of the northern pond was breached; and no leak detection system was in place. In addition, engineering plans or certifications were not obtained prior to construction or utilization of the ponds [30 TEX. ADMIN. CODE § 210.23(d) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Additional Requirements No. 9].
4. Failed to maintain the land application area with a vegetative cover or have the irrigation site under cultivation while irrigating with reclaimed industrial wastewater. Specifically, there was no vegetative cover in the land application area [30 TEX. ADMIN. CODE § 210.24(d)(2)].
5. Failed to transfer reclaimed water meeting the quality limits described for use in a pond system. Specifically, a grab sample collected from the northern holding pond exceeded the limit of 30 milligrams per liter ("mg/L") (result 3,096 mg/L) for five-day biochemical oxygen demand ("BOD₅") [30 TEX. ADMIN. CODE § 210.33(2)(B) and TEX. WATER CODE § 26.121(a)(1)].
6. Failed to sample effluent quality prior to routing for irrigation. Specifically, the Repondent did not sample effluent for total organic carbon, total nitrogen, and five-day biochemical oxygen demand once per month and pH once per week as required [30 TEX. ADMIN. CODE § 210.57(b)(1)(A) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Quality Criteria and Additional Requirements No. 1].
7. Failed to prevent the unauthorized discharge of industrial reclaimed wastewater into or adjacent to water in the state. Specifically, discharge from the wastewater conveyance piping near the ponds was on the ground flowing into the adjacent railroad right-of-way, which eventually drains to the Brazos River Basin. The flow extended from the area of the holding ponds to approximately a quarter of a mile back to the production Facility. In addition, wastewater conveyance piping from the production Facility to the solids removal mechanism was disconnected near the building stubout

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and a polyvinyl chloride pipe was on the ground connected in its place, which was discharging process wastewater approximately 20 feet from the building. Significant organic matter (corn) accumulation was in the discharged material. On December 2, 2013, samples were collected at the following locations: the railroad right-of-way east of the holding ponds, which indicated a BOD₅ of 2,700 mg/L, total suspended solids ("TSS") of 2,840 mg/L, total organic carbon ("TOC") of 1,650 mg/L, and total dissolved solids ("TDS") of 3,520 mg/L; the solids separation units located near the northwest corner of the production Facility, which indicated a pH level of 5.63 standard units, BOD₅ greater than 2,952 mg/L, TSS of 2,460 mg/L, oil and grease of 19.3 mg/L, TOC of 4,920 mg/L, and TDS of 4,980 mg/L [30 TEX. ADMIN. CODE § 210.22(e) and TEX. WATER CODE § 26.121(a)(1)].

8. Failed to notify the TCEQ of an unauthorized discharge into or adjacent to water in the state in writing within five working days of becoming aware of the discharge, as documented during an investigation conducted on November 26, 2013. Specifically, the Respondent did not submit written notification of an unauthorized discharge observed on November 26, 2013 from the wastewater conveyance piping near the pond and from the polyvinyl chloride pipe near the building studout [30 TEX. ADMIN. CODE § 210.22(e)].

9. Failed to maintain an operating log which records irrigation activities and be readily available for inspection by the Executive Director for a minimum period of five years. Specifically, the Facility was not maintaining an operating log to record the volume of industrial reclaimed water used for irrigation each day and the actual surface areas wetted each day [30 TEX. ADMIN. CODE § 210.57(b)(2)(C) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Additional Requirements No. 5].

10. Failed to maintain the buffer zone requirement of 250 feet from private water wells when applying industrial reclaimed water to land. Specifically, a private water well was located 50 feet north of the northern pond and a portion of the water pumped for irrigation was applied approximately 100 feet from this water well [30 TEX. ADMIN. CODE § 210.56(f)(4) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Additional Requirements No. 6].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By February 2, 2014, the Respondent purchased and installed signs around the holding ponds in order to prevent access by the public.

Technical Requirements:

The Order will require the Respondent to:

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- a. Immediately, begin monitoring effluent quality prior to routing for irrigation.
- b. Within 15 days, submit written certification of compliance with a.
- c. Within 30 days:
 - i. Ensure that effluent quality meets limits prior to irrigating the land application area or cease irrigating the land application area with reclaimed industrial wastewater and re-route all reclaimed industrial wastewater to the City of Lubbock's wastewater collection system;
 - ii. Update operational procedures and conduct employee training to ensure that all requirements of the TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111 will be fulfilled in the future, including effluent sampling, timely reporting requirements for unauthorized discharges, required maintenance of irrigation activities, operating logs, and buffer zone requirements;
 - iii. Paint all exposed piping conveying industrial reuse water purple and label exposed piping conveying reused water with a warning stenciled in white reading "NON-POTABLE WATER";
 - iv. Establish vegetative cover over the 14-acre land application area with either bermuda grass or alfalfa grass;
 - v. Provide and maintain adequate treatment capability for the industrial reuse water and to ensure the effluent Quality Criteria standards of the TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111 are maintained;
 - vi. Provide warning signs at all hose bibs and faucets where reclaimed water is stored reading, in English and Spanish, "Reclaimed Water, Do Not Drink" or similar warning; and
 - vii. Ensure that the buffer zone requirement of 250 feet from the private water well is maintained when applying industrial reclaimed water to land.
- d. Within 45 days, submit written certification of compliance with c.
- e. Within 60 days, determine the cause of the unauthorized discharges, make the necessary repair or corrections to cease the unauthorized discharge of wastewater, implement the necessary actions to prevent recurrence of the noncompliance, mitigate the adverse effects of the discharges, and to ensure that industrial reclaimed water is

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transported to the irrigation sites via an approved conveyance system to prevent unauthorized discharges.

f. Within 75 days, submit written certification of compliance with e.

g. Within 120 days, submit certification by a Texas Registered Professional Engineer that the holding ponds are properly constructed and that the pond linings meet the appropriate criteria for each of the holding ponds.

h. Within 135 days, submit written certification of compliance with g.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Jennifer Graves, Enforcement Division,
Enforcement Team 1, MC R-15, (956) 430-6023; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Sergio Rascon, General Manager, Molinos Anahuac, Inc., 301 Insurance
Road, Lubbock, Texas 79403

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	21-Jan-2014	Screening	3-Feb-2014	EPA Due	
	PCW	11-Jul-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	Molinos Anahuac, Inc.		
Reg. Ent. Ref. No.	RN105452072		
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	48220	No. of Violations	10
Docket No.	2014-0175-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jennifer Graves
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 Approx. Cost of Compliance **Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 3-Feb-2014

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PCW

Respondent Molinos Anahuac, Inc.

Policy Revision 3 (September 2011)

Case ID No. 48220

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105452072

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

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>)	0	0%
	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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 3-Feb-2014

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PCW

Respondent Molinos Anahuac, Inc.

Policy Revision 3 (September 2011)

Case ID No. 48220

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105452072

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 210.25(b)

Violation Description Failed to provide warning signs or secure the area to prevent access by the public to the area where reclaimed water is stored, as documented during an investigation conducted on November 26, 2013. Specifically, no warning signs reading both in English and Spanish, "Reclaimed Water, Do Not Drink" or similar warning, were installed at all storage areas, hose bibs, and faucets.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (5.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes

Failure to provide warning signs warning persons that the water is non-potable or securing the area could expose persons to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 69

Table for marking frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event.

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (November 26, 2013) to the screening date (February 3, 2014).

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A.

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$1,259

This violation Final Assessed Penalty (adjusted for limits) \$1,259

Economic Benefit Worksheet

Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
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)	\$111	26-Nov-2013	3-Feb-2014	0.19	\$0	\$1	\$1
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	26-Nov-2013	30-Nov-2014	1.01	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to purchase and install signs around the holding ponds in order to prevent access by the public. Date required is the investigation date. Final date is the date of compliance. Estimated cost to provide warning signs at all hose bibs and faucets where reclaimed water is stored reading, in English and Spanish, "Reclaimed Water, Do Not Drink" or similar warning. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$211

TOTAL

\$7

Screening Date 3-Feb-2014
Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media [Statute] Water Quality
Enf. Coordinator Jennifer Graves
Violation Number 2

Docket No. 2014-0175-IWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Rule Cite(s) 30 Tex. Admin. Code § 210.25(g)
Violation Description Failed to ensure all exposed piping within a building shall be either purple or painted purple and failed to label exposed piping with a warning stenciled in white reading "NON-POTABLE WATER", as documented during an investigation conducted on November 26, 2013.

Base Penalty \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (November 26, 2013) to the screening date (February 3, 2014).

Good Faith Efforts to Comply

0.0% Reduction

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$177

Violation Final Penalty Total \$1,259

This violation Final Assessed Penalty (adjusted for limits) \$1,259

Economic Benefit Worksheet

Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	26-Nov-2013	30-Nov-2014	1.01	\$8	\$168	\$177
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to paint all exposed piping conveying industrial reuse water purple and label exposed pipe conveying reused water with a warning stenciled in white reading "NON-POTABLE WATER". Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$177

Screening Date 3-Feb-2014
Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media [Statute] Water Quality
Enf. Coordinator Jennifer Graves
Violation Number 3

Docket No. 2014-0175-IWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Rule Cite(s) 30 Tex. Admin. Code § 210.23(d) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Additional Requirements No. 9

Violation Description Failed to ensure all initial holding ponds designed to contain Type I effluent conform to the storage requirements for reclaimed water, as documented during an investigation conducted on November 26, 2013. Specifically, two holding ponds were constructed using an unknown synthetic membrane; the synthetic membrane had multiple rips and tears; the bank of the northern pond was breached; and no leak detection system was in place. In addition, engineering plans or certifications were not obtained prior to construction or utilization of the ponds.

Base Penalty \$25,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
single event		

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (November 26, 2013) to the screening date (February 3, 2014).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$708

Violation Final Penalty Total \$1,259

This violation Final Assessed Penalty (adjusted for limits) \$1,259

Economic Benefit Worksheet

Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$10,000	26-Nov-2013	30-Nov-2014	1.01	\$34	\$674	\$708
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to submit certifications by a Texas Registered Professional Engineer that the holding ponds are properly constructed and that the pond linings meet the appropriate criteria for each holding pond (in accordance with 30 Tex. Admin. Code § 210.23(d)). Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$708

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PCW

Respondent Molinos Anahuac, Inc.

Policy Revision 3 (September 2011)

Case ID No. 48220

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105452072

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 210.24(d)(2)

Violation Description

Failed to maintain the land application area with a vegetative cover or have the irrigation site under cultivation while irrigating with reclaimed industrial wastewater, as documented during an investigation conducted on November 26, 2013. Specifically, there was no vegetative cover in the land application area.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

69 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$99

Violation Final Penalty Total \$756

This violation Final Assessed Penalty (adjusted for limits) \$756

Economic Benefit Worksheet

Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media Water Quality
Violation No. 4

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)	\$1,400	26-Nov-2013	30-Nov-2014	1.01	\$5	\$94	\$99
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to restore vegetative cover within the land application area with either bermuda grass or alfalfa grass (\$100 x 14 acres). Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,400

TOTAL

\$99

Screening Date 3-Feb-2014
Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media [Statute] Water Quality
Enf. Coordinator Jennifer Graves

Docket No. 2014-0175-IWD-E

PCW

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 210.33(2)(B) and Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to transfer reclaimed water meeting the quality limits described for use in a pond system, as documented during an investigation conducted on November 26, 2013. Specifically, a grab sample collected from the northern holding pond exceeded the limit of 30 milligrams per liter ("mg/L") (result 3,096 mg/L) for five-day biochemical oxygen demand ("BOD5").

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		x		15.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 Number of violation days 69

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$11,250

Three monthly events are recommended from the investigation date (November 26, 2013) to the screening date (February 3, 2014).

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 \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,415

Violation Final Penalty Total \$11,335

This violation Final Assessed Penalty (adjusted for limits) \$11,335

Economic Benefit Worksheet

Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media Water Quality
Violation No. 5

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)	\$20,000	26-Nov-2013	30-Nov-2014	1.01	\$67	\$1,348
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)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide and maintain adequate treatment capability for the industrial reuse water and to ensure that effluent quality standards are maintained. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$20,000 **TOTAL** \$1,415

Screening Date 3-Feb-2014

Docket No. 2014-0175-IWD-E

PCW

Respondent Molinos Anahuac, Inc.

Policy Revision 3 (September 2011)

Case ID No. 48220

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105452072

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 210.57(b)(1)(A) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Quality Criteria and Additional Requirements No. 1

Violation Description

Failed to sample effluent quality prior to routing for irrigation, as documented during an investigation conducted on November 26, 2013. Specifically, the Repondent did not sample effluent for total organic carbon, total nitrogen, and five-day biochemical oxygen demand once per month and pH once per week as required.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

69 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,250

One quarterly event is recommended from the investigation date (November 26, 2013) to the screening date (February 3, 2014).

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$132

Violation Final Penalty Total \$1,259

This violation Final Assessed Penalty (adjusted for limits) \$1,259

Economic Benefit Worksheet

Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Req. Ent. Reference No. RN105452072
Media Water Quality
Violation No. 6

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	\$250	26-Nov-2013	30-Nov-2014	1.01	\$13	n/a	\$13
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to begin monitoring effluent quality prior to routing for irrigation and to update operational procedures and conduct employee training to ensure that all requirements of the Industrial Reclaimed Water Use Authorization will be fulfilled in the future, including effluent sampling, timely reporting of unauthorized discharges, maintenance of operating logs, and buffer zone requirements. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$600	26-Nov-2013	3-Feb-2014	0.19	\$6	\$113	\$119
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

Estimated costs to collect, analyze, and report samples for total organic carbon, total nitrogen, five-day biochemical oxygen demand and pH (\$50/month). Date Required is the investigation date. Final Date is the screening date.

Approx. Cost of Compliance

\$850

TOTAL

\$132

Screening Date 3-Feb-2014
Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media [Statute] Water Quality
Enf. Coordinator Jennifer Graves
Violation Number 7

Docket No. 2014-0175-IWD-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Rule Cite(s) 30 Tex. Admin. Code § 210.22(e) and Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to prevent the unauthorized discharge of industrial reclaimed wastewater into or adjacent to water in the state, as documented during an investigation conducted on November 26, 2013. Specifically, discharge from the wastewater conveyance piping near the ponds was on the ground flowing into the adjacent railroad right-of-way, which eventually drains to the Brazos River Basin. The flow extended from the area of the holding ponds to approximately a quarter of a mile back to the production Facility. In addition, wastewater conveyance piping from the production Facility to the solids removal mechanism was disconnected near the building stubout and a polyvinyl chloride pipe was on the ground connected in its place, which was discharging process wastewater approximately 20 feet from the building. Significant organic matter (corn) accumulation was in the discharged material. On December 2, 2013, samples were collected at the following locations: the railroad right-of-way east of the holding ponds, which indicated a BOD5 of 2,700 mg/L, total suspended solids ("TSS") of 2,840 mg/L, total organic carbon ("TOC") of 1,650 mg/L, and total dissolved solids ("TDS") of 3,520 mg/L; the solids separation units located near the northwest corner of the production Facility, which indicated a pH level of 5.63 standard units, BOD5 greater than 2,952 mg/L, TSS of 2,460 mg/L, oil and grease of 19.3 mg/L, TOC of 4,920 mg/L, and TDS of 4,980 mg/L.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		15.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$7,500

Two quarterly events are recommended (one event per location) from the investigation date (November 26, 2013) to the screening date (February 3, 2014).

Good Faith Efforts to Comply

Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
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

Statutory Limit Test

Estimated EB Amount \$1,769

Violation Final Penalty Total \$7,557

This violation Final Assessed Penalty (adjusted for limits) \$7,557

Economic Benefit Worksheet

Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$25,000	26-Nov-2013	30-Nov-2014	1.01	\$84	\$1,685	\$1,769
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to determine the cause of the unauthorized discharges, make the necessary repair or corrections to cease the unauthorized discharge of wastewater, implement the necessary actions to prevent recurrence of the noncompliance, mitigate the adverse effects of the discharges, and to ensure that industrial reclaimed water is transported from the Facility to holding ponds to irrigation sites via an approved conveyance system so as to prevent unauthorized discharges. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25,000

TOTAL

\$1,769

Screening Date 3-Feb-2014

Docket No. 2014-0175-IWD-E

PCW

Respondent Molinos Anahuac, Inc.

Policy Revision 3 (September 2011)

Case ID No. 48220

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105452072

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 210.22(e)

Violation Description

Failed to notify the TCEQ of an unauthorized discharge into or adjacent to water in the state in writing within five working days of becoming aware of the discharge, as documented during an investigation conducted on November 26, 2013. Specifically, the Respondent did not submit written notification of an unauthorized discharge observed on November 26, 2013 from the wastewater conveyance piping near the pond and from the polyvinyl chloride pipe near the building stubout.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

69 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$2,500

Two 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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$2,519

This violation Final Assessed Penalty (adjusted for limits) \$2,519

Economic Benefit Worksheet

Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 6.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$100	26-Nov-2013	2-Dec-2013	0.00	\$0	\$100	\$100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost for providing the required notice to the TCEQ. Date required is the investigation date.
Final date is the date the notification was due.

Approx. Cost of Compliance

\$100

TOTAL

\$100

Screening Date 3-Feb-2014

Docket No. 2014-0175-IWD-E

PCW

Respondent Molinos Anahuac, Inc.

Policy Revision 3 (September 2011)

Case ID No. 48220

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105452072

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 210.57(b)(2)(C) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Additional Requirements No. 5

Violation Description Failed to maintain an operating log which records irrigation activities and be readily available for inspection by the Executive Director for a minimum period of five years, as documented during an investigation conducted on November 26, 2013. Specifically, the Facility was not maintaining an operating log to record the volume of industrial reclaimed water used for irrigation each day and the actual surface areas wetted each day.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (5.0%).

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1 Number of violation days 69

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event. 'x' is marked under 'single event'.

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with rows: Extraordinary, Ordinary, N/A. 'x' is marked under 'N/A'.

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

Violation Subtotal \$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,259

This violation Final Assessed Penalty (adjusted for limits) \$1,259

Economic Benefit Worksheet

Respondent Mollnos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 6.

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

\$0

TOTAL

\$0

Screening Date 3-Feb-2014

Docket No. 2014-0175-IWD-E

PCW

Respondent Molinos Anahuac, Inc.

Policy Revision 3 (September 2011)

Case ID No. 48220

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN105452072

Media [Statute] Water Quality

Enf. Coordinator Jennifer Graves

Violation Number 10

Rule Cite(s)

30 Tex. Admin. Code § 210.56(f)(4) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Additional Requirements No. 6

Violation Description

Failed to maintain the buffer zone requirement of 250 feet from private water wells when applying industrial reclaimed water to land, as documented during an investigation conducted on November 26, 2013. Specifically, a private water well was located 50 feet north of the northern pond and a portion of the water pumped for irrigation was applied approximately 100 feet from this water well.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

69 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$756

This violation Final Assessed Penalty (adjusted for limits) \$756

Economic Benefit Worksheet

Respondent Molinos Anahuac, Inc.
Case ID No. 48220
Reg. Ent. Reference No. RN105452072
Media Water Quality
Violation No. 10

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)	\$500	26-Nov-2013	30-Nov-2014	1.01	\$2	\$34	\$35
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to ensure that the buffer zone requirement of 250 feet from the private water well is maintained when applying industrial reclaimed water to land. Date required is the investigation date. Final date is the expected date of compliance. See Economic Benefit for Violation No. 6 for additional delayed cost.

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

\$35

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
MOLINOS ANAHUAC, INC.
RN105452072

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2014-0175-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Molinos Anahuac, Inc. ("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 together stipulate that:

1. The Respondent owns and operates a wet corn milling facility authorized to utilize reclaimed water located north of the Interstate Highway 27 and Farm-to-Market Road 1294 intersection, north of the Lubbock Airport in Lubbock, Lubbock 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 Executive Director 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 January 21, 2014.
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-Nine Thousand Two Hundred Nineteen Dollars (\$29,219) is assessed by the Commission in settlement of the violations

alleged in Section II ("Allegations"). The Respondent has paid Six Hundred Ninety-Nine Dollars (\$699) of the administrative penalty and Five Thousand Eight Hundred Forty-Three Dollars (\$5,843) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twenty-Two Thousand Six-Hundred Seventy-Seven Dollars (\$22,677) of the administrative penalty shall be payable in 33 monthly payments of Six Hundred Sixty-Six Dollars (\$666) each and a final payment of Six Hundred Ninety-Nine Dollars (\$699). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that by February 2, 2014, the Respondent purchased and installed signs around the holding ponds in order to prevent access by the public.
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 provide warning signs or secure the area to prevent access by the public to the area where reclaimed water is stored, in violation of 30 TEX. ADMIN. CODE § 210.25(b), as documented during an investigation conducted on November 26, 2013. Specifically, no warning signs reading both in English and Spanish, "Reclaimed Water, Do Not Drink" or similar warning, were installed at all storage areas, hose bibs, and faucets.
2. Failed to ensure all exposed piping within a building shall be either purple or painted purple and failed to label exposed piping with a warning stenciled in white reading "NON-POTABLE WATER""NON-POTABLE WATER", in violation of 30 TEX. ADMIN. CODE § 210.25(g), as documented during an investigation conducted on November 26, 2013.
3. Failed to ensure all initial holding ponds designed to contain Type I effluent conform to the storage requirements for reclaimed water, in violation of 30 TEX. ADMIN. CODE § 210.23(d) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Additional Requirements No. 9, as documented during an investigation conducted on November 26, 2013. Specifically, two holding ponds were constructed using an unknown synthetic membrane; the synthetic membrane had multiple rips and tears; the bank of the northern pond was breached; and no leak detection system was in place. In addition, engineering plans or certifications were not obtained prior to construction or utilization of the ponds.
4. Failed to maintain the land application area with a vegetative cover or have the irrigation site under cultivation while irrigating with reclaimed industrial wastewater, in violation of 30 TEX. ADMIN. CODE § 210.24(d)(2), as documented during an investigation conducted on November 26, 2013. Specifically, there was no vegetative cover in the land application area.
5. Failed to transfer reclaimed water meeting the quality limits described for use in a pond system, in violation of 30 TEX. ADMIN. CODE § 210.33(2)(B) and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on November 26, 2013. Specifically, a grab sample collected from the northern holding pond exceeded the limit of 30 milligrams per liter ("mg/L") (result 3,096 mg/L) for five-day biochemical oxygen demand ("BOD₅").
6. Failed to sample effluent quality prior to routing for irrigation, in violation of 30 TEX. ADMIN. CODE § 210.57(b)(1)(A) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Quality Criteria and Additional Requirements No. 1, as documented during an investigation conducted on November 26, 2013. Specifically, the Repondent did not sample effluent for total organic carbon, total nitrogen, and five-day biochemical oxygen demand once per month and pH once per week as required.
7. Failed to prevent the unauthorized discharge of industrial reclaimed wastewater into or adjacent to water in the state, in violation of 30 TEX. ADMIN. CODE § 210.22(e) and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on November 26, 2013. Specifically, discharge from the wastewater conveyance piping near the ponds was on the ground flowing into the adjacent railroad right-of-way, which eventually drains to the Brazos River Basin. The flow extended from the area of the holding ponds to approximately a quarter of a mile back to the production Facility. In addition, wastewater conveyance piping from the production Facility to the solids

removal mechanism was disconnected near the building stubout and a polyvinyl chloride pipe was on the ground connected in its place, which was discharging process wastewater approximately 20 feet from the building. Significant organic matter (corn) accumulation was in the discharged material. On December 2, 2013, samples were collected at the following locations: the railroad right-of-way east of the holding ponds, which indicated a BOD₅ of 2,700 mg/L, total suspended solids ("TSS") of 2,840 mg/L, total organic carbon ("TOC") of 1,650 mg/L, and total dissolved solids ("TDS") of 3,520 mg/L; the solids separation units located near the northwest corner of the production Facility, which indicated a pH level of 5.63 standard units, BOD₅ greater than 2,952 mg/L, TSS of 2,460 mg/L, oil and grease of 19.3 mg/L, TOC of 4,920 mg/L, and TDS of 4,980 mg/L.

8. Failed to notify the TCEQ of an unauthorized discharge into or adjacent to water in the state in writing within five working days of becoming aware of the discharge, in violation of 30 TEX. ADMIN. CODE § 210.22(e), as documented during an investigation conducted on November 26, 2013. Specifically, the Respondent did not submit written notification of an unauthorized discharge observed on November 26, 2013 from the wastewater conveyance piping near the pond and from the polyvinyl chloride pipe near the building stubout.
9. Failed to maintain an operating log which records irrigation activities and be readily available for inspection by the Executive Director for a minimum period of five years, in violation of 30 TEX. ADMIN. CODE § 210.57(b)(2)(C) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Additional Requirements No. 5, as documented during an investigation conducted on November 26, 2013. Specifically, the Facility was not maintaining an operating log to record the volume of industrial reclaimed water used for irrigation each day and the actual surface areas wetted each day.
10. Failed to maintain the buffer zone requirement of 250 feet from private water wells when applying industrial reclaimed water to land, in violation of 30 TEX. ADMIN. CODE § 210.56(f)(4) and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Additional Requirements No. 6, as documented during an investigation conducted on November 26, 2013. Specifically, a private water well was located 50 feet north of the northern pond and a portion of the water pumped for irrigation was applied approximately 100 feet from this water well.

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: Molinos Anahuac, Inc., Docket No. 2014-0175-IWD-E" to:

Financial Administration Division, Revenue Operations 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. Immediately upon the effective date of this Agreed Order begin monitoring effluent quality prior to routing for irrigation, in accordance with TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Quality Criteria and Additional Requirements No. 1.
 - b. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.i below.
 - c. Within 30 days after the effective date of this Agreed Order:
 - i. Ensure that effluent quality meets limits prior to irrigating the land application area or cease irrigating the land application area with reclaimed industrial wastewater and re-route all reclaimed industrial wastewater to the City of Lubbock's wastewater collection system, in accordance with TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111, Quality Criteria and Additional Requirements No. 2;
 - ii. Update operational procedures and conduct employee training to ensure that all requirements of the TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111 will be fulfilled in the future, including effluent sampling, timely reporting requirements for unauthorized discharges, required maintenance of irrigation activities, operating logs, and buffer zone requirements, in accordance with 30 TEX. ADMIN. CODE § 210.22(e), and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111 Quality Criteria and Additional Requirements Nos. 5 and 7;
 - iii. Paint all exposed piping conveying industrial reuse water purple and label exposed piping conveying reused water with a warning stenciled in white reading "NON-POTABLE WATER";
 - iv. Establish vegetative cover over the 14-acre land application area with either bermuda grass or alfalfa grass;
 - v. Provide and maintain adequate treatment capability for the industrial reuse water and to ensure the effluent Quality Criteria standards of the

TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111 are maintained;

- vi. Provide warning signs at all hose bibs and faucets where reclaimed water is stored reading, in English and Spanish, "Reclaimed Water, Do Not Drink" or similar warning; and
 - vii. Ensure that the buffer zone requirement of 250 feet from the private water well is maintained when applying industrial reclaimed water to land, in accordance with 30 TEX. ADMIN. CODE § 210.56(f)(4), and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111 Quality Criteria and Additional Requirements No. 6.
- d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions Nos. 2.c.i through 2.c.vii, in accordance with Ordering Provision No. 2.i below.
 - e. Within 60 days after the effective date of this Agreed Order, determine the cause of the unauthorized discharges, make the necessary repair or corrections to cease the unauthorized discharge of wastewater, implement the necessary actions to prevent recurrence of the noncompliance, mitigate the adverse effects of the discharges, and to ensure that industrial reclaimed water is transported to the irrigation sites via an approved conveyance system to prevent unauthorized discharges, in accordance with 30 TEX. ADMIN. CODE § 210.22 and TEX. WATER CODE § 26.121 and TCEQ Authorization for Industrial Reclaimed Water Use No. 2E-0000111.
 - f. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e, in accordance with Ordering Provision No. 2.i below.
 - g. Within 120 days after the effective date of the Agreed Order, submit certification by a Texas Registered Professional Engineer that the holding ponds are properly constructed and that the pond linings meet the appropriate criteria for each of the holding ponds, in accordance with 30 TEX. ADMIN. CODE § 210.23(d).
 - h. Within 135 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.g, in accordance with Ordering Provision No. 2. i.
 - i. The written certifications as described by Ordering Provisions Nos. 2.b, 2.d, 2.f, and 2.h shall be notarized by a State of Texas Notary Public, include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, 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
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3421

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 the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This Agreed Order may be executed in 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

10/30/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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


Signature

10/30/15
Date

Sergio Rosco
Name (Printed or typed)
Authorized Representative of
Molinos Anahuac, Inc.

CI. Manager
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.