Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AGR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Bouma Dairy Farm, 4252 County Road 2408, Winnsboro, Hopkins County

Type of Operation:

Concentrated animal feeding operation

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 29, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$65,424

Amount Deferred for Financial Inability to Pay: \$44,144

Confidential information, which may include financial or medical information,

has been provided to the Commission for their consideration.

Total Paid to General Revenue: \$595 Total Due to General Revenue: \$20,685

Payment Plan: 35 payments of \$591 each

Compliance History Classifications:

Person/CN - High Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 25, 2019 to April 8, 2019

Date(s) of NOE(s): May 31, 2019

Violation Information

- 1. Failed to prevent the unauthorized discharge of agricultural waste into or adjacent to any water in the state, and failed to properly store manure and sludge within the drainage area of the retention control structure ("RCS") or stored in a manner that otherwise prevents contaminated stormwater runoff from the storage area. Specifically, contaminated runoff from the manure and sludge piles stored on the north, south, and west sides of RCS No. 1 was not bermed or protected to prevent stormwater runoff and was entering a tributary to Big Sandy Creek. Grab sample test results indicated elevated levels of ammonia nitrogen, total phosphorus, and biochemical oxygen demand (5-day) [30 Tex. Admin. Code §§ 305.125(1) and (4), 321.37(d), and 321.39(e), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG920057, Part III.A.5(a)(2) and Part III.A.9(b)].
- 2. Failed to prevent the unauthorized discharge of agricultural waste into or adjacent to any water in the state, and failed to properly dispose of animal carcasses within three days of death. Specifically, animal carcasses in the mortality management area were not properly buried or composted, were not roofed or covered with impermeable material, were not protected from external rainfall, were not bermed to contain runoff, and were not within the drainage area of an RCS. Additionally, a missing portion of the gutter on the south side of the freestall barn allowed additional water to flow in and around the mortality management area and contributed to contaminated runoff that entered a tributary to Big Sandy Creek [30 Tex. Admin. Code §§ 305.125(1) and (4), 321.37(d), 321.39(f) and (g)(3), Tex. Water Code § 26.121(a)(1), and TPDES General Permit No. TXG920057, Part III.A.5(a)(2) and Part III.A.11(c)].
- 3. Failed to prevent the accumulation of sludge in a RCS from encroaching on the volumes reserved for minimum treatment, if necessary, and the design rainfall event, and failed to maintain a minimum of two vertical feet of freeboard in a RCS. Specifically, records for the annual sludge cleanout were not available for RCS No. 1, and weekly pond marker records indicate that RCS No. 1 has not been maintained with the required two vertical feet of freeboard between the top of the embankment and the required storage capacity [30 Tex. ADMIN. CODE §§ 305.125(1), 321.39(b) and (c)(1), 321.38(g)(1)(F), and TPDES General Permit No. TXG920057, Part III.A.6(f)(6), Part III.A.10(a)(1) and (2), and Part III.A.10(e)].
- 4. Failed to design and contruct an RCS in accordance with the technical standard approved by the Executive Director. Specifically, the Facility's permit indicates that RCS No. 1 should have a required capacity of 77.4 acre-feet and RCS No. 2 should have a required capacity of 12.49 acre-feet; but the certified capacity of RCS No. 1 is 5.56 acre-feet and RCS No. 2 was never constructed [30 Tex. Admin. Code §§ 305.125(1), 321.38(e)(3) and (e)(7)(A), and TPDES General Permit No. TXG920057, Part III.A.6(d)(1)(ii) and (iii)].

- 5. Failed to maintain a minimum buffer zone of 150 feet between a control facility of an animal feeding operation and a drinking water well used for private water supply. Specifically, the area directly around Water Well No. 3 was denuded from cattle access [30 Tex. Admin. Code §§ 305.125(1) and 321.38(b) and TPDES General Permit No. TXG920057, Part III.A.4(c)].
- 6. Failed to design, construct, operate, and maintain RCSs to contain all wastewater from the production area, including the runoff and direct precipitation from open lots. Specifically, runoff from a portion of the open lot located to the north of the freestall barn did not drain to an approved RCS. A portion of the open lot drains to the ditch along County Road 2408, and another portion of the open lot drains through the field located to the west of the open lot [30 Tex. Admin. Code §§ 305.125(1) and (4), 321.37(d), and TPDES General Permit No. TXG920057, Part III.A.5(a)(2)].
- 7. Failed to notify the TCEQ Regional Office within 24 hours of becoming aware of a discharge into water in the state. Specifically, verbal notification of an unauthorized discharge was not provided by March 26, 2019 [30 Tex. ADMIN. CODE §§ 305.125(1) and 321.44(a), and TPDES General Permit No. TXG920057, Part IV.B.5].
- 8. Failed to attend at least eight hours of continuing education in animal waste management or its equivalent for each two-year period [30 Tex. Admin. Code §§ 305.125(1) and 321.45(b) and TPDES General Permit No. TXG920057, Part III.C.2].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Cease the unauthorized discharges at the Facility;
- ii. Properly store manure or sludge within the drainage area of RCS No. 1 or store manure and sludge in a manner that otherwise prevents contaminated stormwater runoff from the storage area;
- iii. Properly dispose of animal carcasses or compost in a manner that prevents contaminated stormwater runoff;

- iv. Direct runoff from the open lot located north of the freestall barn to an approved RCS; and
- v. Repair the damaged gutter on the south side of the freestall barn.
- b. Within 60 days:
- i. Remove excess sludge accumulations from RCS No. 1 and maintain the required two vertical feet of freeboard in RCS No. 1; and
- ii. Properly implement a minimum well buffer zone of 150 feet for water well No. 3.
- c. Within 90 days, attend eight hours of continuing education in animal waste management or its equivalent.
- d. Within 180 days:
- i. Expand RCS No. 1 to meet the permitted capacity, design and construct RCS No. 2 to meet permitted capacity, and provide certification of the capacity of both RCSs by a licensed Texas Professional Engineer;
- ii. Notify the Tyler Regional Office at least 48 hours prior to placing a modified or new RCS into service; and
- iii. Submit a Notice of Change within 14 days of modification of RCS No. 1 and construction of RCS No. 2.
- e. Within 195 days, submit written certification to demonstrate compliance with a. through d.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Aaron Vincent, Enforcement Division,

Enforcement Team 2, MC 219, (512) 239-0855; Michael Parrish, Enforcement Division,

MC 219, (512) 239-2548

Respondent: Maiko Bouma, Owner, Bouma Dairy Farm, 4252 County Road 2408,

Winnsboro, Texas 75494

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PAYABLE PENALTY

PCW Revision March 26, 2014

\$52,340

TCEQ_		-						
DATES	Assigned				,		7	
	PCW	10-Jun-2019	Screening	7-Jun-2019	EPA Due			
DECDO	NDENT/EACTLT	TY INFORMATI	ON					
RESPU	Pesnondent	Maiko Hessel Bo	uma dha Pou	ma Dairy Farm				
Rec	g. Ent. Ref. No.	RN102334539	uilla uba bou	ilia Dali y Fai ili				
	tv/Site Region				Major/N	Minor Source	Minor	
	cy, cite itegion	5 . 7.0.						
CASE I	NFORMATION							
En	f./Case ID No.				No.	of Violations	-	
		2019-0814-AGR	-E			Order Type		
Med	lia Program(s)					t/Non-Profit		
	Multi-Media				Enf.		Aaron Vincent	
A	uiu Danaltud I	:	40] M =:	+25.000	EC's Team	Enforcement Te	am 2
Aur	nin. Penalty \$ I	imit Minimum	\$0	Maximum	\$25,000			
			Penalt	tv Calcula	tion Secti	on		
TOTAL	L BASE PENA	LTY (Sum of		•			Subtotal 1	\$70,750
ADILI	CTMENTS / L	/) TO CURT	OTAL 1					
ADJUS	Subtotals 2-7 are of	/-) TO SUBTO btained by multiplying	JIAL I the Total Base I	Penalty (Subtotal	I) by the indicated r	nercentage		
	Compliance Hi		y and rotal base	-10.0%		Subto	tals 2, 3, & 7	-\$7,075
		•]	
	Notes	R	leduction for I	High Performer	classification.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
							1	
	Notes	The Re	espondent doe	es not meet the	e culpability crit	eria.		
	Cood Foith Fff	ant to Camania 7	atal Adinata				Cubbatal E	
	Good Faith En	ort to Comply T	otal Aujusti	nents			Subtotal 5	\$0
	Economic Bend	efit		0.0%	Enhancement*		Subtotal 6	\$0
	Estimate d	Total EB Amounts	\$10,765	*Сарре	ed at the Total EB \$	Amount		
	Estimated	Cost of Compliance	\$75,205]				
SIIM (OF SUBTOTA	C 1-7				_	inal Subtotal	\$63,675
SUM C	JE SUBIUTA	LS 1-/				, , , , , , , , , , , , , , , , , , ,	inai Subtotai	\$03,073
OTHE	D EACTODS /	AS JUSTICE N	ANV DECILI	[DE	2.7%		Adjustment	\$1,749
		Subtotal by the indi			2.7 70		Aujustillelit	Ψ1,7 43
					atura tha avaida	d costs of		
	Notes				oture the avoide tion Nos. 7 and			
		COM	marice associ	ateu with viola	tion Nos. 7 and			
						Final Per	nalty Amount	\$65,424
STATU	JTORY LIMIT	T ADJUSTMEN	NT			Final Asse	ssed Penalty	\$65,424
DEFE		and the state of the state of	4		20.0%	Reduction	Adjustment	-\$13,084
Reduces t	ne Final Assessed Pe	nalty by the indicate	a percentage.				1	
	Notes		Deferral offer	ed for expedite	d settlement.			
	•	· · · · · · · · · · · · · · · · · · ·	·	· · · · · · · · · · · · · · · · · · ·	·	·		

PCW

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

Respondent Maiko Hessel Bouma dba Bouma Dairy Farm **Case ID No.** 57830

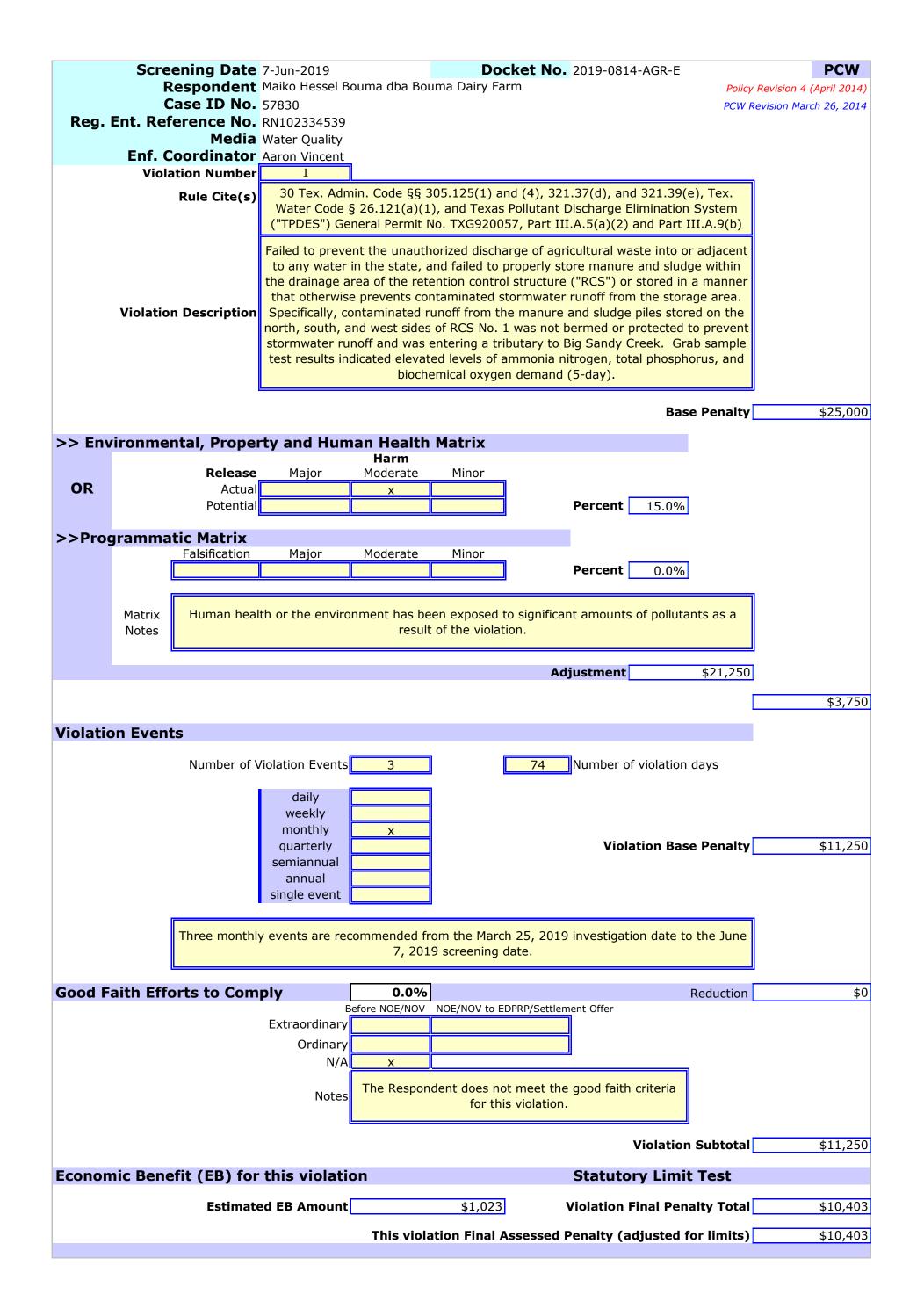
Reg. Ent. Reference No. RN102334539

Media Water Quality

Enf. Coordinator Aaron Vincent

Compliance History Worksheet

Compliance H	Compliance History Worksheet istory Site Enhancement (Subtotal 2)		
Componer	•	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	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%
Judgmen and Conse	consent decrees meeting criteria j	0	0%
Decrees	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%
Conviction	counts)	0	0%
Emission	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%
Addits	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%
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Other	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 Per	centage (Sub	ototal 2) 0
Repeat Violat	or (Subtotal 3)		
	No Adjustment Per	centage (Sub	ototal 3) <u>0</u>
Compliance H	istory Person Classification (Subtotal 7)		
High	Performer Adjustment Per	centage (Sub	ototal 7) -10
Compliance H	istory Summary		
Complian History Notes			
	Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) -10
Final Complian	ce History Adjustment		
	Final Adjustment Percent	age *capped	at 100%



	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	57830	Bouma dba Boum	a Dairy Farm				
Media Violation No.	Water Quality 1					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs		TIC 1		1		. <u>-</u>	
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 #0	\$0
Other (as needed) Engineering/Construction				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	31-Mar-2016	2-May-2020	4.09	\$1,023	n/a	\$1,023
Permit Costs			•	0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	within the	drainage area of unoff from the sto	RCS No. 1 or storage area. The	ored in Date F	a manner that otl Required is the inv	properly store man nerwise prevents co estigation date whe ated compliance dat	ntaminated n the violation
Avoided Costs	ANNUA	ALIZE avoided c	osts before er	tering	item (except for	r one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed) Notes for AVOIDED costs		J. J		0.00	\$0	\$0	\$0
Approx. Cost of Compliance		\$5,000			TOTAL		\$1,023

		ening Date		Docket No. 2019-0814-AGR-E	PCW
		•		Bouma dba Bouma Dairy Farm	Policy Revision 4 (April 2014)
_		Case ID No.			PCW Revision March 26, 2014
Reg.	Ent. Ref	erence No.			
	F.,.£ 6		Water Quality		
		Coordinator		a	
	Viola	ation Number		C CC 205 125(1) L(1) 221 27(1) 221 20(0 L(1)(2)	
		Ruie Cite(s)		n. Code §§ 305.125(1) and (4), 321.37(d), 321.39(f) and (g)(3)	· ·
			water Code	e § $26.121(a)(1)$, and TPDES General Permit No. TXG920057, Part III.A.5(a)(2) and Part III.A.11(c)	art
				III.A.3(a)(2) and Part III.A.11(c)	
			Failed to prev	ent the unauthorized discharge of agricultural waste into or adja	<mark>acent</mark>
			•	in the state, and failed to properly dispose of animal carcasses v	
			•	f death. Specifically, animal carcasses in the mortality manager	
	Violatio	n Description		not properly buried or composted, were not roofed or covered w material, were not protected from external rainfall, were not be	
	Violatio	ii bescription	·	noff, and were not within the drainage area of an RCS. Additiona	
				ortion of the gutter on the south side of the freestall barn allowe	• •
			- .	water to flow in and around the mortality management area an	
			contributed t	to contaminated runoff that entered a tributary to Big Sandy Cre	<mark>eek.</mark>
				Base Pe	enalty \$25,000
					7-2/330
>> Env	vironme	ntal, Prope	rty and Hun	nan Health Matrix	
		Release	Maiar	Harm Moderate Minor	
OR		Actual	,		
		Potential		X Percent 15.0%	
		, oconciai		1 0.00110	
>>Pro	gramma	tic Matrix			
		Falsification	Major	Moderate Minor	
				Percent 0.0%	
	Matrix	Human hea	lth or the envir	onment has been exposed to significant amounts of pollutants a	as a
	Notes			result of the violation.	
				Adjustment \$2	21 250
				Adjustment \$2	21,250
				Adjustment \$2	21,250 \$3,750
Violati	on Evon	h.c.		Adjustment \$2	
Violati	on Even	ts		Adjustment \$2	
Violatio	on Even		/iolation Events		\$3,750
Violatio	on Even		/iolation Events		\$3,750
Violatio	on Even		/iolation Events daily		\$3,750
Violatio	on Even		daily weekly		\$3,750
Violation	on Even		daily weekly monthly	3 74 Number of violation days	\$3,750 s
Violation	on Even		daily weekly monthly quarterly	3 74 Number of violation days	\$3,750 s
Violation	on Even		daily weekly monthly quarterly semiannual	3 74 Number of violation days	\$3,750 s
Violatio	on Even		daily weekly monthly quarterly semiannual annual	3 74 Number of violation days	\$3,750 s
Violati	on Even		daily weekly monthly quarterly semiannual	3 74 Number of violation days	\$3,750 s
Violatio	on Even	Number of V	daily weekly monthly quarterly semiannual annual single event	3 74 Number of violation days X Violation Base Pe	\$3,750 s enalty \$11,250
Violati	on Even	Number of V	daily weekly monthly quarterly semiannual annual single event	3 74 Number of violation days X Violation Base Perecommended from the March 25, 2019 investigation date to the	\$3,750 s enalty \$11,250
Violation	on Even	Number of V	daily weekly monthly quarterly semiannual annual single event	3 74 Number of violation days X Violation Base Pe	\$3,750 s enalty \$11,250
		Number of N	daily weekly monthly quarterly semiannual annual single event	Number of violation days X Violation Base Perecommended from the March 25, 2019 investigation date to the 7, 2019 screening date.	\$3,750 s enalty \$11,250 June
		Number of V	daily weekly monthly quarterly semiannual annual single event	Violation Base Percommended from the March 25, 2019 investigation date to the 7, 2019 screening date. Red Red Red Red Red Red Red R	\$3,750 s enalty \$11,250
		Number of N	daily weekly monthly quarterly semiannual annual single event	3 74 Number of violation days X Violation Base Per ecommended from the March 25, 2019 investigation date to the 7, 2019 screening date. Reduced Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	\$3,750 s enalty \$11,250 June
		Number of N	daily weekly monthly quarterly semiannual annual single event ly events are re	The second of the March 25, 2019 investigation date to the 7, 2019 screening date. O.0% Reduction Base Perform NOE/NOV to EDPRP/Settlement Offer Reduction Base Perform NOE/NOV	\$3,750 s enalty \$11,250 June
		Number of N	daily weekly monthly quarterly semiannual annual single event ly events are re Extraordinary Ordinary	3 74 Number of violation days X Violation Base Per ecommended from the March 25, 2019 investigation date to the 7, 2019 screening date. Reduced Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	\$3,750 s enalty \$11,250 June
		Number of N	daily weekly monthly quarterly semiannual annual single event ly events are re	Violation Base Per Violation days The violation Base Per Violation Ba	\$3,750 s enalty \$11,250 June
		Number of N	daily weekly monthly quarterly semiannual annual single event ly events are re Extraordinary Ordinary	Violation Base Per Violation days X Violation Base Per Violation Base	\$3,750 s enalty \$11,250 June
		Number of N	daily weekly monthly quarterly semiannual annual single event y events are re Extraordinary Ordinary N/A	Violation Base Per Violation days X Violation Base Per Violation Bas	\$3,750 s enalty \$11,250 June
		Number of N	daily weekly monthly quarterly semiannual annual single event y events are re Extraordinary Ordinary N/A	The Respondent does not meet the good faith criteria for this violation.	\$3,750 s enalty \$11,250 June uction \$0
		Number of N	daily weekly monthly quarterly semiannual annual single event y events are re Extraordinary Ordinary N/A	Violation Base Per Violation days X Violation Base Per Violation Base	\$3,750 s enalty \$11,250 June uction \$0
Good F	aith Eff	Three monthloorts to Com	daily weekly monthly quarterly semiannual annual single event y events are re Extraordinary Ordinary N/A Notes	Violation Base Per Second Programment of the March 25, 2019 investigation date to the 7, 2019 screening date. Reduced Programment of the March 25, 2019 investigation date to the 7, 2019 screening date. Reduced Programment Of the March 25, 2019 investigation date to the 7, 2019 screening date. The Respondent does not meet the good faith criteria for this violation. Violation Sul	\$3,750 s enalty \$11,250 June \$0 btotal \$11,250
Good F	aith Eff	Three monthloorts to Com	daily weekly monthly quarterly semiannual annual single event ly events are re Extraordinary Ordinary N/A	Violation Base Per Second Per Note Note Note Note Note Note Note Note	\$3,750 s enalty \$11,250 June \$0 btotal \$11,250
Good F	aith Eff	Three months orts to Com	daily weekly monthly quarterly semiannual annual single event y events are re Extraordinary Ordinary N/A Notes	The Respondent does not meet the good faith criteria for this violation. Violation Sulton Statutory Limit Te	\$3,750 s enalty \$11,250 uction \$0 btotal \$11,250
Good F	aith Eff	Three months orts to Com	daily weekly monthly quarterly semiannual annual single event y events are re Extraordinary Ordinary N/A Notes	The Respondent does not meet the good faith criteria for this violation. Violation Sulton Statutory Limit Te	\$3,750 Senalty \$11,250 June \$0 btotal \$11,250 est Total \$10,403

	E	conomic	Benefit	Wo	rksheet		
Respondent	Maiko Hessel E	Bouma dba Bouma	a Dairy Farm				
Case ID No.	57830						
Reg. Ent. Reference No.	RN102334539						
	Water Quality					D	Years of
Violation No.	2					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	31-Mar-2016	2-May-2020	4.09	\$1,023	n/a	\$1,023
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	side of the prevents cont	freestall barn, an aminated stormw	nd properly disp rater runoff. Th	ose of t e Date	the animal carcass Required is the inv	r the damaged guttones or compost in a revestigation date whe ted compliance date	nanner that en the violation
Avoided Costs	ANNUA	LIZE avoided co	osts before en	tering	item (except for	r one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$5,000			TOTAL		\$1,023

	Screening Da	te 7-Jun-2019	Docket	No. 2019-0814-AGR-E	PCW
	•	nt Maiko Hessel Bouma	dba Bouma Dairy Farm		Policy Revision 4 (April 2014
_	Case ID N				PCW Revision March 26, 2014
Reg.	Ent. Reference N				
	Enf. Coordinat	Water Quality			
	Violation Numb				
	Rule Cite(le 88 305 125(1) 321 39(h	o) and (c)(1), 321.38(g)(1)(F	and
				I.A.6(f)(6), Part III.A.10(a)(
			(2), and Part III.A	10(e)	
		Failed to prevent t	he accumulation of sludge	in a RCS from encroaching o	n the
		· ·	_	necessary, and the design ra	
		· ·		vertical feet of freeboard in	
	Violation Descripti			nout were not available for Rete that RCS No. 1 has not be	
				of freeboard between the top	
			bankment and the required		
				Base F	Penalty \$25,000
>> Fnv	vironmental Pror	erty and Human F	lealth Matrix		
// LIIV	inominental, Prop	_	arm		
	Relea		derate Minor		
OR	Act			Dougont 15 00/	
	Poten	cial x		Percent 15.0%	
>>Pro	grammatic Matrix	(
•	Falsification		lerate Minor		
				Percent 0.0%	
				pollutants that would exceed	
	Notes that are	e protective of human he	ealth or environmental recep	ptors as a result of the violat	i <mark>on.</mark>
				Adjustment	\$21,250
					\$3,75
200 0 00					
Violatio	on Events				
	Number (of Violation Events	3 74	Number of violation da	ys
		daily			
		weekly monthly	V		
		quarterly	X	Violation Base F	Penalty \$11,250
		semiannual			
		annual			
		single event			
	Three mor	ithly events are recomm	ended from the March 25, 2 7, 2019 screening date.	2019 investigation date to th	e June
			7, 2019 Screening date.		
Good F	aith Efforts to Co	mnly	0.0%	Do.	duction \$
2304 I			IOE/NOV NOE/NOV to EDPRP/Se		Ψ. Ψ.
		Extraordinary			
		Ordinary			
		N/A	Х		
		Notes The F	Respondent does not meet t		
		Notes	this violati	on.	
				Violation So	ubtotal \$11,250
Econon	nic Benefit (EB) f	or this violation		Statutory Limit T	est
	Fetim	ated EB Amount	\$119	Violation Final Penalt	xy Total \$10,40
	Estilli				
		T	his violation Final Assess	sed Penalty (adjusted for	limits) \$10,400

	E	conomic	Benefit	Wo	rksheet		
Respondent	Maiko Hessel	Bouma dba Bouma	a Dairy Farm				
Case ID No.			•				
Reg. Ent. Reference No.	RN102334539						
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		·					
20011 2 00 011 4 010 11							
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	#3.000	25 Mar 2010	1 1 2020	0.00	\$0	n/a	\$0
Remediation/Disposal Permit Costs	\$2,000	25-Mar-2019	1-Jun-2020	1.19 0.00	\$119 \$0	n/a n/a	\$119 \$0
Other (as needed)		1 1		0.00	\$0	n/a	\$0
Notes for DELAYED costs			ate Required is	the inv		n the required two v d the Final Date is t	
Avoided Costs	ANNU	ALIZE avoided co	osts before er		item (except for	one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Notes for AVOIDED costs		<u> </u>		0.00	1 \$0	\$0 1	\$0
Approx. Cost of Compliance		\$2,000			TOTAL		\$119

		ening Date				t No. 2019-0814-AGR-E		PCW
	R	espondent	Maiko Hessel B	ouma dba Βοι	ıma Dairy Farm		Policy F	Revision 4 (April 2014)
	C	ase ID No.	57830				PCW Re	vision March 26, 2014
Reg.	Ent. Ref	erence No.	RN102334539					
			Water Quality					
	Enf. C		Aaron Vincent					
		tion Number						
	71010	Rule Cite(s)		min Codo SS	205 125/1\ 221 '	29(a)(2) and (a)(7)(A) and TD	DEC	
		Ruic Cito(5)	50 . 67(1 / (41		• • •	38(e)(3) and (e)(7)(A), and TP art III.A.6(d)(1)(ii) and (iii)	DES	
			Gei	lerai Ferrillic IV	0. TAG920037, Pa	art III.A.o(d)(1)(ll) alld (lll)		
			Failed to desi	ian and constr	ruct an RCS in acc	ordance with the technical sta	ndard	
				_		illy, the Facility's permit indica		
	Violatio	n Description			· ·	77.4 acre-feet and RCS No. 2		
		•				out the certified capacity of RC		
			i:	s 5.56 acre-fe	et and RCS No. 2	was never constructed.		
						Page	Penalty	¢25,000
						base i	Penaity	\$25,000
>> Env	/ironme	ntal. Proper	rty and Hum	nan Health	Matrix			
			cy alla liali.	Harm				
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential	Х			Percent 15.0%		
		'						
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	Matrix	Human hoalth	or the environ	mont will or c	ould be expected t	o pollutants that would exceed	Llovols	
	Notes				•	eptors as a result of the violat		
	Notes	that are pi	occerve or man	ian nearth of C	environmental rec	eptors as a result of the violat	.1011.	
						Adjustment	\$21,250	
								¢3 750
								\$3,750
Violatio	on Event	'S						
Violatio	JII EVCIII							
		Number of V	/iolation Events	6		73 Number of violation da	ıys	
			daily					
			weekly					
			monthly	Х				
			quarterly			Violation Base I	Penalty	\$22,500
			semiannual					
			annual					
			single event					
		Six monthly 6	events are recor	mmended (thr	ee monthly even	s per RCS) from the March 25	2019	
		, , , , , , , , , , , , , , , , , , , ,		•	the June 7, 2019	•	, _ = = = =	
					·	-		
Cood E	aith Effa	rts to Com	nlv.	0.0%		D	مر مانام برام	\$0
Good F	aitii Eiit	rts to Com			NOE/NOV to EDPRP/		duction	φυ
			Extraordinary	3131132,110V	,	3.13.		
			Ordinary					
			•					
			N/A	X				
			Notes	The Respond	ent does not mee	t the good faith criteria for		
			Notes		this viola	tion.		
			l					
						Violation S	ubtotal	\$22,500
								T==/000
Econon	nic Bene	fit (EB) for	this violation	on		Statutory Limit 1	Test	
		Estimate	ad ED America		ታ ር 212	Violation Einel Bereit	v Total	\$20,806
		Esumate	ed EB Amount		\$5,312	Violation Final Penalt	y TOLAI	\$ ∠ ∪,8∪0
				This viol	ation Final Asse	essed Penalty (adjusted for	limits)	\$20,806

	E	conomic	Benefit	Wo	rksheet		
Respondent		Bouma dba Bouma					
Case ID No.	57830						
Reg. Ent. Reference No.	RN102334539						
	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	200111 0000	Date Required	i iiidi Bate		111101 051 541 04	00505 54104	25 / mount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$50,000	25-Mar-2019	29-Sep-2020	1.52	\$253	\$5,059	\$5,312
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0 #0	n/a	\$0 #0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)				0.00	\$0	n/a	\$0 \$0
Notes for DELAYED costs	meet perr	nitted capacity, an	nd provide certi ate Required is	fication the inve	of the capacity of	esign and construct both RCSs by a Tex I the Final Date is tl	as Licensed
Avoided Costs	ANNU	ALIZE avoided co	osts before er	tering	item (except for	one-time avoide	d 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 ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0 \$0
Notes for AVOIDED costs				<u> 0.00</u>	1 40	Φ0	φU
Approx. Cost of Compliance		\$50,000			TOTAL		\$5,312

		ening Date				cet No. 2019-0814	-AGR-E	PCW
				ouma dba Boı	uma Dairy Farm		Polic	cy Revision 4 (April 2014)
	C	ase ID No.	57830				PCW	Revision March 26, 2014
Reg.	Ent. Ref	erence No.	RN102334539					
			Water Quality					
	Enf. C	oordinator	Aaron Vincent	_				
	Viola	ation Number						
		Rule Cite(s)	30 Tex. Admin	n. Code §§ 30!	5.125(1) and 32	1.38(b) and TPDES	General Permit No.	
					TXG920057, Pai	rt III.A.4(c)		
								1
			Failed to mair	ntain a minimu	ım buffer zone d	of 150 feet between	a control facility of	
	Violatio	n Description	an animal fe	eding operation	on ("AFO") and	a drinking water wel	used for private	
	Violatio	n bescription	water supply.	Specifically, t	•	around Water Well I	No. 3 was denuded	
					from cattle	access.		
							Page Donalt	¢2E 000
							Base Penalty	y \$25,000
>> Env	vironme	ntal, Propei	rty and Hum	nan Health	Matrix			
		, ,		Harm				
		Release	Major	Moderate	Minor			
OR		Actual				_		
		Potential	Х			Percent	15.0%	
>>Pro	gramma	tic Matrix	Major	Modorato	Minor			
		Falsification	Major	Moderate	Minor	Percent	0.0%	
						Percent	0.0%	
								1
	Matrix	Human healtl	n or the environ	ment will or c	ould be exposed	I to pollutants that w	ould exceed levels	
	Notes	that are p	rotective of hum	nan health or	environmental r	eceptors as a result	of the violation.	
								_
						Adjustment	\$21,250	0
						Aujustinent	Ψ21/23	
								\$3,750
	_							
Violatio	on Event	ts						
		Number of \	/iolation Events	3		74 Number of	violation days	
		Number of V	Holation Events	J		14 Number of	violation days	
			daily					
			weekly					
			monthly	Х				
			quarterly			Viola	tion Base Penalty	y \$11,250
			semiannual				•	
			annual					
			single event					
	1							_
		Three month	y events are re	commended f	rom the March	25, 2019 investigatio	n date to the June	
			,		19 screening dat			
								_
Good F	aith Fff	orts to Com	nly	0.0%			Reduction	1 \$0
2004 1	aidi Eli				NOE/NOV to EDPR	P/Settlement Offer	Reduction	. Ψ0
			Extraordinary	,,,,,,,,,,	, 11 == 1.			
			Ordinary					
			N/A	X				
			14/ 🔼		II			
			Notes	The Respond		eet the good faith cri	teria for	
			1,000		this vio	lation.		
			l					
						•	Violation Subtota	\$11,250
_								
Econor	nic Bene	efit (EB) for	this violation	on		Statuto	y Limit Test	
		Estimate	ed EB Amount		\$416	Violation F	inal Penalty Tota	\$10,403
							-	
				This vio	iation Final As	sessed Penalty (ac	ijusted for limits) \$10,403

	E	conomic	Benefit	Wo	rksheet		
Respondent	Maiko Hessel	Bouma dba Bouma	a Dairy Farm				
Case ID No.			•				
Reg. Ent. Reference No.		1					
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		-					
200m 2 00 0m p 00 0m							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	25-Mar-2019	1-Jun-2020	1.19	\$20	\$396	\$416
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 Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs		a drinking water	well used for p	ivate w		ffer zone of 150 fee Date Required is the ance date.	
Avoided Costs	ANNU	ALIZE avoided co	osts before er		item (except for	one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Notes for AVOIDED costs				0.00	1 \$0	\$U	\$0
Approx. Cost of Compliance		\$5,000			TOTAL		\$416

		ening Date			cket No. 2019-081	I NOIL E	PCW
	R	espondent	Maiko Hessel B	ouma dba Bouma Dairy Far	m	Policy	Revision 4 (April 2014)
	C	ase ID No.	57830			PCW R	Revision March 26, 2014
Reg.	Ent. Ref	erence No.	RN102334539				
		Media	Water Quality				
	Enf. C	oordinator	Aaron Vincent				
	Viola	ation Number	6				
		Rule Cite(s)	30 Tey Admin	. Code §§ 305.125(1) and (4) 321 37(d) and T	DDES General Permit	
			30 Tex. Admin	No. TXG920057,	4), 321.37(α), anα τ Part III Δ 5(a)(2)	PDL3 General Permit	
				140. 17(3)20037,	dit 111.A.5(d)(2)		
			Failed to design	gn, construct, operate, and	maintain RCSs to con	ntain all wastewater	
			from the prod	duction area, including the	unoff and direct pred	cipitation from open	
	Violatio	n Description		ally, runoff from a portion o	-		
	Violatio	ii bescription	ireestali barii (did not drain to an approve	•	•	
			the ditch alo	ong County Road 2408, and		-	
				through the field located t	the west of the ope	n lot.	
						Base Penalty	\$25,000
	_						
>> Env	vironme	ntal, Prope	rty and Hum	nan Health Matrix			
		Release	Majar	Harm Moderate Minor			
OR		Actual	,	Moderate Minor			
OK		Potential			Percent	2.00/	
		Potentiai		X	Percent	3.0%	
>>Pro	aramma	tic Matrix					
// 10	gramma	Falsification	Major	Moderate Minor			
		Taisineación	riajoi	rioderate rimor	Percent	0.0%	
						010 70	
		Human healt	h or the enviror	nment will or could be expo	sed to insignificant ar	nounts of pollutants	
	Matrix			that are protective of huma		-	
	Notes	that Would he	receded levels	result of the violat		ientai receptors as a	
					Adjustment	\$24,250	
					•	. ,	
							+750
							\$750
						,	\$750
Violati	on Event	ts					\$750
Violatio	on Event		/iolation Events		Number (of violation days	\$750
Violation	on Event		/iolation Events	1	74 Number o	of violation days	\$750
Violation	on Event			1	74 Number o	of violation days	\$750
Violation	on Event		daily	1	74 Number o	of violation days	\$750
Violation	on Event		daily weekly	1	74 Number o	of violation days	\$750
Violation	on Event		daily weekly monthly		,		·
Violation	on Event		daily weekly		,	of violation days ation Base Penalty	\$750
Violation	on Event		daily weekly monthly quarterly		,		
Violation	on Event		daily weekly monthly quarterly semiannual		,		
Violation	on Event		daily weekly monthly quarterly semiannual annual		,		·
Violation	on Event		daily weekly monthly quarterly semiannual annual		,		
Violation	on Event		daily weekly monthly quarterly semiannual annual		Vio		
Violation	on Event		daily weekly monthly quarterly semiannual annual	X	Vio		
		Number of \	daily weekly monthly quarterly semiannual annual single event	X One single event is recor	Vio	ation Base Penalty	\$750
			daily weekly monthly quarterly semiannual annual single event	One single event is recor	Vio		
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single event is recor	Vio	ation Base Penalty	\$750
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single event is recor	Vio	ation Base Penalty	\$750
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single event is recor	Vio	ation Base Penalty	\$750
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single event is recor	Vio	ation Base Penalty	\$750
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single event is recor	nmended. PRP/Settlement Offer	Reduction	\$750
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single event is record O.0% Defore NOE/NOV NOE/NOV to ED X The Respondent does not	nmended. PRP/Settlement Offer	Reduction	\$750
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single event is record O.0% Defore NOE/NOV NOE/NOV to ED X The Respondent does not	nmended. PRP/Settlement Offer meet the good faith of	Reduction	\$750
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single event is record O.0% Defore NOE/NOV NOE/NOV to ED X The Respondent does not	nmended. PRP/Settlement Offer meet the good faith of	Reduction	\$750
		Number of \	daily weekly monthly quarterly semiannual annual single event	One single event is record O.0% Defore NOE/NOV NOE/NOV to ED X The Respondent does not	PRP/Settlement Offer meet the good faith or violation.	Reduction Violation Subtotal	\$750
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event	One single event is record O.0% Defore NOE/NOV NOE/NOV to ED X The Respondent does not this	PRP/Settlement Offer meet the good faith or violation.	Reduction	\$750
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event Ply Extraordinary Ordinary N/A Notes	One single event is recor O.0% Sefore NOE/NOV NOE/NOV to ED X The Respondent does not this	nmended. PRP/Settlement Offer meet the good faith of violation. Statuto	Reduction Violation Subtotal Ory Limit Test	\$750
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event Extraordinary Ordinary N/A Notes	One single event is recor O.0% Sefore NOE/NOV NOE/NOV to ED X The Respondent does not this	nmended. PRP/Settlement Offer meet the good faith of violation. Statuto	Reduction Violation Subtotal	\$750
Good F	aith Effo	Number of \	daily weekly monthly quarterly semiannual annual single event Ply Extraordinary Ordinary N/A Notes	One single event is recor O.0% Sefore NOE/NOV NOE/NOV to ED X The Respondent does not this	meet the good faith oviolation. Statute Violation	Reduction Violation Subtotal Ory Limit Test Final Penalty Total	\$750 \$750 \$750 \$750

	E	conomic	Benefit	Wo	rksheet		
Respondent	Maiko Hessel I	Bouma dba Bouma	a Dairy Farm				
Case ID No.	57830		•				
Reg. Ent. Reference No.							
	Water Quality						Years of
Violation No.	- '					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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	±5.000	24.14.2046	2.14 2020	0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	31-Mar-2016	2-May-2020	4.09	\$1,023	n/a	\$1,023
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	RCS. The D	ate Required is th	ne investigation Final Date is the	date w anticip	hen the violation v ated compliance d		nted, and the
Avoided Costs	ANNUA	ALIZE avoided co	osts before er	tering	item (except for	one-time avoide	d 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Notes for AVOIDED costs		<u> </u>		0.00	1 \$0	\$U 1	\$0
Approx. Cost of Compliance		\$5,000			TOTAL		\$1,023

		ening Date				et No. 2019-0814-AGR-E		PCW
	F	Respondent	Maiko Hessel B	ouma dba Bou	ıma Dairy Farm		Policy	Revision 4 (April 2014)
	(Case ID No.	57830				PCW Re	evision March 26, 2014
Reg.	Ent. Ref	erence No.	RN102334539					
			Water Quality					
	Enf. C	Coordinator	Aaron Vincent	_				
	Viola	ation Number	7					
		Rule Cite(s)	30 Tex. Admin	. Code §§ 305	.125(1) and 321	.44(a), and TPDES General Pe	rmit No.	
					TXG920057, Pa	art IV.B.5		
			Eailad ta nati	fu tha TCEO D	ogional Office wi	thin 24 hours of becoming awa	ro of a	
	Violatio	n Description				v, verbal notification of an unau		
	Violatio	ii Description	discharge into		•	by March 26, 2019.	ici ioi izcu	
					P			
						Base	Penalty	\$25,000
							, _	
>> En	vironme	ntal, Prope	rty and Hum		Matrix			
				Harm				
ΔD		Release		Moderate	Minor			
OR		Actual				Downant 0.00/		
		Potential				Percent 0.0%		
>> Dro	aramma	tic Matrix						
>>P10	graiiiiia	Falsification	Major	Moderate	Minor			
		1 alsilication		Moderate	MINIO	Percent 5.0%		
			Х	<u> </u>		7.0%		
	Matrix		100	10% of the rule	requirements we	ere not met		
	Notes		100	770 Of the fule	requirements w	ere not met.		
						Adjustment	\$23,750	
						Aujustinent	Ψ23,730	
								\$1,250
Violati	ion Even	ts						
			1					
		Number of \	Violation Events	1		1 Number of violation d	ays	
			1. 11		1			
			daily					
			weekly					
			monthly			Violation Base	Danaltu	¢1 250
			quarterly semiannual			Violation Base	Penalty	\$1,250
			annual					
			single event	X				
			Single event	^	ı			
				One single	event is recomm	ended.		
				J				
								\$0
Good I	Faith Effo	orts to Com	ply	0.0%		Ro	eduction	Ψ.
Good I	Faith Eff	orts to Com	В	Before NOE/NOV	NOE/NOV to EDPRP		eduction	φσ
Good I	Faith Eff	orts to Com		Before NOE/NOV	NOE/NOV to EDPRE		eduction [40
Good I	Faith Effo	orts to Com	В	Before NOE/NOV	NOE/NOV to EDPRF		eduction [Ψ.
Good I	Faith Effo	orts to Com	B Extraordinary	Before NOE/NOV	NOE/NOV to EDPRF		eduction [ΨC
Good I	Faith Effo	orts to Com	B Extraordinary Ordinary	Before NOE/NOV X		P/Settlement Offer	eduction [ΨC
Good I	Faith Effo	orts to Com	B Extraordinary Ordinary	X The Personnel	ent does not me	et the good faith criteria for	eduction [Ψ°
Good I	Faith Eff	orts to Com	B Extraordinary Ordinary N/A	X The Personnel		et the good faith criteria for	eduction [ΨC
Good I	Faith Eff	orts to Com	B Extraordinary Ordinary N/A	X The Personnel	ent does not me	et the good faith criteria for ation.		
Good I	Faith Eff	orts to Com	B Extraordinary Ordinary N/A	X The Personnel	ent does not me	et the good faith criteria for		\$1,250
			Extraordinary Ordinary N/A Notes	X The Responde	ent does not me	et the good faith criteria for ation. Violation S	Subtotal	
			B Extraordinary Ordinary N/A	X The Responde	ent does not me	et the good faith criteria for ation.	Subtotal	
		efit (EB) for	Extraordinary Ordinary N/A Notes	The Responde	ent does not me this viol	et the good faith criteria for ation. Violation S Statutory Limit	Subtotal Test	\$1,250
		efit (EB) for	Extraordinary Ordinary N/A Notes	The Responde	ent does not med this viol	et the good faith criteria for ation. Violation S Statutory Limit Violation Final Penal	Subtotal Test Ity Total	\$1,250 \$1,156
		efit (EB) for	Extraordinary Ordinary N/A Notes	The Responde	ent does not med this viol	et the good faith criteria for ation. Violation S Statutory Limit	Subtotal Test Ity Total	\$1,250 \$1,156

	E	conomic	Benefit	Wo	rksheet		
Case ID No. Reg. Ent. Reference No.	57830 RN102334539	Bouma dba Bouma	a Dairy Farm				
Media Violation No.	Water Quality 7					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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 Other (as needed)		<u> </u>		0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs							
Avoided Costs	ANNU	ALIZE avoided co	osts before en			r one-time avoide	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment		<u> </u>		0.00	\$0	\$0	\$0
Financial Assurance	фГ	26 Mars 2010	7 1 2010	0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$5	26-Mar-2019	7-Jun-2019	0.20	\$0 \$0	\$5 \$0	\$5 \$0
Other (as needed)				0.00	1 \$0	\$0	\$0
Notes for AVOIDED costs		• • •	horized discharg	ge. The		the TCEQ within 24 the date the notifica e.	
Approx. Cost of Compliance		\$5			TOTAL		\$5

	Scree	ning Date	7-Jun-2019		Docket I	No. 2019-0814-AGR-E		PCW
	Re	spondent	Maiko Hessel B	ouma dba Bou	ma Dairy Farm		Policy	Revision 4 (April 2014)
	Ca	se ID No.	57830				PCW Re	evision March 26, 2014
Reg.	Ent. Refe	rence No.	RN102334539					
			Water Quality					
	Enf. Co	ordinator	Aaron Vincent					
		ion Number						
	I	Rule Cite(s)	30 Tex. Admin	. Code §§ 305	5.125(1) and 321.45	(b) and TPDES General Per	rmit No.	
					TXG920057, Part II	II.C.2		
	Violation	Description	Failed to at	tend at least e	eight hours of contin	uing education in animal w	aste /	
	Violation	Description	n	nanagement o	r its equivalent for e	each two-year period.		
						Base	Penalty	\$25,000
						buse	Charty	Ψ23,000
>> En	vironment	tal, Propei	ty and Hum	nan Health	Matrix			
				Harm				
OR		Release	Major	Moderate	Minor			
UK		Actual Potential				Percent 0.0%		
		Potential				Percent 0.0%		
>>Pro	grammati	ic Matrix						
110		Falsification	Major	Moderate	Minor			
			Х			Percent 5.0%		
					<u> </u>			
	Matrix		100	0% of the rule	requirements were	not met.		
	Notes							
						Adjustment	\$23,750	
							г	ф1 <u>2</u> E0
							L	\$1,250
Violati	on Events							
			_					
		Number of \	iolation Events/	1	644	Number of violation date	ays	
			daily					
			weekly					
			monthly quarterly			Violation Base	Popalty	\$1,250
			semiannual			Violation base	Penalty	\$1,230
			annual					
			single event	Х				
			J					
				One single e	event is recommende	ed.		
Good F	Eaith Effar	ts to Com	nlv	0.0%		D.	o du ation	¢Ω
good F	aitii Eiitii	ts to Com			NOE/NOV to EDPRP/Sett		eduction	\$0
			Extraordinary					
			, Ordinary					
			N/A					
			14/ 🔼					
			Notes	The Responde		ne good faith criteria for		
					this violation	n.		
			l					
						Violation S	Subtotal	\$1,250
Ecc	mic Decet	:1 /FD\ f-	this wist-1	- n		Chalustana Linait	Took	
COUC	ilic Benef	ic (EB) tor	this violation	UN		Statutory Limit	est	
		Estimate	ed EB Amount		\$1,844	Violation Final Penal	ty Total	\$1,156
						ad Danska / II + If		14.456
				i nis viol	ation Final Assess	ed Penalty (adjusted for	r iimits)	\$1,156

	E	conomic	Benefit	Wo	rksheet		
Case ID No. Reg. Ent. Reference No.	57830 RN102334539	Bouma dba Bouma	a Dairy Farm				Years of
Violation No.	Water Quality 8					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs	<u></u>	11		77			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction Land				0.00	\$0 \$0	\$0 n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0 \$0
	#1.600	4-Apr-2019	1-Jul-2020	1.24	\$100	n/a	\$100
Training/Sampling	II 4 1 6000						
Training/Sampling Remediation/Disposal	\$1,600	4-Apr-2019	1-301-2020				
Remediation/Disposal	\$1,600	4-Api-2019	1-Jul-2020	0.00	\$0	n/a	\$0
	\$1,600	4-Api-2019	1-Jul-2020				
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	Estima manageme	ted cost (\$200 per nt or its equivaler	r hour) to atten nt. The Date Re estimate	0.00 0.00 0.00 d eight equired	\$0 \$0 \$0 hours of continuin is the record revie of compliance.	n/a n/a n/a ng education in anim w date and the Fina	\$0 \$0 \$0 al waste
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estima manageme	ted cost (\$200 per nt or its equivaler	r hour) to atten nt. The Date Re estimate	0.00 0.00 0.00 d eight equired ed date	\$0 \$0 \$0 hours of continuin is the record revie of compliance. item (except for	n/a n/a n/a n/a g education in anime w date and the Fina	\$0 \$0 \$0 and waste al Date is the
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estima manageme	ted cost (\$200 per nt or its equivaler	r hour) to atten nt. The Date Re estimate	0.00 0.00 0.00 d eight equired ed date tering 0.00	\$0 \$0 \$0 hours of continuin is the record revie of compliance. item (except for \$0	n/a n/a n/a n/a g education in anime w date and the Final	\$0 \$0 \$0 all waste all Date is the d costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estima manageme	ted cost (\$200 per nt or its equivaler	r hour) to atten nt. The Date Re estimate	0.00 0.00 0.00 d eight equired ed date tering 0.00 0.00	\$0 \$0 \$0 hours of continuin is the record revie of compliance. item (except for \$0 \$0	n/a n/a n/a n/a g education in animow date and the Fina r one-time avoide \$0 \$0	\$0 \$0 \$0 all waste all Date is the d costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estima manageme	ted cost (\$200 per nt or its equivaler	r hour) to atten nt. The Date Re estimate	0.00 0.00 0.00 0.00 d eight equired ed date tering 0.00 0.00 0.00	\$0 \$0 \$0 hours of continuing is the record reviet of compliance. item (except for \$0 \$0 \$0	n/a n/a n/a n/a g education in animew date and the Final r one-time avoide \$0 \$0 \$0 \$0	\$0 \$0 \$0 all waste all Date is the d costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Estima manageme	ted cost (\$200 per nt or its equivaler	r hour) to atten nt. The Date Re estimate	0.00 0.00 0.00 d eight equired ed date tering 0.00 0.00 0.00 0.00	\$0 \$0 \$0 hours of continuing is the record review of compliance. item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a g education in animew date and the Final r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 all waste all Date is the d costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estima manageme	ted cost (\$200 per nt or its equivaler	r hour) to atten nt. The Date Re estimate osts before er	0.00 0.00 0.00 d eight equired ed date ntering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 hours of continuing is the record review of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a g education in anime w date and the Fina r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 al waste al Date is the d costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estima manageme	ted cost (\$200 per nt or its equivaler	r hour) to atten nt. The Date Re estimate	0.00 0.00 0.00 d eight equired ed date 1 0.00 0.00 0.00 0.00 1.76	\$0 \$0 \$0 hours of continuing is the record review of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$144	n/a n/a n/a n/a n/a g education in animal who date and the Final street avoide \$0 \$0 \$0 \$0 \$0 \$0 \$1,600	\$0 \$0 \$0 al waste al Date is the d costs) \$0 \$0 \$0 \$0 \$1,744
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated a management	ted cost (\$200 per nt or its equivaler ALIZE avoided cost (\$200 per nt or its equivaler 1	r hour) to attent to the nate of the part of the part of the part of the nate of the part	0.00 0.00 0.00 d eight equired ed date 1 0.00 0.00 0.00 0.00 0.00 1.76 0.00 0.00 0.00 0.00	\$0 \$0 \$0 hours of continuing is the record review of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$144 \$0 ight hours of continuing The Date Requirem on were to be compliance.	n/a n/a n/a n/a n/a g education in anime w date and the Fina r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 so sal waste al Date is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$1,744 \$0 animal waste f the previous
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	Estimated a management	ted cost (\$200 per nt or its equivaler ALIZE avoided cost (\$200 per nt or its equivaler 1	r hour) to attent to the nate of the part of the part of the part of the nate of the part	0.00 0.00 0.00 d eight equired ed date 0.00 0.00 0.00 0.00 0.00 1.76 0.00 ettend e period. educati	\$0 \$0 \$0 hours of continuing is the record review of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$144 \$0 ight hours of continuing The Date Requirem on were to be compliance.	n/a n/a n/a n/a n/a n/a g education in anime w date and the Fina r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$1,600 \$0 anuing education in a ed is the last date or	\$0 \$0 \$0 \$0 so sal waste al Date is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$1,744 \$0 animal waste f the previous

To request a more accessible version of this report, please contact the TCEO Help Desk at (512) 239-4357.



CEQ Compliance History Report

Compliance History Report for CN601231814, RN102334539, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, CN601231814, Bouma, Maiko Hessel Classification: HIGH Rating: 0.00

or Owner/Operator:

Regulated Entity: Classification: HIGH Rating: 0.00 RN102334539, Bouma Dairy Farm

Repeat Violator: NO **Complexity Points:**

CH Group: 12 - Agriculture, Forestry, Fishing, and Hunting

Location: 4252 County Road 2408 in Winnsboro, Hopkins County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s): WASTEWATER AGRICULTURE PERMIT TXG920057

Compliance History Period: September 01, 2014 to August 31, 2019 Rating Year: 2019 Rating Date: 09/01/2019

Date Compliance History Report Prepared: October 29, 2019 Agency Decision Requiring Compliance History: Enforcement Component Period Selected: October 29, 2014 to October 29, 2019

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Aaron Vincent Phone: (512) 239-0855

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES NO

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

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

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

F. Environmental audits:

G. Type of environmental management systems (EMSs):

H. Voluntary on-site compliance assessment dates:

Participation in a voluntary pollution reduction program:

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEVAC COMMISSIONI ON
MAIKO HESSEL BOUMA DBA	§	TEXAS COMMISSION ON
BOUMA DAIRY FARM	§	
RN102334539	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2019-0814-AGR-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 Maiko l	Hessel Bouma dba Bouma Dairy Farm (the "Respondent") under the
authority of TEX. WATER	CODE chs. 7 and 26. The Executive Director of the TCEQ, through the
Enforcement Division, a	nd the Respondent together stipulate that:

- 1. The Respondent owns and operates a concentrated animal feeding operation ("CAFO") located at 4252 County Road 2408 in Winnsboro, Hopkins County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in Tex. WATER CODE § 26.001(5).
- 2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to Tex. Water Code §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to Tex. Water Code § 5.013 because it alleges violations of Tex. Water Code ch. 26 and the rules of the TCEQ.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of \$65,424 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Revenue Operations Section of TCEQ's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all or part of the penalty. Therefore, \$44,144 of the penalty is deferred contingent upon the Respondent's compliance with all the terms of this Order and shall be waived only upon full compliance with this Order. If the Respondent fails to comply with any requirement of this Order, including any payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent paid \$595 of the undeferred penalty. The remaining amount of \$20,685 of the undeferred penalty shall be paid in 35 monthly payments of \$591 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Order and the Executive Director may demand payment of all or part of the deferred penalty.

- 5. 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). 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.
- 6. 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 Order.
- 7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
- 8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation conducted from March 25, 2019 to April 8, 2019, an investigator documented that the Respondent:

1. Failed to prevent the unauthorized discharge of agricultural waste into or adjacent to any water in the state, and failed to properly store manure and sludge within the drainage area of the retention control structure ("RCS") or stored in a manner that otherwise prevents contaminated stormwater runoff from the storage area, in violation of 30 Tex. ADMIN. CODE §§ 305.125(1) and (4), 321.37(d), and 321.39(e), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") General Permit No. TXG920057, Part III.A.5(a)(2) and Part III.A.9(b). Specifically, contaminated runoff from the manure and sludge piles stored on the north, south, and west sides of RCS No. 1 was not bermed or protected to prevent stormwater runoff and was entering a tributary to Big Sandy Creek. Grab sample test results indicated elevated levels of ammonia nitrogen, total phosphorus, and biochemical oxygen demand (5-day).

- 2. Failed to prevent the unauthorized discharge of agricultural waste into or adjacent to any water in the state, and failed to properly dispose of animal carcasses within three days of death, in violation of 30 Tex. Admin. Code §§ 305.125(1) and (4), 321.37(d), 321.39(f) and (g)(3), Tex. Water Code § 26.121(a)(1), and TPDES General Permit No. TXG920057, Part III.A.5(a)(2) and Part III.A.11(c). Specifically, animal carcasses in the mortality management area were not properly buried or composted, were not roofed or covered with impermeable material, were not protected from external rainfall, were not bermed to contain runoff, and were not within the drainage area of an RCS. Additionally, a missing portion of the gutter on the south side of the freestall barn allowed additional water to flow in and around the mortality management area and contributed to contaminated runoff that entered a tributary to Big Sandy Creek.
- 3. Failed to prevent the accumulation of sludge in a RCS from encroaching on the volumes reserved for minimum treatment, if necessary, and the design rainfall event, and failed to maintain a minimum of two vertical feet of freeboard in a RCS, in violation of 30 Tex. ADMIN. CODE §§ 305.125(1), 321.39(b) and (c)(1), 321.38(g)(1)(F), and TPDES General Permit No. TXG920057, Part III.A.6(f)(6), Part III.A.10(a)(1) and (2), and Part III.A.10(e). Specifically, records for the annual sludge cleanout were not available for RCS No. 1, and weekly pond marker records indicate that RCS No. 1 has not been maintained with the required two vertical feet of freeboard between the top of the embankment and the required storage capacity.
- 4. Failed to design and contruct an RCS in accordance with the technical standard approved by the Executive Director, in violation of 30 Tex. ADMIN. CODE §§ 305.125(1), 321.38(e)(3) and (e)(7)(A), and TPDES General Permit No. TXG920057, Part III.A.6(d)(1)(ii) and (iii). Specifically, the Facility's permit indicates that RCS No. 1 should have a required capacity of 77.4 acre-feet and RCS No. 2 should have a required capacity of 12.49 acre-feet; but the certified capacity of RCS No. 1 is 5.56 acre-feet and RCS No. 2 was never constructed.
- 5. Failed to maintain a minimum buffer zone of 150 feet between a control facility of an animal feeding operation and a drinking water well used for private water supply, in violation of 30 Tex. Admin. Code §§ 305.125(1) and 321.38(b) and TPDES General Permit No. TXG920057, Part III.A.4(c). Specifically, the area directly around Water Well No. 3 was denuded from cattle access.
- 6. Failed to design, construct, operate, and maintain RCSs to contain all wastewater from the production area, including the runoff and direct precipitation from open lots, in violation of 30 Tex. Admin. Code §§ 305.125(1) and (4), 321.37(d), and TPDES General Permit No. TXG920057, Part III.A.5(a)(2). Specifically, runoff from a portion of the open lot located to the north of the freestall barn did not drain to an approved RCS. A portion of the open lot drains to the ditch along County Road 2408, and another portion of the open lot drains through the field located to the west of the open lot.
- 7. Failed to notify the TCEQ Regional Office within 24 hours of becoming aware of a discharge into water in the state, in violation of 30 Tex. ADMIN. CODE §§ 305.125(1) and 321.44(a), and TPDES General Permit No. TXG920057, Part IV.B.5. Specifically, verbal notification of an unauthorized discharge was not provided by March 26, 2019.

8. Failed to attend at least eight hours of continuing education in animal waste management or its equivalent for each two-year period, in violation of 30 Tex. ADMIN. CODE §§ 305.125(1) and 321.45(b) and TPDES General Permit No. TXG920057, Part III.C.2.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this 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. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Maiko Hessel Bouma dba Bouma Dairy Farm, Docket No. 2019-0814-AGR-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. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Cease the unauthorized discharges at the Facility;
 - ii. Properly store manure or sludge within the drainage area of RCS No. 1 or store manure and sludge in a manner that otherwise prevents contaminated stormwater runoff from the storage area;
 - iii. Properly dispose of animal carcasses or compost in a manner that prevents contaminated stormwater runoff;
 - iv. Direct runoff from the open lot located north of the freestall barn to an approved RCS; and
 - v. Repair the damaged gutter on the south side of the freestall barn.
 - b. Within 60 days after the effective date of this Order:
 - i. Remove excess sludge accumulations from RCS No. 1 and maintain the required two vertical feet of freeboard in RCS No. 1; and

- ii. Properly implement a minimum well buffer zone of 150 feet for water well No. 3.
- c. Within 90 days after the effective date of this Order, attend eight hours of continuing education in animal waste management or its equivalent.
- d. Within 180 days after the effective date of this Order:
 - i. Expand RCS No. 1 to meet the permitted capacity, design and construct RCS No. 2 to meet permitted capacity, and provide certification of the capacity of both RCSs by a licensed Texas Professional Engineer to the addresses listed in Ordering Provision No. 2.e;
 - ii. Notify the Tyler Regional Office at least 48 hours prior to placing a modified or new RCS into service; and
 - iii. Submit a Notice of Change within 14 days of modification of RCS No. 1 and construction of RCS No. 2 to:

Water Quality Assessment Section Water Quality Division, MC 150 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

e. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a through 2.d. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of 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 Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701-3734

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. If the Respondent fails to comply with any of the Ordering Provisions in this 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 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.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
- 7. This 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 Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under Tex. Bus. Org. Code § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
Curt	3/2/2022
For the Executive Director	Date
the attached Order, and I do agree to the terms	the attached Order. I am authorized to agree to s and conditions specified therein. I further nent for the penalty amount, is materially relying
I also understand that failure to comply with the and/or failure to timely pay the penalty amount	
 additional penalties, and/or attorney fees Increased penalties in any future enforce 	ns submitted; eral's Office for contempt, injunctive relief, s, or to a collection agency; ment actions; al's Office of any future enforcement actions; and
In addition, any falsification of any compliance	e documents may result in criminal prosecution. $\frac{10 - 08 - 21}{\text{Date}}$
Marko Bouma Name (Printed or typed) Authorized Representative of Maiko Hessel Bouma dba Bouma Dairy Farm	Title
☐ If mailing address has changed, please cha	eck this box and provide the new address below:

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