

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: *MBC* Melissa Cordell, Interim Deputy Director
Enforcement Division

From: *MP* Michael Parrish, Team Leader
Special Functions Team

Date: November 7, 2022

Subject: **Backup Revision**
November 16, 2022 Commission Agenda
Draft Item No. 12 - Pilgrim's Pride Corporation
Docket No. 2019-1440-IWD-E

Enclosed please find the following:

Executive Summary:

- Page 1, Penalty Information: Correct Total Paid to General Revenue to \$**29,293** and SEP Conditional Offset to \$**29,294**

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Melissa Cordell, Interim Deputy Director, Enforcement Division
Rebecca Margain-Nunez, Executive Assistant, Enforcement Division
Kristy Deaver, Manager, Water Section, Enforcement Division
Katelyn Tubbs, Water Section, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 58398
Pilgrim's Pride Corporation
RN102184041
Docket No. 2019-1440-IWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

IWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Pilgrim's Pride Northeast Texas Complex WWTP, 664 Farm-to-Market Road 127, Mount Pleasant, Titus County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 12, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$58,587

Total Paid to General Revenue: \$29,293

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$29,294

Name of SEP: Manhole Improvements Project (Custom)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

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: August 19, 2019

Date(s) of NOE(s): September 17, 2019

Executive Summary – Enforcement Matter – Case No. 58398

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Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 12, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$58,587

Total Paid to General Revenue: \$29,294

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$29,293

Name of SEP: Manhole Improvements Project (Custom)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

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: August 19, 2019

Date(s) of NOE(s): September 17, 2019

Executive Summary – Enforcement Matter – Case No. 58398
Pilgrim's Pride Corporation
RN102184041
Docket No. 2019-1440-IWD-E

Violation Information

Failed to comply with permitted effluent limitations for ammonia nitrogen, dissolved oxygen, total suspended solids, oil and grease, biochemical oxygen demand (5-day), and carbonaceous biochemical oxygen demand (5-day) [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003017000, Effluent Limitations and Monitoring Requirements Nos. 1 and 3].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0003017000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Katelyn Tubbs, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-2512; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Betty Sanders, SEP Coordinator, Litigation Division, MC 175, (512) 239-3992

Respondent: William Lovette, Chief Executive Officer, Pilgrim's Pride Corporation, P.O. Box 1268, Mount Pleasant, Texas 75456

Fabio Sandri, President, Pilgrim's Pride Corporation, P.O. Box 1268, Mount Pleasant, Texas 75456

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	23-Sep-2019	Screening	24-Sep-2019	EPA Due	5-Dec-2019
	PCW	3-Oct-2019				

RESPONDENT/FACILITY INFORMATION

Respondent	Pilgrim's Pride Corporation	
Reg. Ent. Ref. No.	RN102184041	
Facility/Site Region	5-Tyler	Major/Minor Source Major

CASE INFORMATION

Enf./Case ID No.	58398	No. of Violations	2
Docket No.	2019-1440-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Katelyn Tubbs
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$53,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	9.0% Adjustment	Subtotals 2, 3, & 7	\$4,837
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Notes	Enhancement for two months of self-reported effluent violations. Reduction for one Notice of Intent.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,683	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$15,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$58,587
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$58,587
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$58,587
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$58,587
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Screening Date 24-Sep-2019

Docket No. 2019-1440-IWD-E

PCW

Respondent Pilgrim's Pride Corporation

Policy Revision 4 (April 2014)

Case ID No. 58398

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102184041

Media Water Quality

Enf. Coordinator Katelyn Tubbs

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	2	10%
	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 judgments 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>)	1	-1%
	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%
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) 9%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations.
Reduction for one Notice of Intent.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 9%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 9%

Screening Date 24-Sep-2019
Respondent Pilgrim's Pride Corporation
Case ID No. 58398
Reg. Ent. Reference No. RN102184041
Media Water Quality
Enf. Coordinator Katelyn Tubbs

Docket No. 2019-1440-IWD-E

PCW

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

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003017000, Effluent Limitations and Monitoring Requirements Nos. 1 and 3

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	x			100.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes
 A simplified model was used to evaluate biochemical oxygen demand (5-day) and ammonia nitrogen to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. Total suspended solids, oil and grease, carbonaceous biochemical oxygen demand (5-day), and dissolved oxygen were also considered. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$0

\$25,000

Violation Events

Number of Violation Events 2 61 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$50,000

Two monthly events are recommended for the months of May and June 2019.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$50,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,683 **Violation Final Penalty Total** \$54,500

This violation Final Assessed Penalty (adjusted for limits) \$54,500

Economic Benefit Worksheet

Respondent Pilgrim's Pride Corporation
Case ID No. 58398
Reg. Ent. Reference No. RN102184041
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	Costs Saved	EB Amount
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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)	\$15,000	31-Aug-2018	27-Nov-2020	2.24	\$1,683	n/a	\$1,683

Notes for DELAYED costs

Estimated Other cost to determine the cause of noncompliance and to make necessary repairs/adjustments to the Facility and achieve compliance with permitted effluent limitations. The Date Required is the end date of the first month of noncompliance and the Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				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

\$15,000

TOTAL

\$1,683

Screening Date 24-Sep-2019
Respondent Pilgrim's Pride Corporation
Case ID No. 58398
Reg. Ent. Reference No. RN102184041
Media Water Quality
Enf. Coordinator Katelyn Tubbs

Docket No. 2019-1440-IWD-E

PCW

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

Violation Number

Rule Cite(s)
 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and TPDES Permit No. WQ0003017000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description
 Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text" value="15.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes
 Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended for the quarter containing the month of August 2018.

Good Faith Efforts to Comply

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Pilgrim's Pride Corporation
Case ID No. 58398
Reg. Ent. Reference No. RN102184041
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	Costs Saved	EB Amount
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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 the Economic Benefit for Violation No. 1.							

Avoided Costs

ANNUALIZE 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				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 \$0

TOTAL \$0

Pilgrim's Pride Corporation
Docket No. 2019-1440-IWD-E
TPDES Permit No. WQ0003017000
Case No. 58398

Effluent Violation Table

	Carbonaceous Biochemical Oxygen Demand (5-day)				Biochemical Oxygen Demand (5-day)				Oil & Grease	
	Daily Avg. Conc.	Daily Max. Conc.	Daily Avg. Load.	Daily Max. Load.	Daily Avg. Conc.	Daily Max. Conc.	Daily Avg. Load.	Daily Max. Load.	Daily Max. Conc.	Daily Max. Load.
Monitoring Period	Limit = 5 mg/L	Limit = 10 mg/L	Limit = 146 lbs/day	Limit = 292 lbs/day	Limit = 16 mg/L	Limit = 26 mg/L	Limit = 454 lbs/day	Limit = 738 lbs/day	Limit = 14 mg/L	Limit = 376 lbs/day
August 2018	5.7	c	c	c	c	c	c	c	c	c
May 2019	52.7	213	1,266	5,058	86.35	320.7	2,108	c	36	943.45
June 2019	34.88	115	812.4	3,080.6	46.45	157	1,058	2,135	42.5	1,058

	Ammonia-Nitrogen				Dissolved Oxygen	Total Suspended Solids			
	Daily Avg. Conc.	Daily Max. Conc.	Daily Avg. Load.	Daily Max. Load.	Min. Conc.	Daily Avg. Conc.	Daily Max. Conc.	Daily Avg. Load.	Daily Max. Load.
Monitoring Period	Limit = 1 mg/L	Limit = 2 mg/L	Limit = 29 lbs/day	Limit = 58 lbs/day	Limit = 6 mg/L	Limit = 15 mg/L	Limit = 30 mg/L	Limit = 376 lbs/day	Limit = 751 lbs/day
May 2019	3.73	24.5	94.87	642	5.23	192	969	272,210	1,632,455
June 2019	1.8	4.78	42.94	128	0.25	191.1	640	213,277	728,324

Avg. = Average Conc. = Concentration lbs/day = pounds per day
c = compliant Load = Loading Max. = Maximum
Min. = Minimum mg/L = milligrams per liter

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



TCEQ Compliance History Report

Compliance History Report for CN601276660, RN102184041, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN601276660, Pilgrim's Pride Corporation **Classification:** SATISFACTORY **Rating:** 1.61

Regulated Entity: RN102184041, PILGRIMS PRIDE **Classification:** SATISFACTORY **Rating:** 0.20
NORTHEAST TEXAS COMPLEX WWTP

Complexity Points: 14 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 664 Farm-to-Market Road 127 West in Mount Pleasant, Titus County, Texas

TCEQ Region: REGION 05 - TYLER

ID Number(s):

WASTEWATER PERMIT WQ0003017000

WASTEWATER EPA ID TX0062936

WASTEWATER LICENSING LICENSE WQ0003017000

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 31649

POLLUTION PREVENTION PLANNING ID NUMBER
P09709

POLLUTION PREVENTION PLANNING ID NUMBER
P09908

TAX RELIEF ID NUMBER 20378

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

Date Compliance History Report Prepared: September 23, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 23, 2014 to September 23, 2019

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

Name: Katelyn Tubbs

Phone: (512) 239-2512

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 19, 2015	(1231908)	Item 9	January 18, 2016	(1316422)
Item 2	February 16, 2015	(1243053)	Item 10	February 18, 2016	(1325789)
Item 3	March 14, 2015	(1249419)	Item 11	March 17, 2016	(1332534)
Item 4	May 20, 2015	(1248471)	Item 12	April 18, 2016	(1339679)
Item 5	September 18, 2015	(1291040)	Item 13	May 17, 2016	(1331547)
Item 6	October 14, 2015	(1297238)	Item 14	May 19, 2016	(1346506)
Item 7	November 18, 2015	(1302683)	Item 15	June 17, 2016	(1352927)
Item 8	December 17, 2015	(1309649)	Item 16	July 20, 2016	(1359897)

Item 17	August 19, 2016	(1366341)	Item 34	January 18, 2018	(1475303)
Item 18	September 14, 2016	(1373018)	Item 35	February 19, 2018	(1487500)
Item 19	October 18, 2016	(1379208)	Item 36	March 27, 2018	(1491177)
Item 20	November 17, 2016	(1385161)	Item 37	April 19, 2018	(1494429)
Item 21	December 19, 2016	(1391290)	Item 38	May 18, 2018	(1501375)
Item 22	January 19, 2017	(1397915)	Item 39	June 18, 2018	(1508469)
Item 23	February 18, 2017	(1404806)	Item 40	July 19, 2018	(1514797)
Item 24	March 16, 2017	(1411893)	Item 41	August 20, 2018	(1520853)
Item 25	April 17, 2017	(1418398)	Item 43	October 18, 2018	(1534378)
Item 26	May 19, 2017	(1425997)	Item 44	November 19, 2018	(1542212)
Item 27	June 16, 2017	(1432036)	Item 45	December 18, 2018	(1545981)
Item 28	June 28, 2017	(1422376)	Item 46	January 20, 2019	(1561972)
Item 29	July 20, 2017	(1440603)	Item 47	February 20, 2019	(1561970)
Item 30	August 18, 2017	(1444288)	Item 48	March 14, 2019	(1561971)
Item 31	October 19, 2017	(1450882)	Item 49	April 18, 2019	(1553997)
Item 32	November 18, 2017	(1462211)	Item 50	April 19, 2019	(1572579)
Item 33	December 19, 2017	(1468593)	Item 51	May 19, 2019	(1584769)

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.

- 1 Date: 05/31/2019 (1584770)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 06/30/2019 (1593925)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 05/29/2019 (1570750)
No DOV Associated

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 9/23/2014 and 9/23/2019

- 1 Date: 09/30/2014 (1213005)

Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 2 Date: 10/31/2014 (1219263)

Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 11/30/2014 (1225042)

Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 03/31/2015 (1256299)

Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 04/30/2015 (1263033)

Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 05/31/2015 (1270181)

Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 06/30/2015 (1277715)

Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 8 Date: 07/31/2015 (1283891)

Classification: Moderate

Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 08/31/2018 (1528032)

Item 11	July 18, 2015**	For Informational Purposes Only (1283891)
Item 12	August 19, 2015**	For Informational Purposes Only (1291040)
Item 13*	September 18, 2015**	For Informational Purposes Only (1297238)
Item 14*	October 14, 2015**	For Informational Purposes Only (1302683)
Item 15*	November 18, 2015**	For Informational Purposes Only (1309649)
Item 16*	December 17, 2015**	For Informational Purposes Only (1316422)
Item 17*	January 18, 2016**	For Informational Purposes Only (1325789)
Item 18*	February 18, 2016**	For Informational Purposes Only (1332534)
Item 19*	March 17, 2016**	For Informational Purposes Only (1339679)
Item 20*	April 18, 2016**	For Informational Purposes Only (1321967)
Item 21	May 12, 2016**	For Informational Purposes Only (1331547)
Item 22*	May 17, 2016**	For Informational Purposes Only (1346506)
Item 23*	May 19, 2016**	For Informational Purposes Only (1352927)
Item 24*	June 17, 2016**	For Informational Purposes Only (1359897)
Item 25*	July 20, 2016**	For Informational Purposes Only (1366341)
Item 26*	August 19, 2016**	For Informational Purposes Only (1373018)
Item 27*	September 14, 2016**	For Informational Purposes Only (1379208)
Item 28*	October 18, 2016**	For Informational Purposes Only (1385161)
Item 29*	November 17, 2016**	For Informational Purposes Only (1391290)
Item 30*	December 19, 2016**	For Informational Purposes Only (1397915)
Item 31*	January 19, 2017**	For Informational Purposes Only (1404806)
Item 32*	February 18, 2017**	For Informational Purposes Only

Item 33*	March 16, 2017**	(1411893) For Informational Purposes Only
Item 34*	April 17, 2017**	(1418398) For Informational Purposes Only
Item 35*	May 19, 2017**	(1425997) For Informational Purposes Only
Item 36*	June 16, 2017**	(1432036) For Informational Purposes Only
Item 37*	June 28, 2017**	(1422376) For Informational Purposes Only
Item 38*	July 20, 2017**	(1440603) For Informational Purposes Only
Item 39*	August 18, 2017**	(1444288) For Informational Purposes Only
Item 40*	October 19, 2017**	(1450882) For Informational Purposes Only
Item 41*	November 18, 2017**	(1462211) For Informational Purposes Only
Item 42*	December 19, 2017**	(1468593) For Informational Purposes Only
Item 43*	January 18, 2018**	(1475303) For Informational Purposes Only
Item 44*	February 19, 2018**	(1487500) For Informational Purposes Only
Item 45*	March 27, 2018**	(1491177) For Informational Purposes Only
Item 46*	April 19, 2018**	(1494429) For Informational Purposes Only
Item 47*	May 18, 2018**	(1501375) For Informational Purposes Only
Item 48*	June 18, 2018**	(1508469) For Informational Purposes Only
Item 49*	July 19, 2018**	(1514797) For Informational Purposes Only
Item 50*	August 20, 2018**	(1520853) For Informational Purposes Only
Item 51	September 19, 2018**	(1528032) For Informational Purposes Only
Item 52*	October 18, 2018**	(1534378) For Informational Purposes Only
Item 53	October 22, 2018**	(1519850) For Informational Purposes Only

Item 54*	November 19, 2018**	(1542212) For Informational Purposes Only
Item 55*	December 18, 2018**	(1545981) For Informational Purposes Only
Item 56*	January 20, 2019**	(1561972) For Informational Purposes Only
Item 57*	February 20, 2019**	(1561970) For Informational Purposes Only
Item 58*	March 14, 2019**	(1561971) For Informational Purposes Only
Item 59*	April 18, 2019**	(1553997) For Informational Purposes Only
Item 60*	April 19, 2019**	(1572579) For Informational Purposes Only
Item 61*	May 19, 2019**	(1584769) For Informational Purposes Only
Item 62	June 20, 2019**	(1584770) For Informational Purposes Only
Item 63	July 18, 2019**	(1593925) For Informational Purposes Only
Item 64	September 18, 2019	(1590546) For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2014 and 08/31/2019.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
PILGRIM'S PRIDE
CORPORATION
RN102184041**

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§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2019-1440-IWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Pilgrim's Pride Corporation (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located at 664 Farm-to-Market Road 127 West in Mount Pleasant, Titus 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. During a record review conducted on August 19, 2019, an investigator documented that the Respondent did not comply with permitted effluent limitations, as shown in the effluent violation table below:

	Carbonaceous Biochemical Oxygen Demand (5-day)				Biochemical Oxygen Demand (5-day)				Oil & Grease	
	Daily Avg. Conc.	Daily Max. Conc.	Daily Avg. Load.	Daily Max. Load.	Daily Avg. Conc.	Daily Max. Conc.	Daily Avg. Load.	Daily Max. Load.	Daily Max. Conc.	Daily Max. Load.
Monitoring Period	Limit = 5 mg/L	Limit = 10 mg/L	Limit = 146 lbs/day	Limit = 292 lbs/day	Limit = 16 mg/L	Limit = 26 mg/L	Limit = 454 lbs/day	Limit = 738 lbs/day	Limit = 14 mg/L	Limit = 376 lbs/day
August 2018	5.7	c	c	c	c	c	c	c	c	c
May 2019	52.7	213	1,266	5,058	86.35	320.7	2,108	c	36	943.45
June 2019	34.88	115	812.4	3,080.6	46.45	157	1,058	2,135	42.5	1,058

	Ammonia-Nitrogen				Dissolved Oxygen	Total Suspended Solids			
	Daily Avg. Conc.	Daily Max. Conc.	Daily Avg. Load.	Daily Max. Load.	Min. Conc.	Daily Avg. Conc.	Daily Max. Conc.	Daily Avg. Load.	Daily Max. Load.
Monitoring Period	Limit = 1 mg/L	Limit = 2 mg/L	Limit = 29 lbs/day	Limit = 58 lbs/day	Limit = 6 mg/L	Limit = 15 mg/L	Limit = 30 mg/L	Limit = 376 lbs/day	Limit = 751 lbs/day
May 2019	3.73	24.5	94.87	642	5.23	192	969	272,210	1,632,455
June 2019	1.8	4.78	42.94	128	0.25	191.1	640	213,277	728,324

Avg. = Average Conc. = Concentration lbs/day = pounds per day
c = compliant Load. = Loading Max. = Maximum
Min. = Minimum mg/L = milligrams per liter

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0003017000, Effluent Limitations and Monitoring Requirements Nos. 1 and 3.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$58,587 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid \$29,293 of the penalty. Pursuant to TEX. WATER CODE § 7.067, \$29,294 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Pilgrim's Pride Corporation, Docket No. 2019-1440-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. The Respondent shall implement and complete an SEP as set forth in Section I, Paragraph No. 4. The amount of \$29,294 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall, within 130 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0003017000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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:

Water Section
Enforcement Division, MC 219
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

4. All relief not expressly granted in this Order is denied.
5. 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.
6. 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.
7. 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.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
9. 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.
10. 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.
11. 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,

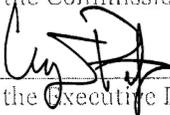
lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

12. 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

9/28/2022

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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

Fabio Sandri

Name (Printed or typed)
Authorized Representative of
Pilgrim's Pride Corporation

Date

July 6, 2022

President and CEO

Title

If mailing address has changed, please check 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.

Attachment A

Docket Number: 2019-1440-IWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Pilgrim's Pride Corporation
Penalty Amount:	Fifty-Eight Thousand Five Hundred Eighty-Seven Dollars (\$58,587)
SEP Offset Amount:	Twenty-Nine Thousand Two Hundred Ninety-Four Dollars (\$29,294)
Type of SEP:	Custom
Project Name:	<i>Manhole Improvements</i>
Location of SEP:	Titus County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

Respondent shall hire a contractor to perform improvements to the City of Mount Pleasant's sanitary sewer collection system to reduce infiltration and inflow ("I&I"). Respondent will hire a contractor to repair multiple manholes throughout Mount Pleasant's sanitary sewer collection system that currently exhibit condition defects that contribute to I&I. Rehabilitating and repairing manholes in the sewer collection system will allow Mount Pleasant's collection system (and ultimately the wastewater treatment facility) to operate more efficiently and improve water quality downstream of the discharge. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the manhole rehabilitation (the "Project"). Respondent shall coordinate with the City of Mount Pleasant throughout performance of the Project.¹ If at any point the City of Mount Pleasant withdraws its consent to performance of the Project, Respondent may contribute the remaining SEP Offset Amount to an eligible Pre-Approved SEP. Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, including publication, related to the SEP must include the enforcement statement as stated in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed in Subsection C. Minimum Expenditure, Estimated Cost Schedule, below. No portion of the SEP Offset Amount shall be spent on administrative costs, including but not limited to operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

¹ TCEQ acknowledges that Respondent has obtained the consent of the City of Mount Pleasant to perform the Project.

Respondent's signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing wastewater discharges being released into the environment during the collection process. Wastewater discharges can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Additional risks include occurrences of low dissolved oxygen, fish kills, algal bloom, and bacterial contamination in waterways.

C. Minimum Expenditure

Respondent shall spend at least the SEP Offset Amount to complete the project described in Section 1, above, and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project.

Estimated Cost Schedule

Item	Quantity	Units	Cost	Total
Mobilization, Insurance, and Bonding	1*	Lump Sum	\$4,000	\$4,000
Barricades, Signs, and Traffic Control	1*	Lump Sum	\$2,900	\$2,900
Clean, Remove Roots, and Repair as Needed, Coat 48-Inch and Less Diameter Manhole	86*	Vertical Feet	\$325	\$27,950
Manhole Testing	1*	Lump Sum	\$2,500	\$2,500
Temporary Bypass Pumping	1*	Lump Sum	\$7,500	\$7,500
Total				\$44,850

*Estimated quantity shall be adjusted as needed to ensure SEP offset amount is met.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 365 days after the effective date of this Agreed Order.

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to the TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 365-day timeframe set forth in Section 2, Performance Schedule, above. Thereafter, Respondent

shall submit progress reports to the containing detailed information on all actions completed on the Project to date as set forth in the Reporting Schedule table below:

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
90	Actions completed during previous 60-day period
180	Actions completed during previous 90-day period
270	Actions completed during previous 90-day period
365	Notice of SEP completion

B. Final Report

Within 365 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to the TCEQ, which shall include the following:

1. Itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. Detailed map showing specific location of the project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Equipment logs showing the hours the equipment was utilized on the project, if applicable;
9. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
10. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

C. Address

Respondent shall submit all SEP reports and any additional information as requested to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of the TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

5. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 through 4 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

6. Publicity

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

7. Recognition

Respondent may not seek recognition for this project in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.