

Executive Summary – Enforcement Matter – Case No. 59711
Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC
RN100794155
Docket No. 2020-1361-AGR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AGR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

JB Grand Canyon Dairy, located on the east side of Farm-to-Market Road 219, approximately five miles south of Farm-to-Market Road 219 and Highway 1702, approximately seven miles southwest of Dublin, Erath 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: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: September 17, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$15,669

Amount Deferred for Expedited Settlement: \$3,133

Total Paid to General Revenue: \$366

Total Due to General Revenue: \$12,170

Payment Plan: 34 payments of \$350 each, with one final payment of \$270

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): March 20, 2020

Complaint Information: Alleged there was an agricultural waste discharge.

Date(s) of Investigation: March 30, 2020 and October 29, 2020

Date(s) of NOE(s): July 6, 2020 and December 4, 2020

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Violation Information

1. Failed to protect compost waste from runoff in the case of the design rainfall event. Specifically, a section of the compost area was not bermed to protect the surrounding area from runoff [30 TEX. ADMIN. CODE §§ 305.125(1) and 321.39(f) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002950000, Part VII.A.6(e)].
2. Failed to maintain proper pen drainage at all times. Specifically, the pens on the northeast side of the Site had significant ponding [30 TEX. ADMIN. CODE §§ 305.125(1) and 321.43(j)(5)(B) and TPDES Permit No. WQ0002950000, Part VII.D.4(b)].
3. Failed to properly operate and maintain all facilities and systems of treatment and control installed or used to achieve compliance with permit conditions. Specifically, the solids separator was not in operation at the time of the investigation [30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 321.36(b) and TPDES Permit No. WQ0002950000, Part IX.E].
4. Failed to prevent the unauthorized discharge of agricultural waste into or adjacent to any water in the state. Specifically, on March 30, 2020 retention control structure ("RCS") No. 2 discharged approximately 300,000 gallons of agricultural waste into an unnamed tributary of the South Fork of Little Green Creek [30 TEX. ADMIN. CODE §§ 305.125(1) and (4) and 321.31(a) and TEX. WATER CODE § 26.121(a)(1)].
5. Failed to notify the TCEQ Regional Office within one hour of becoming aware of a discharge. Specifically, the unauthorized discharge that occurred on March 30, 2020 was not reported within one hour of noticing the discharge [30 TEX. ADMIN. CODE §§ 305.125(1) and 321.36(b), and TPDES Permit No. WQ0002950000 Part VIII.B.3].
6. Failed to properly dispose of carcasses. Specifically, carcasses were not properly disposed of in the onsite burial pit or compost piles [30 TEX. ADMIN. CODE §§ 305.125(1) and 321.39(g)(3), and TPDES Permit No. WQ0002950000 Part VII.A.6(c)].
7. Failed to sample all discharges from RCSs and land management units ("LMUs") within 30 minutes following the initial discharge. Specifically, the unauthorized discharge that occurred on March 30, 2020 from RCS No. 2 was not sampled within the first 30 minutes [30 TEX. ADMIN. CODE §§ 305.125(1) and 321.44(b) and TPDES Permit No. WQ0002950000, Part VII.A.2(b)].
8. Failed to cease land application when the ground is frozen or saturated or during rainfall events. Specifically, agricultural waste was observed being applied to LMU Nos. 12 and 13 during a rainfall event [30 TEX. ADMIN. CODE § 321.40(f)].

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9. Failed to remove sludge from the RCS in accordance with the design schedule for cleanout to prevent the accumulation of sludge from encroaching on the volumes reserved for minimum treatment and the design rainfall event. Specifically, RCS Nos. 2 and 3 had accumulated sludge encroaching on the volumes reserved for the design rainfall event [30 TEX. ADMIN. CODE §§ 305.125(1) and 321.39(c)(1) and TPDES Permit No. WQ0002950000, Part VII, A.5(g)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondents implemented the following corrective measures:

- a. By March 30, 2020, ceased the discharge, repaired the berm of RCS No. 2, and collected and analyzed samples at the discharge point;
- b. By April 3, 2020, conducted employee training to ensure land application is ceased when the ground is frozen or saturated and during rain events;
- c. By October 9, 2020, conducted employee training to ensure the TCEQ is properly notified of discharges, carcasses are collected and disposed of properly, and all discharges from RCSs and LMUs are sampled within 30 minutes of the initial discharge; and
- d. By October 19, 2020, constructed a trench and properly disposed of carcasses in the designated burial area.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Construct a berm to ensure compost waste is contained in the case of the design rainfall event;
 - ii. Conduct employee training on proper RCS and berm maintenance to prevent future unauthorized discharges; and
 - iii. Remove and properly dispose of sludge from RCS Nos. 2 and 3 to meet the total required capacity.
- b. Within 45 days, submit written certification to demonstrate compliance with a.

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- c. Within 60 days, shape pen surfaces to ensure the pens properly drain to the RCS.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days, repair or replace the solids separator.
- f. Within 105 days, submit written certification to demonstrate compliance with e.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Alejandro Laje, Enforcement Division, Enforcement Team 3, MC 219, (512) 239-2547; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Dorice Miranda, Member, Circle 7 Dairy LLC and Grand Canyon Dairy LLC, 1743 County Road 308, Dublin, Texas 76446

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	13-Jul-2020	Screening	23-Jul-2020	EPA Due	
	PCW	29-Apr-2021				

RESPONDENT/FACILITY INFORMATION						
Respondent	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC					
Reg. Ent. Ref. No.	RN100794155					
Facility/Site Region	4-Stephenville			Major/Minor Source	Minor	

CASE INFORMATION						
Enf./Case ID No.	59711			No. of Violations	8	
Docket No.	2020-1361-AGR-E			Order Type	1660	
Media Program(s)	Water Quality			Government/Non-Profit	No	
Multi-Media				Enf. Coordinator	Stephanie Frederick	
				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	\$11,875
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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	25.0%	Adjustment	Subtotals 2, 3, & 7	\$2,968
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Notes	Enhancement for one NOV with same/similar violations and one agreed order containing a denial of liability.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondents do not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$624
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,442	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$8,605	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,219
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OTHER FACTORS AS JUSTICE MAY REQUIRE	3.6%	Adjustment	\$513
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided costs of compliance associated with Violation Nos. 4 and 5.
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Final Penalty Amount	\$14,732
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,732
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,946
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$11,786
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Screening Date

23-Jul-2020

Docket No.

2020-1361-AGR-E

PCW

Respondent

Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC

Case ID No.

59711

Reg. Ent. Reference No.

RN100794155

Media

Water Quality

Enf. Coordinator

Stephanie Frederick

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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)

25%

>> 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 one NOV with same/similar violations and one agreed order containing a denial of liability.

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

25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

25%

Screening Date	23-Jul-2020	Docket No.	2020-1361-AGR-E	PCW
Respondent	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59711			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN100794155			
Media	Water Quality			
Enf. Coordinator	Stephanie Frederick			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 321.39(f) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002950000, Part VII.A.6(e)			
Violation Description	Failed to protect compost waste from runoff in the case of the design rainfall event. Specifically, a section of the compost area was not bermed to protect the surrounding area from runoff.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
			Percent	5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	1	115	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual	x		
	annual			
	single event			
			Violation Base Penalty	\$1,250
	One semiannual event is recommended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date.			
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 Respondents do not meet the good faith criteria for this violation.			
		Violation Subtotal	\$1,250	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$165	Violation Final Penalty Total	\$1,619	
This violation Final Assessed Penalty (adjusted for limits)				\$1,619

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 59711 RN100794155 Water Quality 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	\$1,000	14-Nov-2019	25-Mar-2022	2.36	\$8	\$157	\$165
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Engineering/Construction cost to construct a berm to ensure compost waste is contained in the case of the design rainfall event. Date required is the date the violation was initially documented. 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	\$1,000	TOTAL	\$165
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Screening Date	23-Jul-2020	Docket No.	2020-1361-AGR-E	PCW
Respondent	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59711			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN100794155			
Media	Water Quality			
Enf. Coordinator	Stephanie Frederick			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 321.43(j)(5)(B) and TPDES Permit No. WQ0002950000, Part VII.D.4(b)			
Violation Description	Failed to maintain proper pen drainage at all times. Specifically, the pens on the northeast side of the Site had significant ponding.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential		x	
				Percent 5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	1	115	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual	x		
	annual			
	single event			
				Violation Base Penalty \$1,250
	One semiannual event is recommended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date.			
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 Respondents do not meet the good faith criteria for this violation.			
		Violation Subtotal	\$1,250	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$85	Violation Final Penalty Total	\$1,619
	This violation Final Assessed Penalty (adjusted for limits)			\$1,619

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 59711 RN100794155 Water Quality 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	\$500	14-Nov-2019	24-Apr-2022	2.44	\$4	\$81	\$85
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Engineering/Construction cost to shape pen surfaces to ensure the pens properly drain to the retention control structure ("RCS"). Date required is the date the violation was initially documented. 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	\$500	TOTAL	\$85
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Screening Date	23-Jul-2020	Docket No.	2020-1361-AGR-E	PCW
Respondent	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59711			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN100794155			
Media	Water Quality			
Enf. Coordinator	Stephanie Frederick			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (5) and 321.36(b) and TPDES Permit No. WQ0002950000, Part IX.E			
Violation Description	Failed to properly operate and maintain all facilities and systems of treatment and control installed or used to achieve compliance with permit conditions. Specifically, the solids separator was not in operation at the time of the investigation.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
			Percent	5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	1	115	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual	x		
	annual			
	single event			
			Violation Base Penalty	\$1,250
	One semiannual event is recommended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date.			
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 Respondents do not meet the good faith criteria for this violation.			
		Violation Subtotal	\$1,250	
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$618	Violation Final Penalty Total	\$1,619	
	This violation Final Assessed Penalty (adjusted for limits)	\$1,619		

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 59711 RN100794155 Water Quality 3

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	\$3,500	14-Nov-2019	24-May-2022	2.53	\$29	\$589	\$618
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	Estimated Equipment cost to repair/replace the solids separator. Date required is the date the violation was initially documented. 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	\$3,500	TOTAL	\$618
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Screening Date	23-Jul-2020	Docket No.	2020-1361-AGR-E	PCW
Respondent	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59711			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN100794155			
Media	Water Quality			
Enf. Coordinator	Stephanie Frederick			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and (4) and 321.31(a) and Tex. Water Code § 26.121(a)(1)			
Violation Description	Failed to prevent the unauthorized discharge of agricultural waste into or adjacent to any water in the state. Specifically, on March 30, 2020 RCS No. 2 discharged approximately 300,000 gallons of agricultural waste into an unnamed tributary of the South Fork of Little Green Creek.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual		x	
	Potential			
		Percent	15.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants as a result of the violation.			
	Adjustment	\$21,250		
		\$3,750		
Violation Events				
	Number of Violation Events	1	1	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
	Violation Base Penalty	\$3,750		
	One monthly event is recommended for the discharge that began and ended March 30, 2020.			
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 Respondents do not meet the good faith criteria for this violation.		
	Violation Subtotal	\$3,750		
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$518	Violation Final Penalty Total	\$4,857
	This violation Final Assessed Penalty (adjusted for limits)			\$4,857

Economic Benefit Worksheet

Respondent Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC
Case ID No. 59711
Reg. Ent. Reference No. RN100794155
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Other	\$1,000	30-Mar-2020	30-Mar-2020	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training	\$100	30-Mar-2020	25-Mar-2022	1.99	\$10	n/a	\$10
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Other cost to cease the discharge and repair the berm of RCS No. 2. Date required is the date the discharge occurred. Final date is the date corrective actions were completed.						
	Estimated Training cost to conduct employee training on proper RCS and berm maintenance to prevent future unauthorized discharges. Date required is the investigation date. 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)	\$500	30-Mar-2020	23-Jul-2020	0.32	\$8	\$500	\$508
Notes for AVOIDED costs	Estimated Other cost to remediate or clean up the location where the discharge occurred. Date required is the date the discharge occurred. Final Date is the screening date.						

Approx. Cost of Compliance	\$1,600	TOTAL	\$518
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Screening Date	23-Jul-2020	Docket No.	2020-1361-AGR-E	PCW
Respondent	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59711			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN100794155			
Media	Water Quality			
Enf. Coordinator	Stephanie Frederick			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 321.36(b), and TPDES Permit No. WQ0002950000 Part VIII.B.3			
Violation Description	Failed to notify the TCEQ Regional Office within one hour of becoming aware of a discharge. Specifically, the unauthorized discharge that occurred on March 30, 2020 was not reported within one hour of noticing the discharge.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			x	
				Percent 2.5%
Matrix Notes	30% to 70% of the rule requirements were not met.			
		Adjustment	\$24,375	
			\$625	
Violation Events				
	Number of Violation Events	1	115	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
				Violation Base Penalty \$625
	One single event is recommended.			
Good Faith Efforts to Comply	10.0%		Reduction	\$62
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondents achieved compliance on October 9, 2020.		
		Violation Subtotal	\$563	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$8	Violation Final Penalty Total	\$745
	This violation Final Assessed Penalty (adjusted for limits)			\$745

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 59711 RN100794155 Water Quality 5

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	\$100	30-Mar-2020	9-Oct-2020	0.53	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Training cost to conduct employee training to ensure TCEQ is properly notified about discharges. Date required is the investigation date. Final date is the compliance date.						

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)	\$5	30-Mar-2020	23-Jul-2020	0.32	\$0	\$5	\$5
Notes for AVOIDED costs	Estimated Other cost to notify the TCEQ Regional Office within one hour of becoming aware of the discharge. Date required is the date the notification was due. Final date is the screening date.						

Approx. Cost of Compliance	\$105	TOTAL	\$8
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Screening Date	23-Jul-2020	Docket No.	2020-1361-AGR-E	PCW
Respondent	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			Policy Revision 4 (April 2014)
Case ID No.	59711			PCW Revision March 26, 2014
Reg. Ent. Reference No.	RN100794155			
Media	Water Quality			
Enf. Coordinator	Stephanie Frederick			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 321.39(g)(3), and TPDES Permit No. WQ0002950000 Part VII.A.6(c)			
Violation Description	Failed to properly dispose of carcasses. Specifically, carcasses were not properly disposed of in the onsite burial pit or compost piles.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			
	Potential		x	
				Percent 5.0%
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	1	115	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual	x		
	annual			
	single event			
	Violation Base Penalty \$1,250			
	One semiannual event is recommended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date.			
Good Faith Efforts to Comply		10.0%	Reduction	\$125
	Extraordinary		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
	Ordinary			x
	N/A			
	Notes	The Respondents achieved compliance on October 19, 2020.		
		Violation Subtotal	\$1,125	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$45	Violation Final Penalty Total	\$1,489
	This violation Final Assessed Penalty (adjusted for limits)			\$1,489

Economic Benefit Worksheet

Respondent Case ID No. 59711
Reg. Ent. Reference No. RN100794155
Media Violation No. Water Quality 6

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	\$100	30-Mar-2020	9-Oct-2020	0.53	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	30-Mar-2020	19-Oct-2020	0.56	\$42	n/a	\$42
Notes for DELAYED costs	Estimated Training cost to conduct employee training to ensure carcasses are collected and disposed of properly. Date required is the investigation date. Final date is the compliance date. Estimated Other cost to construct a trench and properly dispose of carcasses in the designated burial area. Date required is the investigation date. Final date is the compliance date.						

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	\$1,600	TOTAL	\$45
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Screening Date	23-Jul-2020	Docket No.	2020-1361-AGR-E	PCW
Respondent	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59711			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN100794155			
Media	Water Quality			
Enf. Coordinator	Stephanie Frederick			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 321.44(b) and TPDES Permit No. WQ0002950000, Part VII.A.2(b)			
Violation Description	Failed to sample all discharges from RCSs and land management units ("LMUs") within 30 minutes following the initial discharge. Specifically, the unauthorized discharge that occurred on March 30, 2020 from RCS No. 2 was not sampled within the first 30 minutes.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR		Release	Harm	
		Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		x		
				Percent 5.0%
Matrix Notes	100% of the rule requirements were not met.			
		Adjustment	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	1	115	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
				Violation Base Penalty \$1,250
	One single event is recommended.			
Good Faith Efforts to Comply		10.0%	Reduction	\$125
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary		x	
	N/A			
	Notes	The Respondents achieved compliance on October 9, 2020.		
		Violation Subtotal	\$1,125	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$3	Violation Final Penalty Total	\$1,489
	This violation Final Assessed Penalty (adjusted for limits)			\$1,489

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 59711 RN100794155 Water Quality 7

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	\$100	30-Mar-2020	9-Oct-2020	0.53	\$3	n/a	\$3
Sampling	\$100	30-Mar-2020	30-Mar-2020	0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Training cost to conduct employee training to ensure all discharges from RCSs and LMUs are sampled within 30 minutes of the initial discharge. Date required is the investigation date. Final date is the date of compliance. Estimated Sampling cost to collect and analyze samples at the discharge point. Date required is the investigation date. Final date is the 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	\$200	TOTAL	\$3
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Screening Date	23-Jul-2020	Docket No.	2020-1361-AGR-E	PCW
Respondent	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59711			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN100794155			
Media	Water Quality			
Enf. Coordinator	Stephanie Frederick			
Violation Number	8			
Rule Cite(s)	30 Tex. Admin. Code § 321.40(f)			
Violation Description	Failed to cease land application when the ground is frozen or saturated or during rainfall events. Specifically, agricultural waste was observed being applied to LMU Nos. 12 and 13 during a rainfall event.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential		x	
				Percent 5.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$23,750	
			\$1,250	
Violation Events				
	Number of Violation Events	1	4	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
				Violation Base Penalty \$1,250
	One quarterly event is recommended, calculated from the March 30, 2020 investigation date to the April 3, 2020 compliance date.			
Good Faith Efforts to Comply		25.0%	Reduction	\$312
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary	x		
	N/A			
	Notes	The Respondents achieved compliance on April 3, 2020.		
		Violation Subtotal	\$938	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$0	Violation Final Penalty Total	\$1,296
	This violation Final Assessed Penalty (adjusted for limits)			\$1,296

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 59711 RN100794155 Water Quality 8

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	\$100	30-Mar-2020	3-Apr-2020	0.01	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Training cost to conduct employee training to ensure land application is ceased when the ground is frozen or saturated and during rain events. Date required is the investigation date. Final date is the 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	\$100	TOTAL	\$0
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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	7-Dec-2020			
	PCW	29-Apr-2021	Screening	17-Dec-2020	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC				
Reg. Ent. Ref. No.	RN100794155				
Facility/Site Region	4-Stephenville	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	59711	No. of Violations	1		
Docket No.	2020-1361-AGR-E	Order Type	1660		
Media Program(s)	Water Quality	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Stephanie Frederick		
		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	\$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	25.0%	Adjustment	Subtotals 2, 3, & 7	\$187
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Notes	Enhancement for one NOV with same/similar violations and one agreed order containing a denial of liability.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondents do 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	\$295	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$937
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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

Final Penalty Amount	\$937
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$937
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DEFERRAL	20.0%	Reduction	Adjustment	-\$187
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$750
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Screening Date

17-Dec-2020

Docket No.

2020-1361-AGR-E

PCW

Respondent

Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC

Case ID No.

59711

Reg. Ent. Reference No.

RN100794155

Media

Water Quality

Enf. Coordinator

Stephanie Frederick

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

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>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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)

25%

>> 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 one NOV with same/similar violations and one agreed order containing a denial of liability.

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

25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

25%

Screening Date	17-Dec-2020	Docket No.	2020-1361-AGR-E	PCW
Respondent	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	59711			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN100794155			
Media	Water Quality			
Enf. Coordinator	Stephanie Frederick			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 321.39(c)(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0002950000, Part VII, A.5(g)			
Violation Description	Failed to remove sludge from the retention control structure ("RCS") in accordance with the design schedule for cleanout to prevent the accumulation of sludge from encroaching on the volumes reserved for minimum treatment and the design rainfall event. Specifically, RCS Nos. 2 and 3 had accumulated sludge encroaching on the volumes reserved for the design rainfall event.			
		Base Penalty	\$25,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential			x
				Percent 3.0%
>>Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0.0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
		Adjustment	\$24,250	
			\$750	
Violation Events				
	Number of Violation Events	1	49	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
		One single event is recommended.		
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 Respondents do not meet the good faith criteria for this violation.		
		Violation Subtotal	\$750	
Economic Benefit (EB) for this violation				
	Statutory Limit Test			
	Estimated EB Amount	\$295	Violation Final Penalty Total	\$938
	This violation Final Assessed Penalty (adjusted for limits)			\$938

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 59711 RN100794155 Water Quality 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	\$2,500	14-Nov-2019	25-Mar-2022	2.36	\$295	n/a	\$295
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Remediation/Disposal cost to remove and properly dispose of sludge from RCS Nos. 2 and 3 to meet the total required capacity. Date Required is the date the violation was initially documented. 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	\$2,500	TOTAL	\$295
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The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN604036954, RN100794155, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN604036954, Circle 7 Dairy LLC **Classification:** SATISFACTORY **Rating:** 15.25

Regulated Entity: RN100794155, JB GRAND CANYON DAIRY **Classification:** SATISFACTORY **Rating:** 15.25

Complexity Points: 3 **Repeat Violator:** NO

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

Location: On the east side of Farm-to-Market Road 219, approximately five miles south of Farm-to-Market Road 219 and Highway 1702, approximately seven miles southwest of Dublin, Erath County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR NEW SOURCE PERMITS ACCOUNT NUMBER EF00430

WASTEWATER AGRICULTURE EPA ID TX0130923

WASTEWATER AGRICULTURE PERMIT WQ0002950000

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: April 29, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 29, 2016 to April 29, 2021

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

Name: Stephanie Frederick

Phone: (512) 239-1001

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:

- 1 Effective Date: 06/02/2020 ADMINORDER 2019-0804-AGR-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
- 30 TAC Chapter 321, SubChapter B 321.31(a)
- Rqmt Prov: \WQ0002950000 Part VI.A. PERMIT
- Description: Failed to prevent the discharge of agricultural waste into or adjacent to any water in the state. Specifically, on March 13, 2019, approximately 300,000 gallons of agricultural wastewater discharged from cattle pens located outside the retention control structure drainage area, into an unnamed tributary of the south fork of Little Green Creek.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- Item 1 August 19, 2016 (1351045)
- Item 2 June 21, 2018 (1497893)
- Item 4 May 23, 2019 (1569597)
- Item 5 September 05, 2019 (1578273)
- Item 7 August 27, 2020 (1671879)

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: 11/06/2020 (1686097)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 321, SubChapter B 321.39(g)(3)

WQ0002950000 Part VII.A.6.(c) OP

Description: Failure to properly dispose of dead animals.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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



Compliance History Report

Compliance History Report for CN603973462, RN100794155, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN603973462, GRAND CANYON DAIRY LLC
Classification: SATISFACTORY **Rating:** 8.71

Regulated Entity: RN100794155, JB GRAND CANYON DAIRY
Classification: SATISFACTORY **Rating:** 8.71

Complexity Points: 6 **Repeat Violator:** NO

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

Location: On the east side of Farm-to-Market Road 219, approximately five miles south of Farm-to-Market Road 219 and Highway 1702, approximately seven miles southwest of Dublin, Erath County, Texas

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

AIR NEW SOURCE PERMITS ACCOUNT NUMBER EF00430
WASTEWATER AGRICULTURE PERMIT WQ0002950000

WASTEWATER AGRICULTURE EPA ID TX0130923

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: April 29, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 29, 2016 to April 29, 2021

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

Name: Stephanie Frederick

Phone: (512) 239-1001

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:

- 1 Effective Date: 06/02/2020 ADMINORDER 2019-0804-AGR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 321, SubChapter B 321.31(a)
Rqmt Prov: \WQ0002950000 Part VI.A. PERMIT
Description: Failed to prevent the discharge of agricultural waste into or adjacent to any water in the state. Specifically, on March 13, 2019, approximately 300,000 gallons of agricultural wastewater discharged from cattle pens located outside the retention control structure drainage area, into an unnamed tributary of the south fork of Little Green Creek.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- | | | |
|--------|--------------------|-----------|
| Item 1 | August 19, 2016 | (1351045) |
| Item 2 | June 21, 2018 | (1497893) |
| Item 4 | May 23, 2019 | (1569597) |
| Item 5 | September 05, 2019 | (1578273) |
| Item 7 | August 27, 2020 | (1671879) |

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CIRCLE 7 DAIRY LLC AND
GRAND CANYON DAIRY LLC
RN100794155**

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

AGREED ORDER DOCKET NO. 2020-1361-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 Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC (the "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents together stipulate that:

1. The Respondents own and operate a concentrated animal feeding operation located on the east side of Farm-to-Market Road 219, approximately five miles south of Farm-to-Market Road 219 and Highway 1702, approximately seven miles southwest of Dublin, Erath County, Texas (the "Site"). The Site is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondents 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 Respondents are 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 Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$15,669 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents paid \$366 of the penalty and \$3,133 is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order.

The remaining amount of \$12,170 of the undeferred penalty shall be paid in 34 monthly payments of \$350 each, with one final monthly payment of \$270. 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 Respondents fail 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 Respondents' failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondents to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondents 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 Respondents have 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.
9. The Executive Director recognizes that the Respondents implemented the following corrective measures at the Site:
 - a. By March 30, 2020, ceased the discharge, repaired the berm of retention control structure ("RCS") No. 2, and collected and analyzed samples at the discharge point.
 - b. By April 3, 2020, conducted employee training to ensure land application is ceased when the ground is frozen or saturated and during rain events.
 - c. By October 9, 2020, conducted employee training to ensure the TCEQ is properly notified of discharges, carcasses are collected and disposed of properly, and all discharges from RCSs and land management units ("LMUs") are sampled within 30 minutes of the initial discharge.
 - d. By October 19, 2020, constructed a trench and properly disposed of carcasses in the designated burial area.

II. ALLEGATIONS

1. During an investigation conducted on March 30, 2020, an investigator documented that the Respondents:

- a. Failed to protect compost waste from runoff in the case of the design rainfall event, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 321.39(f) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002950000, Part VII.A.6(e). Specifically, a section of the compost area was not bermed to protect the surrounding area from runoff.
 - b. Failed to maintain proper pen drainage at all times, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 321.43(j)(5)(B) and TPDES Permit No. WQ0002950000, Part VII.D.4(b). Specifically, the pens on the northeast side of the Site had significant ponding.
 - c. Failed to properly operate and maintain all facilities and systems of treatment and control installed or used to achieve compliance with permit conditions, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (5) and 321.36(b) and TPDES Permit No. WQ0002950000, Part IX.E. Specifically, the solids separator was not in operation at the time of the investigation.
 - d. Failed to prevent the unauthorized discharge of agricultural waste into or adjacent to any water in the state, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and (4) and 321.31(a) and TEX. WATER CODE § 26.121(a)(1). Specifically, on March 30, 2020 RCS No. 2 discharged approximately 300,000 gallons of agricultural waste into an unnamed tributary of the South Fork of Little Green Creek.
 - e. Failed to notify the TCEQ Regional Office within one hour of becoming aware of a discharge, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 321.36(b), and TPDES Permit No. WQ0002950000 Part VIII.B.3. Specifically, the unauthorized discharge that occurred on March 30, 2020 was not reported within one hour of noticing the discharge.
 - f. Failed to properly dispose of carcasses, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 321.39(g)(3), and TPDES Permit No. WQ0002950000 Part VII.A.6(c). Specifically, carcasses were not properly disposed of in the onsite burial pit or compost piles.
 - g. Failed to sample all discharges from RCSs and LMUs within 30 minutes following the initial discharge, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 321.44(b) and TPDES Permit No. WQ0002950000, Part VII.A.2(b). Specifically, the unauthorized discharge that occurred on March 30, 2020 from RCS No. 2 was not sampled within the first 30 minutes.
 - h. Failed to cease land application when the ground is frozen or saturated or during rainfall events, in violation of 30 TEX. ADMIN. CODE § 321.40(f). Specifically, agricultural waste was observed being applied to LMU Nos. 12 and 13 during a rainfall event.
2. During an investigation conducted on October 29, 2020, an investigator documented that the Respondents failed to remove sludge from the RCS in accordance with the design schedule for cleanout to prevent the accumulation of sludge from encroaching on the volumes reserved for minimum treatment and the design rainfall event, in violation

of 30 TEX. ADMIN. CODE §§ 305.125(1) and 321.39(c)(1) and TPDES Permit No. WQ0002950000, Part VII, A.5(g). Specifically, RCS Nos. 2 and 3 had accumulated sludge encroaching on the volumes reserved for the design rainfall event.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondents are assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondents' 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: Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC, Docket No. 2020-1361-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 Respondents are jointly and severally liable for the violations documented in this Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.
3. The Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order,
 - i. Construct a berm to ensure compost waste is contained in the case of the design rainfall event;
 - ii. Conduct employee training on proper RCS and berm maintenance to prevent future unauthorized discharges; and
 - iii. Remove and properly dispose of sludge from RCS Nos. 2 and 3 to meet the total required capacity.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.

- c. Within 60 days after the effective date of this Order, shape pen surfaces to ensure the pens properly drain to the RCS.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.
- e. Within 90 days after the effective date of this Order, repair or replace the solids separator.
- f. Within 105 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 No. 3.e. The certification shall be signed by the Respondents 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- 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 Respondents. The Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
- 6. If the Respondents fail 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 Respondents' failure to comply is not a violation of this Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive 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. This Order, issued by the Commission, shall not be admissible against the Respondents 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.
 9. 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.
 10. 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



For the Executive Director

4/11/2022

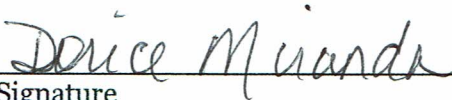
Date

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.

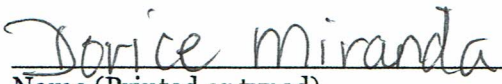
In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

2/25/22

Date



Name (Printed or typed)
Authorized Representative of
Circle 7 Dairy LLC

Owner/Member

Title

☐ If mailing address has changed, please check this box and provide the new address below:

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

4/11/2022

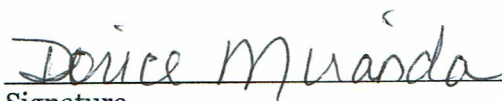
Date

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

2/25/22
Date

Dorice Miranda
Name (Printed or typed)
Authorized Representative of
GRAND CANYON DAIRY LLC

Owner/Member
Title

☐ If mailing address has changed, please check this box and provide the new address below: