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

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)].

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.

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

S COMMISSION	Policy Rev	Pe ision 4 (April 2014)	nalty Calc	ulatio	n Workst	neet (PC		Revision March 26	5, 2014
DATES	Assigned PCW		Screening 23-	111-2020	EPA Due				
RESPO		TY INFORMATIO							
	Respondent	Circle 7 Dairy LL	C and GRAND CAN	IYON DAIR	Y LLC				
	g. Ent. Ref. No. ty/Site Region				Major/M	linor Source	Minor		
CASET	NFORMATION								
	f./Case ID No.				No. (of Violations	8		
		2020-1361-AGR-	E		6	Order Type			
мес	lia Program(s) Multi-Media					t/Non-Profit Coordinator	No Stephanie Fre	derick	
							Enforcement T		
Adı	min. Penalty \$ I	_imit Minimum	\$0 Max	timum	\$25,000				
					tion Section	on			
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation bas	e penalt	ies)		Subtotal 1	\$11	1,875
ADJU	STMENTS (+)	/-) TO SUBTO	TAL 1						
	Subtotals 2-7 are ob Compliance His		the Total Base Penalt	y (Subtotal 1) 25.0%) by the indicated po Adjustment		tals 2, 3, & 7	\$2	2,968
	compliance in		or one NOV with s					ψ-	_/200
	Notes		order containing	•		i one ugreeu			
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	Notes	The Re	espondents do not	meet the	culpability crite	ria.			
	Good Faith Effe	ort to Comply To	otal Adjustment	S			Subtotal 5	-	\$624
	Economic Bene				Enhancement*		Subtotal 6		\$0
	Estimated	Total EB Amounts Cost of Compliance	\$1,442 \$8,605	*Capped	d at the Total EB \$ /	Amount			
SUM (OF SUBTOTAI	LS 1-7				F	inal Subtotal	\$14	4,219
		Subtotal by the indic			3.6%		Adjustment		\$513
	Notes	Recommended e	enhancement to ca associated with V	•		of compliance			
						Final Per	alty Amount	\$14	4,732
STAT	UTORY LIMIT	ADJUSTMEN	IT			Final Asse	ssed Penalty	\$14	4,732
DEFE					20.0%	Reduction	Adjustment	-\$2	2,946
Reduces t	he Final Assessed Pe	nalty by the indicated	percentage.]	-	
	Notes	C	Deferral offered fo	r expedited	d settlement.				
ΡΑΥΑ	BLE PENALT	(\$11	l,786

Reg. Ent. Refe	rence No. RN100794155 Media Water Quality					
Enf. Co	ordinator Stephanie Frederick					
	Compliance History Worksheet					
	cory 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%			
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%			
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%			
Judgments and Consent	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%			
Decrees	Decrees final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government					
Convictions						
Emissions	Emissions Chronic excessive emissions events (<i>number of events</i>)					
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%			
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%			
	Environmental management systems in place for one year or more	No	0%			
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%			
	Participation in a voluntary pollution reduction program	No	0%			
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%			
	Adjustment Per	centage (Sul	ototal 2)			
> Repeat Violator	(Subtotal 3)					
Nc		centage (Sul	ototal 3)			
	cory Person Classification (Subtotal 7)	contras (Cal	htotal 7)			
Satisfactory		centage (Sub	.cotal 7)			
> Compliance Hist	ory Summary		_			
Compliance History Notes	Enhancement for one NOV with same/similar violations and one agreed order conta liability.	ining a denial of				
	Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7)			
> Final Compliance	History Adjustment Final Adjustment Percent	ane *canned	at 100%			
	rinai Aujustinent Percent	aye *capped	al 100%			

Docket No. 2020-1361-AGR-E

Screening Date 23-Jul-2020

Case ID No. 59711

Respondent Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

	Scre	ening Date	23-Jul-2020		Do	cket No.	2020-1361-AGR-E		PCW
		-	Circle 7 Dairy L	LC and GRAN	d canyon d	AIRY LLC		Policy	Revision 4 (April 2014)
		Case ID No.						PCW R	evision March 26, 2014
Reg.	Ent. Ref	ference No.							
			Water Quality						
			Stephanie Fred	lerick					
	Viol	ation Number							
		Rule Cite(s)					and Texas Pollutan)02950000, Part VI		
	Violatio	n Description		ically, a sectio		post area	ne case of the desig was not bermed to noff.		
							Ва	se Penalty	\$25,000
>> Env	vironme	ntal, Prope	rty and Hum		Matrix				
		Release	Major	Harm Moderate	Minor				
OR		Actual					-	. 1	
		Potential		X			Percent 5.0%	ó	
>>Proc	aramma	atic Matrix							
	granne	Falsification	Major	Moderate	Minor				
							Percent 0.0%	ó	
	Matrix Notes			that are prote		an health c	nificant amounts of or environmental rec		
						Ad	justment	\$23,750	
								[\$1,250
Violatio	on Even	ts							
		Number of \	/iolation Events	1		115	Number of violatio	n days	
			daily weekly monthly quarterly semiannual annual				Violation Ba	se Penalty	\$1,250
		, 	single event						
		One semiannu	al event is reco		lculated from , 2020 scree		n 30, 2020 investiga	ition date to	
Good F	aith Eff	orts to Com	ply	0.0%				Reduction	\$0
				efore NOE/NOV	NOE/NOV to E	DPRP/Settlen	nent Offer		
			Extraordinary				4		
			Ordinary				J		
			N/A					7	
			Notes	The Respond		meet the g violation.	ood faith criteria foi	ſ	
								n Subtatal	¢1.250

			\$1,2JU
Economic Benefit (EB) for this violatio	n	Statutory Limit Test	
Estimated EB Amount	\$165	Violation Final Penalty Total	\$1,619
	This violation Final Ass	essed Penalty (adjusted for limits)	\$1,619

	E	conomic	Benefit	Wo	rksheet		
Respondent	Circle 7 Dairy	LLC and GRAND C	CANYON DAIRY	LLC			
Case ID No.							
eg. Ent. Reference No.							
-	Water Quality						Years of
						Percent Interest	
Violation No.	, 1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment	′			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	<u> </u>
Other (as needed)				0.00	\$0	\$0	<u> </u>
Engineering/Construction	\$1,000	14-Nov-2019	25-Mar-2022	2.36	\$8	\$157	\$165
Land	<u> </u>			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		•	nt. Date requir	ed is th		compost waste is con was initially docur con was initially docur con contract the contract of	
Avoided Costs	ANNU/	ALIZE avoided co	osts before er	tering	item (except for	r one-time avoide	d costs)
Disposal				0.00	\$0	\$0	
							\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling Supplies/Equipment				0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
inspection/Reporting/Sampling Supplies/Equipment Financial Assurance				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

		ening Date				cket No. 2020-1361-AGR-E		PCW
		-	Circle 7 Dairy L	LC and GRANI	D CANYON D	AIRY LLC	Policy	Revision 4 (April 2014)
	C	Case ID No.	59711				PCW F	Revision March 26, 2014
Reg.	Ent. Ref	erence No.	RN100794155					
		Media	Water Quality					
	Enf. C		Stephanie Fred	erick				
		ation Number						
		Rule Cite(s)						
			30 Tex. Adm		• • •	id 321.43(j)(5)(B) and TPDES P), Part VII.D.4(b)	ermit No.	
	Violation Description				-	at all times. Specifically, the pe e had significant ponding.	ns on the	
						Bas	se Penalty	\$25,000
>> Env	/ironme	ntal, Prope	rty and Hum	an Health	Matrix			
				Harm				
		Release	Major	Moderate	Minor	1		
OR		Actual					7	
		Potential		Х		Percent 5.0%	1	
	arommo	tic Matrix						
>>Prog	gramma	tic Matrix Falsification	Major	Moderate	Minor			
		Taisincation	Major	Moderate	MINO	Percent 0.0%	1	
							1	
		Human hoal	th or the enviro	nmont will or	could be eve	osed to significant amounts of p	ollutante	
	Matrix Notes			that are prote	•	an health or environmental rece		
						Adjustment	\$23,750	
								\$1,250
Violatio	on Even	ts						
		Number of \	/iolation Events	1		115 Number of violatior	n days	
			daily					
			weekly					
			monthly				- II	+1 250
			quarterly			Violation Bas	se Penalty	\$1,250
			semiannual annual	X				
			single event					
			Single event					
		One semianni	ual event is reco			n the March 30, 2020 investigat	ion date to	
				the July 23	, 2020 scree	ning date.		
Good F	aith Eff	orts to Com	ply	0.0%			Reduction	\$0
				efore NOE/NOV	NOE/NOV to E	DPRP/Settlement Offer		
			Extraordinary					
			Ordinary					
			N/A	х			-	
			Notes	The Respond		meet the good faith criteria for violation.		
							J	
						Violatio	n Subtotal	\$1,250

Economic Benefit (EB) for this violation	Statutory Limit Test	
Estimated EB Amount	\$85 Violation Final Penalty Total	\$1,619
	This violation Final Assessed Penalty (adjusted for limits)	\$1,619

	E	conomic	Benefit	Wo	rksheet		
Respondent	Circle 7 Dairv	LLC and GRAND C	CANYON DAIRY	LLC			
Case ID No.							
leg. Ent. Reference No.							
.	Water Quality						Years of
						Percent Interest	
Violation No.	. 2						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	1						
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
	Estimated Er	aineerina/Constr	uction cost to s	hane ne	on surfaces to ensi	ire the nens proper	ly drain to the
Notos for DELAVED sosts						ure the pens proper	•
Notes for DELAYED costs			S"). Date requ	ired is t	the date the violat	ion was initially doc	•
Notes for DELAYED costs			S"). Date requ	ired is t		ion was initially doc	•
Notes for DELAYED costs Avoided Costs	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated	the date the violat date of complianc	ion was initially doc	umented. Fina
	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated	the date the violat date of complianc	ion was initially doc e.	umented. Fina
Avoided Costs	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated tering 0.00 0.00	the date the violat date of complianc item (except for \$0 \$0	ion was initially doc e. r one-time avoide \$0 \$0	d costs) \$0 \$0
Avoided Costs Disposal Personnel	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated tering 0.00 0.00 0.00	the date the violat date of compliance item (except for \$0 \$0 \$0 \$0	ion was initially doc e. r one-time avoide \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated 0.00 0.00 0.00 0.00	the date the violat date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0	ion was initially doc re. r one-time avoide \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated 0.00 0.00 0.00 0.00 0.00	the date the violat date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion was initially doc re. rone-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	the date the violat date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion was initially doc e. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated 0.00 0.00 0.00 0.00 0.00	the date the violat date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion was initially doc re. rone-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	the date the violat date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion was initially doc e. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	the date the violat date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion was initially doc e. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	the date the violat date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion was initially doc e. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	the date the violat date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion was initially doc e. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	retention cont	rol structure ("RC	S"). Date required date is the est	ired is t imated 0.00 0.00 0.00 0.00 0.00 0.00 0.00	the date the violat date of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ion was initially doc re. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0	d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Scre	ening Date	23-Jul-2020	Docket No. 2020-1361-AGR-E	PCW
				LC and GRAND CANYON DAIRY LLC	Policy Revision 4 (April 2014)
		Case ID No.			PCW Revision March 26, 2014
Reg.	Ent. Ref	erence No.	RN100794155		
		Media	Water Quality		
	Enf. C	oordinator	Stephanie Fred	erick	
	Viola	ation Number	3		
		Rule Cite(s)	30 Tex. Admin	n. Code §§ 305.125(1) and (5) and 321.36(b) and TPDES Pern WQ0002950000, Part IX.E	nit No.
	Violatio	n Description	control installe	erly operate and maintain all facilities and systems of treatmer d or used to achieve compliance with permit conditions. Speci separator was not in operation at the time of the investigation	<mark>ifically,</mark>
				Base P	enalty \$25,000
>> Env	vironme	ntal, Propei	ty and Hum	an Health Matrix	
		Release	Major	Harm Moderate Minor	
OR		Actual	Major		
		Potential		x Percent 5.0%	
>>Prog	gramma	tic Matrix Falsification	Major	Moderate Minor	
		Faisilication	Major	Moderate Minor Percent 0.0%	
	Matrix	Human heal	th or the enviro	nment will or could be exposed to significant amounts of pollut	tants
	Notes	that would no	t exceed levels	that are protective of human health or environmental receptor	rs as a
	Notes			result of the violation.	
				Adjustment	23 750
				Adjustment \$	23,750
				Adjustment \$	
Violatio		łc		Adjustment \$	
Violatio	on Event	ts		Adjustment \$	
Violatio	on Event		iolation Events		\$1,250
Violatio	on Event				\$1,250
Violatio	on Event		daily		\$1,250
Violatio	on Event		daily weekly		\$1,250
Violatio	on Event		daily weekly monthly	1 115 Number of violation day	\$1,250 ys
Violatio	on Event		daily weekly monthly quarterly semiannual		\$1,250 ys
Violatio	on Event		daily weekly monthly quarterly semiannual annual	1 115 Number of violation day Image: State of the s	\$1,250 ys
Violatio	on Event		daily weekly monthly quarterly semiannual	1 115 Number of violation day Image: State of the s	\$1,250 ys
Violatio	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event	1 115 Number of violation day Image: State of the sta	\$1,250 ys Penalty \$1,250
Violatio	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event	1 115 Number of violation day Image: Strain of the March 30, 2020 investigation	\$1,250 ys Penalty \$1,250
Violatio	on Event	Number of \	daily weekly monthly quarterly semiannual annual single event	1 115 Number of violation day Image: State of the sta	\$1,250 ys Penalty \$1,250
		Number of \	daily weekly monthly quarterly semiannual annual single event	1 115 Number of violation day Image: Number of violation day Violation Base P x Violation Base P x Violation Base P x Violation Base P y Violation Base P x Violation Base P y Violation Base P <tr< th=""><th>ys Penalty \$1,250 date to</th></tr<>	ys Penalty \$1,250 date to
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation day Image: Number of violation day Violation Base P x Violation Base P x Violation Base P x Violation Base P y Violation Base P x Violation Base P y Violation Base P <tr< th=""><th>ys Penalty \$1,250 date to</th></tr<>	ys Penalty \$1,250 date to
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation day Image: Note of the state of the stat	ys Penalty \$1,250 date to
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation day Image: Noise of the state of the sta	ys Penalty \$1,250 date to
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation day Image: Noise of the state of the sta	ys Penalty \$1,250 date to
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation day Image: Note of the state of the stat	\$1,250 ys Penalty \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation day Image: Noise of the state of the sta	\$1,250 ys Penalty \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation day Image: Note of the state of the stat	ys Penalty \$1,250 date to duction \$0

Economic Benefit (EB) for this violation	n Statutory Limit Test	
Estimated EB Amount	\$618 Violation Final Penalty Total	\$1,619
	This violation Final Assessed Penalty (adjusted for limits)	\$1,619

	E	conomic	Benefit	Wo	rksheet		
Respondent	Circle 7 Dairy	LLC and GRAND C	ANYON DAIRY	LLC			
Case ID No.							
eg. Ent. Reference No.							
	Water Quality						Years of
Violation No.						Percent Interest	Depreciation
VIOLATION NO.	3						
						5.0	1!
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	I						
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		<u> </u>		0.00	\$0	n/a	\$0
Other (as needed)]]		0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Ed	• •			s separator. Date is the estimated da	required is the date ate of compliance.	the violation
							
Avoided Costs	ANNUA	LIZE avoided co	osts before en	tering	item (except for	r one-time avoide	d costs)
Avoided Costs Disposal		LIZE avoided co	osts before en	tering 0.00	item (except for \$0	r one-time avoide \$0	d costs) \$0
	ANNU/	LIZE avoided co	osts before en		\$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel	ANNU/	LIZE avoided co	osts before en	0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel	ANNU/	LIZE avoided co	osts before en	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance		LIZE avoided co	osts before en	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs		LIZE avoided co	osts before en	0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$ 0 \$ 0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance		LIZE avoided co	osts before en	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs				0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$ 0 \$ 0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Scre	ening Date	23-Jul-2020		Doo	cket No.	2020-1361-AG	R-E	PCW
	R	espondent	Circle 7 Dairy L	LC and GRANI	D CANYON DA	IRY LLC		Policy	Revision 4 (April 2014)
	C	ase ID No.	59711					PCW R	evision March 26, 2014
Reg.	Ent. Ref	erence No.							
			Water Quality						
			Stephanie Fred	erick					
	Viola	ition Number				() 100(
		Rule Cite(S)	30 Tex. Admin.	. Code §§ 305			.31(a) and Tex	. Water Code §	
					26.121	(a)(1)			
	Violation Description			in the state.	Specifically, o	n March 30	ultural waste ir , 2020 RCS No. into an unnam	_	
					outh Fork of L			,	
								Base Penalty	\$25,000
>> Env	/ironme	ntal, Propei	rty and Hum		Matrix				
		Release	Major	Harm Moderate	Minor				
OR		Actual		x					
		Potential					Percent 15	5.0%	
5 5 D									
>>Prog	gramma	tic Matrix Falsification	Major	Moderate	Minor				
				Moderate			Percent (0.0%	
			· · · · · · · · · · · · · · · · · · ·						
	Matrix	Human hea	Ith or the enviro	nment has be	en exposed to	o significant	t amounts of po	ollutants as a	
	Notes				t of the violati	-			
						Adj	ustment	\$21,250	
									#2 7E0
								l	\$3,750
Violatio	on Event	ts							
		Number of St							
		Number of V	iolation Events	<u> </u>		L	Number of viol	ation days	
			daily						
			weekly						
			monthly quarterly	x			Violation	Base Penalty	\$3,750
			semiannual				Violation	Dase Fenalty	\$3,730
			annual						
			single event						
		One monthl	y event is recom	nmended for t	he discharge	that began	and ended Mar	ch 30, 2020.	
Good Fa	aith Effo	orts to Com	plv	0.0%				Reduction	\$0
			B		NOE/NOV to ED	PRP/Settleme	nt Offer		+ -
			Extraordinary						
			Ordinary						
			N/A	x					
			Notes	The Respond			od faith criteria	for	
			NOLES		this v	violation.			
			Ľ						
							Viol	ation Subtotal	\$3,750

Economic Benefit (EB) for this violation	n Statutory Limit Test
Estimated EB Amount	\$518 Violation Final Penalty Total \$4,857
	This violation Final Assessed Penalty (adjusted for limits) \$4,857

	E	conomic	Benefit	WO	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	59711	LLC and GRAND (CANYON DAIRY	LLC			
	Water Quality					Percent Interest	Years of Depreciation
						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	l						
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
-				0.00	\$0	n/a	\$0
Remediation/Disposal						· · · · · · · · · · · · · · · · · · ·	
-			-	0.00 0.00 nd repa	\$0 \$0 hir the berm of RCS	n/a n/a S No. 2. Date requi tions were complete	\$0 \$0 red is the date
Remediation/Disposal Permit Costs	th Estimated Tr	he discharge occu raining cost to cor	nduct employee	0.00 0.00 nd repa e is the training	\$0 \$0 hir the berm of RCS date corrective ac g on proper RCS a nvestigation date.	n/a n/a 5 No. 2. Date requi	\$0 \$0 red is the date ed. ice to prevent
Remediation/Disposal Permit Costs Other (as needed)	th Estimated Tr future unauth	he discharge occu raining cost to cor orized discharges	nrred. Final date nduct employee . Date required	0.00 0.00 nd repa e is the training is the i compli	\$0 \$0 hir the berm of RCS date corrective ac g on proper RCS a nvestigation date. ance.	n/a n/a 5 No. 2. Date requi tions were complete nd berm maintenan	\$0 \$0 red is the date ed. ice to prevent timated date o
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs	th Estimated Tr future unauth	he discharge occu raining cost to cor orized discharges	nrred. Final date nduct employee . Date required	0.00 0.00 nd repa e is the training is the i compli	\$0 \$0 hir the berm of RCS date corrective ac g on proper RCS a nvestigation date. ance.	n/a n/a 5 No. 2. Date requi tions were complete nd berm maintenan Final date is the est	\$0 \$0 red is the date ed. ice to prevent timated date o
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	th Estimated Tr future unauth	he discharge occu raining cost to cor orized discharges	nrred. Final date nduct employee . Date required	0.00 0.00 nd repa is the training is the i compli	\$0 \$0 hir the berm of RCS date corrective ac g on proper RCS a nvestigation date. ance. item (except for	n/a n/a S No. 2. Date requi tions were complete nd berm maintenan Final date is the est one-time avoide	\$0 \$0 red is the date ed. ice to prevent timated date of d costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	th Estimated Tr future unauth	he discharge occu raining cost to cor orized discharges	nrred. Final date nduct employee . Date required	0.00 0.00 nd repa e is the training is the i compli tering 0.00	\$0 \$0 bir the berm of RCS date corrective ac g on proper RCS a nvestigation date. ance. item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a 5 No. 2. Date requi tions were complete nd berm maintenan Final date is the est one-time avoide \$0	\$0 \$0 red is the date ed. timated date o d costs) \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	th Estimated Tr future unauth	he discharge occu raining cost to cor orized discharges	nrred. Final date nduct employee . Date required	0.00 0.00 nd repa is the is the is the i compli tering 0.00 0.00 0.00	\$0 \$0 hir the berm of RCS date corrective ac g on proper RCS a nvestigation date. ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a S No. 2. Date requi tions were complete nd berm maintenan Final date is the est rone-time avoide \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 red is the date ed. timated date or d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	th Estimated Tr future unauth	he discharge occu raining cost to cor orized discharges	nrred. Final date nduct employee . Date required	0.00 0.00 nd repa e is the is the i compli tering 0.00 0.00 0.00	\$0 \$0 bir the berm of RCS date corrective ac g on proper RCS a nvestigation date. ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a S No. 2. Date requi tions were complete nd berm maintenan Final date is the est r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 red is the date ed. ce to prevent timated date o d costs) d costs) s 0 \$ 0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	th Estimated Tr future unauth	he discharge occu raining cost to cor orized discharges	nrred. Final date nduct employee . Date required	0.00 0.00 nd repa is the is the is the i compli tering 0.00 0.00 0.00	\$0 \$0 hir the berm of RCS date corrective ac g on proper RCS a nvestigation date. ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a S No. 2. Date requi tions were complete nd berm maintenan Final date is the est rone-time avoide \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 red is the date ed. timated date or d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	th Estimated Tr future unauth	he discharge occu raining cost to cor orized discharges	nduct employee Date required	0.00 0.00 nd repa e is the training is the i compli tering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 bir the berm of RCS date corrective ac g on proper RCS a nvestigation date. ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a S No. 2. Date requi tions were complete nd berm maintenan Final date is the est r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 red is the date ed. ce to prevent timated date of d costs) d costs) s 0 \$ 0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	th Estimated Tr future unauth ANNUA	he discharge occur raining cost to cor orized discharges	irred. Final date nduct employee . Date required osts before er 23-Jul-2020 iate or clean up	0.00 0.00 nd repa e is the is the i compli 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	\$0 \$0 bir the berm of RCS date corrective ac g on proper RCS a nvestigation date. ance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a S No. 2. Date requi tions were complete nd berm maintenan Final date is the est rone-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 red is the date ed. ice to prevent timated date of d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Cara	oning Data	22 1.1 2020		De	cket No. 2020-13		DCW
		ening Date	23-Jui-2020 Circle 7 Dairy Ll	C and CRAN	-			PCW
		Case ID No.			D CANTON DA			/ Revision 4 (April 2014)
Pog			RN100794155				PCWI	Revision March 26, 2014
Rey.	EIIL. KEI		Water Quality					
	Enf (Stephanie Frede	orick				
		ation Number		erick				
	VION	Rule Cite(s)	·	min Codo SS	205 125(1) -	nd 221 26(b) and		1
			30 Tex. Ad			nd 321.36(b), and 0 Part VIII.B.3	TPDES Permit No.	_
	Violatio	n Description	discharge. S	pecifically, the	e unauthorize		becoming aware of a curred on March 30, ne discharge.	
							Base Penalty	\$25,000
>> Env	/ironme	ntal, Prope	rty and Hum		Matrix			
		Release	Major	Harm Moderate	Minor			
OR		Actual		Hoderate				
		Potential				Percen	t 0.0%	
>>Prog	gramma	tic Matrix	Major	Modorato	Minor			
		Falsification	Major	Moderate x	Minor	Percen	t 2.5%	
			<u> </u> _				2.370	
	Matrix Notes		30% to	70% of the r	ule requireme	ents were not met.		
		<u>[</u>				Adjustmer	st \$24,375]
							+= ./	
								\$625
Violatio	on Even	ts						
		Number of \	/iolation Events	1	F	115 Number	of violation days	
		Number of V		<u>I</u>			or violation days	
			daily					
			weekly					
			monthly					+C25
			quarterly semiannual			VI	olation Base Penalty	\$625
			annual					
			single event	x				
								า
				One sinale e	event is recon	nmended.		
				J				
Good F	aith Eff	orts to Com	ply	10.0%			Reduction	\$62
				efore NOE/NOV	NOE/NOV to ED	PRP/Settlement Offer		
			Extraordinary					
			Ordinary		Х			
			N/A					
			Notes	The Respor	dents achieve	ed compliance on O	ctober 9,	
			NULES		2	020.		
			L					
							Violation Subtotal	\$563

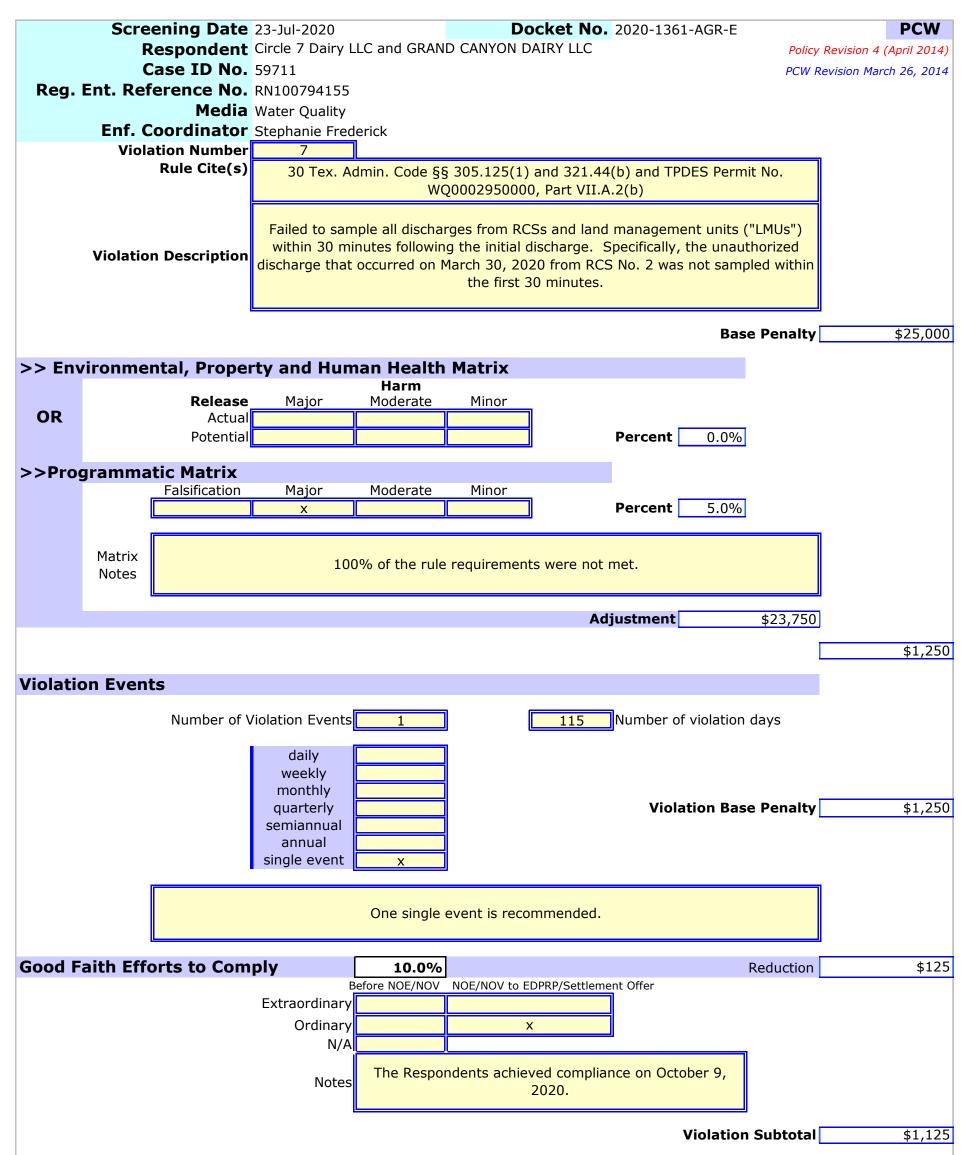
Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$8 Violation Final Penalty Total \$745
This violat	on Final Assessed Penalty (adjusted for limits) \$745

		conomic	Benefit	Wo	rksheet		
Respondent	Circle 7 Dairy	LLC and GRAND (CANYON DAIRY	LLC			
Case ID No.							
eg. Ent. Reference No.							
	Water Quality					Percent Interest	Years of Depreciation
Violation No.	5					E O	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	5.0 Costs Saved	EB Amount
Itom Decerintian		Date Required	Final Date	115	Interest Saveu	COSIS Saveu	EB Amount
Item Description							
Delayed Costs	ir	1			±0	+0	+ 0
Equipment				0.00	\$0 \$0	\$0 \$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0 ¢0
Engineering/Construction				0.00	\$0	\$0	\$0
Land					\$0 \$0	n/a	\$0 ¢0
Record Keeping System	¢100	30-Mar-2020	0.0ct 2020	0.00	\$0 \$2	n/a	<u>\$0</u>
Training Down disting (Discussed	\$100	30-Mar-2020	9-Oct-2020	0.53	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0	n/a	\$0
		<u></u>		0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Tra	-		raining	to ensure TCEQ is	properly notified ab compliance date.	
Notes for DELAYED costs Avoided Costs		Date required i	s the investigat	raining tion date	to ensure TCEQ is e. Final date is the	properly notified ab	out discharges
		Date required i	s the investigat	raining t tion date	to ensure TCEQ is e. Final date is the item (except for \$0	properly notified ab e compliance date. r one-time avoide \$0	out discharges d costs) \$0
Avoided Costs Disposal Personnel		Date required i	s the investigat	tering 0.00	to ensure TCEQ is e. Final date is the item (except for \$0 \$0	properly notified ab compliance date. r one-time avoide \$0 \$0	out discharges d costs) \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling		Date required i	s the investigat	tering 0.00	to ensure TCEQ is e. Final date is the item (except for \$0 \$0 \$0 \$0	properly notified ab compliance date. r one-time avoide \$0 \$0 \$0	out discharges d costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel		Date required i	s the investigat	raining t ion date tering 0.00 0.00 0.00	to ensure TCEQ is e. Final date is the item (except for \$0 \$0 \$0 \$0 \$0	properly notified ab e compliance date. r one-time avoide \$0 \$0 \$0 \$0 \$0	out discharges d costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling		Date required i	s the investigat	tering 0.00 0.00 0.00 0.00 0.00	to ensure TCEQ is e. Final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	properly notified ab e compliance date. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	out discharges d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment		Date required i	osts before er	tering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	to ensure TCEQ is e. Final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	properly notified ab e compliance date. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	out discharges d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance		Date required i	osts before er	tering 0.00 0.00 0.00 0.00 0.00	to ensure TCEQ is e. Final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	properly notified ab e compliance date. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	out discharges d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel hspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNUA	Date required i	osts before en 23-Jul-2020	raining t ion date 0.00 0.00 0.00 0.00 0.00 0.00 0.32 egional	to ensure TCEQ is e. Final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	properly notified ab e compliance date. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	out discharges d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Scro	ening Date	72 111 2020	Docket No. 2020-1361-AGR-E	PCW
		-			
		Case ID No.			y Revision 4 (April 2014)
D				PCW	Revision March 26, 2014
Reg.	Ent. Rei	ference No.			
			Water Quality		
		Coordinator	Stephanie Frede	erick	
	Viol	ation Number	6		-
		Rule Cite(s)	30 Tex. Adm	in. Code §§ 305.125(1) and 321.39(g)(3), and TPDES Permit No.	
				WQ0002950000 Part VII.A.6(c)	
				ante dianaga af annagana. Cha ifiar lle annagana wang nat murandu	
	Violatio	n Description	Falled to prop	erly dispose of carcasses. Specifically, carcasses were not properly disposed of in the onsite burial pit or compost piles.	
				disposed of in the onsite burial pit of compost piles.	
		Ľ			
				Base Penalty	\$25,000
>> Fny	vironme	ntal. Proper	ty and Hum	an Health Matrix	
			cy and main	Harm	
		Release	Major	Moderate Minor	
OR		Actual			
		Potential		x Percent 5.0%	
_					
>>Prog	gramma	tic Matrix	. .		
		Falsification	Major	Moderate Minor Percent 0.0%	
				Percent 0.0%	
			th on the environ	ment will an could be expected to significant amounts of pollutants	
	Matrix			nment will or could be exposed to significant amounts of pollutants that are protective of human health or environmental receptors as a	
	Notes			result of the violation.	
					-
				Adjustment \$23,750	
				Adjustment \$23,750	
				Adjustment \$23,750	
Violatio	on Even	ts		Adjustment \$23,750	
Violatio	on Even	ts		Adjustment \$23,750	
Violatio	on Even		iolation Events	Adjustment \$23,750	
Violatio	on Even		iolation Events		
Violatio	on Even		iolation Events		
Violatio	on Even		daily weekly		
Violatio	on Even		daily weekly monthly	1 115 Number of violation days	\$1,250
Violatio	on Even		daily weekly monthly quarterly		\$1,250
Violatio	on Even		daily weekly monthly quarterly semiannual	1 115 Number of violation days	\$1,250
Violatio	on Even		daily weekly monthly quarterly semiannual annual	1 115 Number of violation days	\$1,250
Violatio	on Even		daily weekly monthly quarterly semiannual	1 115 Number of violation days	\$1,250
Violatio	on Even	Number of V	daily weekly monthly quarterly semiannual annual single event	1 115 Number of violation days Violation Base Penalty x	\$1,250 \$1,250
Violatio	on Even	Number of V	daily weekly monthly quarterly semiannual annual single event	1 115 Number of violation days Violation Base Penalty x Number of violation date to	\$1,250 \$1,250
Violatio	on Even	Number of V	daily weekly monthly quarterly semiannual annual single event	1 115 Number of violation days Violation Base Penalty x	\$1,250 \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event	1 115 Number of violation days Violation Base Penalty x mmended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date.	\$1,250 \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation days Violation Base Penalty x x mmended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date. 10.0% Reduction	\$1,250 \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event	1 115 Number of violation days Violation Base Penalty x mmended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date.	\$1,250 \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation days Violation Base Penalty x Violation Base Penalty mmended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date. 10.0% Reduction efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	\$1,250 \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation days Violation Base Penalty x x mmended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date. 10.0% Reduction	\$1,250 \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation days Violation Base Penalty x Violation Base Penalty mmended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date. 10.0% Reduction efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer	\$1,250 \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation days Violation Base Penalty x Violation Base Penalty mmended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date. 10.0% Reduction efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer x x	\$1,250 \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation days Image: Second state of the second state of the second state of the second state. Violation Base Penalty Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the second state. Reduction Immended, calculated from the second state. Reduction Immended, calculated from the second state	\$1,250 \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation days Violation Base Penalty x Violation Base Penalty mmended, calculated from the March 30, 2020 investigation date to the July 23, 2020 screening date. 10.0% Reduction efore NOE/NOV NOE/NOV to EDPRP/Settlement Offer x x	\$1,250 \$1,250
		Number of V	daily weekly monthly quarterly semiannual annual single event al event is reco	1 115 Number of violation days Image: Second state of the second state of the second state of the second state. Violation Base Penalty Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the March 30, 2020 investigation date to the second state. Reduction Immended, calculated from the second state. Reduction Immended, calculated from the second state. Reduction Immended, calculated from the second state	\$1,250 \$1,250

Economic Benefit (EB) for this violation	Statutory Limit Test	
Estimated EB Amount	\$45 Violation Final Penalty Total \$1,4	189
	This violation Final Assessed Penalty (adjusted for limits) $\$1_{1^2}$	189

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	59711	LLC and GRAND (CANYON DAIRY	LLC			
	Water Quality					Percent Interest	Years of Depreciation
						5.0	
		Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Casta							
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	+ 1 0 0			0.00	\$0	n/a	\$0
Training Demodiation (Dispessed	\$100	<u> 30-Mar-2020</u>	9-Oct-2020	0.53	\$3	n/a	\$3
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Fermit Costs				0.00	50	II/a	30
Other (as needed)			nduct employee	0.56 trainin	\$42 g to ensure carcas	n/a	\$42 nd disposed of
Other (as needed) Notes for DELAYED costs	Estimated Tr	raining cost to cor operly. Date requ er cost to constru	nduct employee lired is the inves	0.56 trainin stigation proper	\$42 g to ensure carcas n date. Final date ly dispose of carca		\$42 nd disposed of late.
	Estimated Tr pro Estimated Oth	raining cost to cor operly. Date requ er cost to constru Date required i	nduct employee lired is the inves lict a trench and is the investigat	0.56 trainin stigatio proper ion date	\$42 g to ensure carcas n date. Final date ly dispose of carca e. Final date is the item (except for	ses are collected ar is the compliance c asses in the designa e compliance date. r one-time avoide	\$42 nd disposed of date. nted burial area.
Notes for DELAYED costs Avoided Costs Disposal	Estimated Tr pro Estimated Oth	raining cost to cor operly. Date requ er cost to constru Date required i	nduct employee lired is the inves lict a trench and is the investigat	trainin stigatio proper ion dat tering 0.00	\$42 g to ensure carcas n date. Final date ly dispose of carca e. Final date is the item (except for \$0	ses are collected ar is the compliance c asses in the designa e compliance date. r one-time avoide \$0	\$42 nd disposed of late. ated burial area. ed costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated Tr pro Estimated Oth	raining cost to cor operly. Date requ er cost to constru Date required i	nduct employee lired is the inves lict a trench and is the investigat	trainin stigation proper ion date tering 0.00 0.00	g to ensure carcas n date. Final date ly dispose of carca e. Final date is the item (except fo) \$0 \$0	ses are collected ar is the compliance c asses in the designa e compliance date. r one-time avoide \$0 \$0	\$42 and disposed of date. ated burial area. ated costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated Tr pro Estimated Oth	raining cost to cor operly. Date requ er cost to constru Date required i	nduct employee lired is the inves lict a trench and is the investigat	trainin stigation proper ion date tering 0.00 0.00 0.00	g to ensure carcas n date. Final date ly dispose of carca e. Final date is the item (except for \$0 \$0 \$0	ses are collected ar is the compliance of asses in the designa e compliance date. r one-time avoide \$0 \$0 \$0	\$42 nd disposed of late. nted burial area. ed costs) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Estimated Tr pro Estimated Oth	raining cost to cor operly. Date requ er cost to constru Date required i	nduct employee lired is the inves lict a trench and is the investigat	trainin stigation proper ion date tering 0.00 0.00 0.00 0.00	g to ensure carcas n date. Final date ly dispose of carca e. Final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0	ses are collected ar is the compliance of asses in the designate compliance date.	\$42 and disposed of date. ated burial area. ated costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated Tr pro Estimated Oth	raining cost to cor operly. Date requ er cost to constru Date required i	nduct employee lired is the inves lict a trench and is the investigat	0.56 trainin stigation proper ion dat tering 0.00 0.00 0.00 0.00 0.00	g to ensure carcas n date. Final date ly dispose of carca e. Final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ses are collected ar is the compliance of asses in the designate compliance date. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sted burial area. ed costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Estimated Tr pro Estimated Oth	raining cost to cor operly. Date requ er cost to constru Date required i	nduct employee lired is the inves lict a trench and is the investigat	trainin stigation proper ion date tering 0.00 0.00 0.00 0.00	g to ensure carcas n date. Final date ly dispose of carca e. Final date is the item (except for \$0 \$0 \$0 \$0 \$0 \$0	ses are collected ar is the compliance of asses in the designate compliance date.	\$42 and disposed of late. ated burial area. ated costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated Tr pro Estimated Oth	raining cost to cor operly. Date requ er cost to constru Date required i	nduct employee lired is the inves lict a trench and is the investigat	0.56 trainin stigation proper ion dat tering 0.00 0.00 0.00 0.00 0.00 0.00	g to ensure carcas n date. Final date ly dispose of carca e. Final date is the item (except fo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ses are collected ar is the compliance of asses in the designate compliance date. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sted burial area. ed costs) s0 s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$



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

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No.		LLC and GRAND (CANYON DAIRY	LLC			
eg. Ent. Reference No. Media Violation No.	Water Quality					Percent Interest	Years of Depreciation
VIOLATION NO.	. /					5.0	15
	Itom Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Itom Description		Date Required	Fillal Date	115	Interest Saveu	COSIS Saveu	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		<u></u>		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
						1	
Permit Costs Other (as needed)		-	• •		-	n/a n/a charges from RCSs e investigation date	
	sampled with	nin 30 minutes of Sampling cost to	the initial dischatcher the discharge the di	0.00 trainin arge. D ate of c yze sar	\$0 g to ensure all disc Date required is the compliance. mples at the discha	n/a charges from RCSs e investigation date arge point. Date rec	<u>\$0</u> and LMUs are . Final date is
Other (as needed) Notes for DELAYED costs	sampled with Estimated	nin 30 minutes of Sampling cost to inves	the initial discha the d collect and ana tigation date. Fi	0.00 trainin arge. D ate of c yze sar nal date	\$0 g to ensure all disc Date required is the compliance. mples at the discha e is the date of cor	n/a charges from RCSs e investigation date arge point. Date rea npliance.	<u>\$0</u> and LMUs are . Final date is quired is the
Other (as needed) Notes for DELAYED costs Avoided Costs	sampled with Estimated	nin 30 minutes of Sampling cost to inves	the initial discha the d collect and ana tigation date. Fi	0.00 trainin arge. D ate of c yze sar nal date tering	\$0 g to ensure all disc Date required is the compliance. mples at the discha e is the date of cor item (except fo	n/a charges from RCSs e investigation date arge point. Date rea mpliance. r one-time avoide	\$0 and LMUs are . Final date is quired is the d costs)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	sampled with Estimated	nin 30 minutes of Sampling cost to inves	the initial discha the d collect and ana tigation date. Fi	0.00 trainin arge. D ate of c yze sar nal date tering 0.00	\$0 g to ensure all disc Date required is the compliance. mples at the discha e is the date of cor item (except for \$0	n/a charges from RCSs e investigation date arge point. Date rec mpliance. r one-time avoide \$0	\$0 and LMUs are . Final date is quired is the d costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	sampled with Estimated	nin 30 minutes of Sampling cost to inves	the initial discha the d collect and ana tigation date. Fi	0.00 trainin arge. D ate of c yze sar nal date tering 0.00 0.00	\$0 g to ensure all disc Date required is the compliance. mples at the discha e is the date of cor item (except for \$0 \$0	n/a charges from RCSs e investigation date arge point. Date rec npliance. r one-time avoide \$0 \$0	\$0 and LMUs are . Final date is quired is the d costs) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	sampled with Estimated	nin 30 minutes of Sampling cost to inves	the initial discha the d collect and ana tigation date. Fi	0.00 trainin arge. D ate of c yze sar hal date tering 0.00 0.00 0.00	\$0 g to ensure all disc Date required is the compliance. mples at the discha e is the date of cor item (except for \$0 \$0 \$0	n/a charges from RCSs e investigation date arge point. Date rec npliance. r one-time avoide \$0 \$0 \$0	\$0 and LMUs are Final date is quired is the d costs) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	sampled with Estimated	nin 30 minutes of Sampling cost to inves	the initial discha the d collect and ana tigation date. Fi	vze sar nal date 0.00 vze sar nal date 0.00 0.00 0.00 0.00	\$0 g to ensure all disc Date required is the compliance. mples at the discha e is the date of cor item (except for \$0 \$0 \$0 \$0 \$0	n/a charges from RCSs e investigation date arge point. Date reconcil npliance. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0	\$0 and LMUs are Final date is quired is the d costs) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	sampled with Estimated	nin 30 minutes of Sampling cost to inves	the initial discha the d collect and ana tigation date. Fi	0.00 trainin arge. D ate of c yze sar nal date tering 0.00 0.00 0.00 0.00 0.00	\$0 g to ensure all disc Date required is the compliance. mples at the discha e is the date of cor item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a charges from RCSs e investigation date arge point. Date reconcil npliance. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 and LMUs are . Final date is quired is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	sampled with Estimated	nin 30 minutes of Sampling cost to inves	the initial discha the d collect and ana tigation date. Fi	0.00 trainin arge. D ate of c yze sar nal date tering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 g to ensure all disc Date required is the compliance. mples at the discha e is the date of cor item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a charges from RCSs e investigation date arge point. Date rec npliance. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 and LMUs are . Final date is quired is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	sampled with Estimated	nin 30 minutes of Sampling cost to inves	the initial discha the d collect and ana tigation date. Fi	0.00 trainin arge. D ate of c yze sar nal date tering 0.00 0.00 0.00 0.00 0.00	\$0 g to ensure all disc Date required is the compliance. mples at the discha e is the date of cor item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a charges from RCSs e investigation date arge point. Date rec npliance. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 and LMUs are . Final date is quired is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	sampled with Estimated	nin 30 minutes of Sampling cost to inves	the initial discha the d collect and ana tigation date. Fi	0.00 trainin arge. D ate of c yze sar nal date tering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 g to ensure all disc Date required is the compliance. mples at the discha e is the date of cor item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a charges from RCSs e investigation date arge point. Date rec npliance. r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 and LMUs are . Final date is quired is the d costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

		ening Date					2020-1361		PCW
		-	Circle 7 Dairy LLC	C and GRAN	d canyon e	DAIRY LLC			y Revision 4 (April 2014)
Pog	-	Case ID No. Ference No.						PCW	Revision March 26, 2014
Reg.	LIIL. KEI		Water Quality						
	Enf. C		Stephanie Freder	ick					
		ation Number	8						_
		Rule Cite(s)		30	Tex. Admin.	Code § 321	.40(f)		
	Violatio	n Description		Specifically,		waste was o	observed bei	turated or during ng applied to LMU	
								Base Penalty	\$25,000
>> Env	vironme	ntal, Prope	ty and Huma		Matrix				
		Release	Major	Harm Moderate	Minor				
OR		Actual	Major	Moderate	MINO	1			
		Potential		Х		j	Percent	5.0%	
>>Proc	aramma	tic Matrix							
		Falsification	Major	Moderate	Minor	-	_		
							Percent	0.0%	
	Matrix Notes		th or the environr t exceed levels th	at are prote	•	nan health o		nts of pollutants ntal receptors as a	
						Ad	justment	\$23,750	ס
									\$1,250
Violatio	on Even	łc							
Violatio		15			_		_		
		Number of V	iolation Events	1		4	Number of	violation days	
			daily						
			weekly						
			monthly quarterly	х			Violat	ion Base Penalty	\$1,250
			semiannual	~					φ <u>1</u> /200
			annual single event						
		One quarterl	y event is recomr		culated from 2020 compl		30, 2020 inve	estigation date to	
Good F	aith Eff	orts to Com	ply	25.0%				Reductior	\$312
			Before Extraordinary	ore NOE/NOV	NOE/NOV to E	DPRP/Settleme	ent Offer		
			Ordinary	х			-		
			N/A	^			<u> </u>		
				The Respond	lents achiev	ed compliand	ce on April 3	, 2020.	
			L_						
							v	iolation Subtota	I \$938

Economic Benefit (EB) for this violation	n Statutory Limit Test	
Estimated EB Amount	\$0 Violation Final Penalty Total	\$1,296
	This violation Final Assessed Penalty (adjusted for limits)	\$1,296

	E	conomic	Benefit	Wo	rksheet		
		LLC and GRAND C	CANYON DAIRY	LLC			
Case ID No.							
Reg. Ent. Reference No.	RN100794155						
Media	Water Quality					Percent Interest	Years of
Violation No.	8					Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Vrs	Interest Saved	Costs Saved	EB Amount
Item Description		Date Required					
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training	\$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
	Estimated Tra	ining cost to cond	uct employee ti	aining	to ensure land app	lication is ceased w	hen the ground
Notes for DELAYED costs	is frozen or	saturated and dur	ring rain events	. Date	required is the inv	estigation date. Fi	nal date is the
			dat	e of co	mpliance.	-	
Avaided Cente		LITZE avaided a	acta hafara ar	toring	itom (ovcont for	one-time avoide	d costs)
Avoided Costs Disposal			USIS DEIDIE EI	0.00		\$0	
Personnel				0.00	\$0	<u>\$0</u> \$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
	L	φ±00					40

S COMMISSION	Policy Rev	Pe ision 4 (April 2014)	nalty Calc	ulatio	n Worksh	neet (PC	,	Revision March 26, 20)14
DATES	Assigned PCW	7-Dec-2020 29-Apr-2021	Screening 17-D)ec-2020	EPA Due		1		
DESDO		TY INFORMATIC							
	Respondent	Circle 7 Dairy LL	C and GRAND CAN	YON DAIR	Y LLC				
	g. Ent. Ref. No. ty/Site Region				Major/M	linor Source	Minor		
CASE I	NFORMATION	·						<u>.</u>	
	f./Case ID No.		_		No. d	of Violations			
Med	Docket No. lia Program(s)	2020-1361-AGR- Water Quality	E		Government	Order Type Non-Profit/			
	Multi-Media					Coordinator	Stephanie Fre		
Adr	min. Penalty \$ I	.imit Minimum[\$0 Max i	imum [\$25,000	EC's Team	Enforcement T	eam 3	
			Penalty C	Calcula	tion Section	on			
ΤΟΤΑΙ	L BASE PENA	LTY (Sum of	violation base	e penalt	ies)		Subtotal 1	\$75	50
ADJUS		/-) TO SUBTO							
	Subtotals 2-7 are ob Compliance His		the Total Base Penalty	(Subtotal 1) 25.0%) by the indicated pe Adjustment		tals 2, 3, & 7	\$18	87
			or one NOV with sa					Ų2	
	Notes		order containing			5			
	Culpability	No		0.0%	Enhancement		Subtotal 4	9	\$0
	Notes	The Re	espondents do not	meet the	culpability crite	ria.			
	Good Faith Effe	ort to Comply To	otal Adjustments	;			Subtotal 5	9	\$0
	Economic Bene	Total EB Amounts	\$295		Enhancement* d at the Total EB \$ A	Amount	Subtotal 6		\$0
	Estimated	Cost of Compliance	\$2,500						
SUM (OF SUBTOTAI	LS 1-7				F	inal Subtotal	\$93	37
OTHE	R FACTORS A	S JUSTICE M	AY REOUIRE	[0.0%		Adjustment		\$0
		Subtotal by the indic			0.0.0) 		<u> </u>
	Notes								
						Final Per	alty Amount	\$93	37
							-	· ·	
STATU	JTORY LIMIT		IT			Final Asse	ssed Penalty	\$93	37
DEFER					20.0%	Reduction	Adjustment	-\$18	87
Reduces t	he Final Assessed Pe	nalty by the indicated	percentage.						
	Notes	C	Deferral offered for	expedited	d settlement.				
							J		
PAYA	BLE PENALT	1						\$75	50

Reg. Ent. Reference No. RN100794155						
Media Water Quality						
Enf. Coordinator Stephanie Frede	erick					
Compliance History Worksheet						
Compliance History Site Enhancement (Se Component Number of	ubtotal 2)	Number	Adjust.			
Written notices of violation	("NOVs") with same or similar violations as those in the (number of NOVs meeting criteria)		5%			
Other written NOVs		0	0%			
Any agreed final enforcem orders meeting criteria)	ent orders containing a denial of liability (<i>number of</i>	1	20%			
a denial of liability, or def	cement orders, agreed final enforcement orders without ault orders of this state or the federal government, or ency orders issued by the commission	0	0%			
Judgments and Consent decrees meeting cr						
Decrees Any adjudicated final court final court judgments or co	judgments and default judgments, or non-adjudicated insent decrees without a denial of liability, of this state		0%			
<u>Convictions</u> counts)	Any criminal convictions of this state or the federal government (<i>number of counts</i>)					
Emissions Chronic excessive emission	s events (<i>number of events</i>)	0	0%			
Texas Environmental, Hea	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%			
Disclosures of violations ur	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>)					
Environmental managemen	t systems in place for one year or more	No	0%			
	nce assessments conducted by the executive director	No	0%			
	pollution reduction program	No	0%			
Early compliance with, or government environmental	offer of a product that meets future state or federal requirements	No	0%			
	Adjustment Per	centage (Sub	btotal 2)	259		
> Repeat Violator (Subtotal 3)						
No	Adjustment Per	centage (Sul	btotal 3) 🗌	0%		
Compliance History Person Classification	(Subtotal 7)					
Satisfactory Performer	Adjustment Per	centage (Sul	ototal 7)	0%		
Compliance History Summary						
Compliance History Notes	with same/similar violations and one agreed order conta liability.	ining a denial of	:			
Total Co	mpliance History Adjustment Percentage (Subtotals 2.	3, & 7)	259		
> Final Compliance History Adjustment			-, / _			
	Final Adjustment Percent	age *capped	at 100%	259		

Docket No. 2020-1361-AGR-E

Screening Date 17-Dec-2020

Case ID No. 59711

Respondent Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

	Scre	ening Date	17-Dec-2020		Do	c <mark>ket No</mark> .	2020-1361	-AGR-E		PCW
			Circle 7 Dairy Ll	_C and GRAN	D CANYON D	AIRY LLC			Policy	Revision 4 (April 2014)
		ase ID No.							PCW R	evision March 26, 2014
Reg. I	Ent. Ref	erence No.								
			Water Quality							
			Stephanie Frede	erick						
	Viola	ation Number	I							
		Rule Cite(s)	50 TCA: Au	nin. Code §§ Ilimination Sy	• •					
	Violatio	n Description	rainfall event.	n schedule for on the volum	cleanout to es reserved CS Nos. 2 ar	prevent th for minimu nd 3 had ac	e accumulat m treatmen ccumulated	tion of sluc t and the sludge end	lge from design	
								Base	Penalty	\$25,000
>> Env	vironme	ntal, Prope	rty and Hum		Matrix					
OR		Release Actual	Major	Harm Moderate	Minor	l				
UN		Potential			X		Percent	3.0%		
>>Prog	aramma	tic Matrix	<u> </u>			I				
		Falsification	Major	Moderate	Minor		_			
							Percent	0.0%		
	Matrix Notes		or the environr exceed levels th	hat are prote		an health o				
						Ad	justment		\$24,250	
									L	\$750
Violatio	on Event	ts								
		Number of \	/iolation Events	1		49	Number of	violation c	lays	
			daily weekly monthly							
			quarterly				Viola	tion Base	Penalty	\$750
			semiannual annual							
			single event	X						
				One single e	event is recor	nmended.				
Good Fa	aith Effo	orts to Com		0.0% efore NOE/NOV			opt Offer	R	eduction	\$0
			Extraordinary			Jin Joettiell				
			Ordinary N/A	x						
			i i i i i i i i i i i i i i i i i i i	The Respond		neet the go violation.	ood faith cri	teria for		

		Violation Subtotal	\$750
Economic Benefit (EB) for this violation	n	Statutory Limit Test	
Estimated EB Amount	\$295	Violation Final Penalty Total	\$938
	This violation Final Assess	ed Penalty (adjusted for limits)	\$938

	E	conomic	Benefit	Wo	rksheet		
Respondent	Circle 7 Dairy	LLC and GRAND C	CANYON DAIRY	LLC			
Case ID No.							
eg. Ent. Reference No.							
							Years of
	Water Quality					Percent Interest	
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
Delayed Casta							
Delayed Costs Equipment		1		0.00	\$0	\$0	\$0
Buildings		Į		0.00	\$0	\$0	<u> </u>
Other (as needed)		<u> </u>		0.00	\$0	\$0 \$0	<u> </u>
Engineering/Construction				0.00	\$0	\$0	<u> </u>
Land		1		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			ity. Date Requir	ed is th		f sludge from RCS N on was initially docur e.	
Avoided Costs	ANNUA	LIZE avoided c	osts before en	toring	item (except for	, and time avaida	
				tering		r one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Personnel Inspection/Reporting/Sampling				0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs				0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$ 0 \$ 0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance				0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs				0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$ 0 \$ 0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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 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 Requir	ing Compliance History: Enforceme	ent				
Component Period Selected: April 29, 2016 to April 29, 2021						
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.						
Name: Stephanie Frec	lerick	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?YES2) 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:

Effective Date:06/02/2020ADMINORDER2019-0804-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

1

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: $$\rm N/A$$
- I. Participation in a voluntary pollution reduction program: $$\rm N/A$$
- J. Early compliance: N/A

Sites Outside of Texas:

N/A

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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							
Compliance History Per	iod: September 01, 2015 to August 31, 2	020 Rating Year: 2020 Ra	ating 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 Frec	lerick	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?YES2) 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:

Effective Date:06/02/2020ADMINORDER2019-0804-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

1

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: $$\rm N/A$$
- I. Participation in a voluntary pollution reduction program: $$\rm N/A$$
- J. Early compliance: N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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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.
- This Order may be executed in separate and multiple counterparts, which together shall 9. 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

Name (Printed or typed)

Authorized Representative of Circle 7 Dairy LLC

Date Dismost Momba

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

SIGNATURE PAGE

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- TCEQ seeking other relief as authorized by law.

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

Signature

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

Date Date MINNER Member

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