

Executive Summary – Enforcement Matter – Case No. 61851

FARMERS CO-OP

RN101957694

Docket No. 2022-0379-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Farmers Coop Gin, 523 Main Street, East Bernard, Wharton County

Type of Operation:

Cotton gin

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: July 12, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,250

Amount Deferred for Expedited Settlement: \$2,250

Total Paid to General Revenue: \$9,000

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): September 13, 2021

Complaint Information: Alleged dust from the Respondent's facility.

Date(s) of Investigation: September 23, 2021 through December 10, 2021

Date(s) of NOE(s): January 13, 2022

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FARMERS CO-OP

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Docket No. 2022-0379-AIR-E

Violation Information

1. Failed to clean up any accumulations of lint, cotton trash, and/or cotton burrs on the gin property and remove the lint, cotton trash, and/or cotton burrs from the gin property on a daily basis. Specifically, on September 23, 2021, TCEQ staff observed the Site grounds, buildings, and process equipment on the south side of the gin property to be covered with significant accumulations of lint, cotton trash, and cotton burrs [30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 32559, Special Conditions No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operations. Specifically, on September 23, 2021, TCEQ staff observed the cyclone dust collectors for the gin to be emitting excessive amounts of lint, cotton trash, and cotton burrs [30 TEX. ADMIN. CODE § 116.115(b)(2)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b)]

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Implement measures designed to ensure that any accumulations of lint, cotton trash, and/or cotton burrs on the gin property are cleaned up and removed from the gin property on a daily basis; and

ii. Implement measures designed to ensure that the permitted facilities are not operated unless the cyclone dust collectors are maintained in good working order and operating properly during normal facility operations.

b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 61851

FARMERS CO-OP

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Docket No. 2022-0379-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Johnnie Wu, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-2524; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Douglas Fucik, General Manager, FARMERS CO-OP, P.O. Box 465, East Bernard, Texas 77435

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Jan-2022			
	PCW	3-Apr-2024	Screening	28-Jan-2022	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	FARMERS CO OP				
Reg. Ent. Ref. No.	RN101957694				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	61851	No. of Violations	2		
Docket No.	2022-0379-AIR-E	Order Type	1660		
Media Program(s)	Air	Government/Non-Profit	Yes		
Multi-Media	Air	Enf. Coordinator	Johnnie Wu		
		EC's Team	Enforcement Team 2		
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$25,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0%	Adjustment	Subtotals 2, 3, & 7	-\$1,250
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Notes	Reduction for High Performer classification.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$3,276	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$20,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
Final Penalty Amount	\$11,250

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,250
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,250
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$9,000
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Screening Date28-Jan-2022

RespondentFARMERS CO OP

Case ID No.61851

Reg. Ent. Reference No.RN101957694

MediaAir

Enf. CoordinatorJohnnie Wu

Docket No.2022-0379-AIR-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)0%

>> Repeat Violator (Subtotal 3)

NoAdjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

High PerformerAdjustment Percentage (Subtotal 7)-10%

>> Compliance History Summary

Compliance History Notes	Reduction for High Performer classification.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)-10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%-10%

Screening Date 28-Jan-2022		Docket No. 2022-0379-AIR-E		PCW	
Respondent FARMERS CO OP		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 61851		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN101957694					
Media Air					
Enf. Coordinator Johnnie Wu					
Violation Number 1					
Rule Cite(s)		30 Tex. Admin. Code § 116.115(c), New Source Review Permit No. 32559, Special Conditions No. 6, and Tex. Health & Safety Code § 382.085(b)			
Violation Description		Failed to clean up any accumulations of lint, cotton trash, and/or cotton burrs on the gin property and remove the lint, cotton trash, and/or cotton burrs from the gin property on a daily basis. Specifically, on September 23, 2021, TCEQ staff observed the Site grounds, buildings, and process equipment on the south side of the gin property to be covered with significant accumulations of lint, cotton trash, and cotton burrs.			
				Base Penalty	\$25,000
>> Environmental, Property and Human Health Matrix					
OR			Harm		
	Release	Major	Moderate	Minor	
	Actual		x		Percent 25.0%
Potential					
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants that did not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
				Adjustment	\$18,750
					\$6,250
>> Violation Events					
Number of Violation Events		1	1		Number of violation days
	daily		Violation Base Penalty \$6,250		
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			
One single event is recommended.					
Good Faith Efforts to Comply		0.0%	Reduction		\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
				Violation Subtotal	\$6,250
>> Economic Benefit (EB) for this violation					
>> Statutory Limit Test					
Estimated EB Amount		\$1,638	Violation Final Penalty Total		\$5,625
				This violation Final Assessed Penalty (adjusted for limits)	\$5,625

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

FARMERS CO OP
61851
RN101957694
Air
1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	23-Sep-2021	1-Jan-2025	3.28	\$1,638	n/a	\$1,638
Notes for DELAYED costs	Estimated cost to implement measures designed to ensure that any accumulations of lint, cotton trash, and/or cotton burrs on the gin property are cleaned up and removed from the gin property on a daily basis. The Date Required is the investigation date and the Final Date is the estimated date of compliance.						

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$10,000	TOTAL	\$1,638
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Screening Date 28-Jan-2022 Respondent FARMERS CO OP Case ID No. 61851 Reg. Ent. Reference No. RN101957694 Media Air Enf. Coordinator Johnnie Wu		Docket No. 2022-0379-AIR-E PCW																		
<i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																				
Violation Number 2 Rule Cite(s) 30 Tex. Admin. Code § 116.115(b)(2)(G) and Tex. Health & Safety Code § 382.085(b)																				
Violation Description Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operations. Specifically, on September 23, 2021, TCEQ staff observed the cyclone dust collectors for the gin to be emitting excessive amounts of lint, cotton trash, and cotton burrs.																				
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OR	<table border="1"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td>Release</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Actual</td> <td></td> <td>x</td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td></td> <td></td> </tr> </table>				Harm			Release	Major	Moderate	Minor	Actual		x		Potential				Percent 25.0%
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Ordinary																				
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Notes		The Respondent does not meet the good faith criteria for this violation.																		
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Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount \$1,638		Violation Final Penalty Total \$5,625																		
		This violation Final Assessed Penalty (adjusted for limits) \$5,625																		

Economic Benefit Worksheet

Respondent FARMERS CO OP
Case ID No. 61851
Reg. Ent. Reference No. RN101957694
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	23-Sep-2021	1-Jan-2025	3.28	\$1,638	n/a	\$1,638
Notes for DELAYED costs	Estimated cost to implement measures designed to ensure that the permitted facilities are not operated unless the cyclone dust collectors are maintained in good working order and operating properly during normal facility operations. The Date Required is the investigation date and the Final Date is the estimated date of compliance.						

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	\$10,000	TOTAL	\$1,638
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Compliance History Report

Compliance History Report for CN601073091, RN101957694, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN601073091, FARMERS CO-OP **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN101957694, FARMERS COOP GIN **Classification:** HIGH **Rating:** 0.00

Complexity Points: 5 **Repeat Violator:** NO

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

Location: 523 MAIN STREET, EAST BERNARD, WHARTON COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR NEW SOURCE PERMITS PERMIT 32559 **AIR NEW SOURCE PERMITS** ACCOUNT NUMBER WF0020W

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: April 01, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: April 01, 2019 to April 01, 2024

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

Name: Johnnie Wu **Phone:** (512) 239-2524

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FARMERS CO-OP
RN101957694

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2022-0379-AIR-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 FARMERS CO-OP (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a cotton gin located at 523 Main Street in East Bernard, Wharton County, Texas (the "Site"). The Site consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$11,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,000 of the penalty and \$2,250 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During an investigation conducted at the Site from September 23, 2021 through December 10, 2021, an investigator documented that the Respondent:

1. Failed to clean up any accumulations of lint, cotton trash, and/or cotton burrs on the gin property and remove the lint, cotton trash, and/or cotton burrs from the gin property on a daily basis, in violation of 30 TEX. ADMIN. CODE § 116.115(c), New Source Review Permit No. 32559, Special Conditions No. 6, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on September 23, 2021, TCEQ staff observed the Site grounds, buildings, and process equipment on the south side of the gin property to be covered with significant accumulations of lint, cotton trash, and cotton burrs.
2. Failed to maintain all air pollution emission capture and abatement equipment in good working order and operating properly during normal facility operations, in violation of 30 TEX. ADMIN. CODE § 116.115(b)(2)(G) and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on September 23, 2021, TCEQ staff observed the cyclone dust collectors for the gin to be emitting excessive amounts of lint, cotton trash, and cotton burrs.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: FARMERS CO-OP, Docket No. 2022-0379-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements at the Site:
 - a. Within 30 days after the effective date of this Order:
 - i. Implement measures designed to ensure that any accumulations of lint, cotton trash, and/or cotton burrs on the gin property are cleaned up and removed from the gin property on a daily basis; and
 - ii. Implement measures designed to ensure that the permitted facilities are not operated unless the cyclone dust collectors are maintained in good working order and operating properly during normal facility operations.
 - b. Within 45 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. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

3. All relief not expressly granted in this Order is denied.

4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. 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

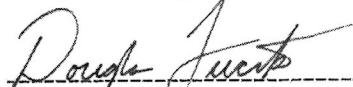
7/8/2024
Date

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 OAG 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 OAG 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

06/10/2024
Date

Douglas Fucik
Name (Printed or typed)
Authorized Representative of
FARMERS CO-OP

General Manager
Title

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

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