

**Executive Summary – Enforcement Matter – Case No. 62418**  
**Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC**  
**RN100794155**  
**Docket No. 2022-0651-AGR-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

AGR

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

JB Grand Canyon Dairy, located on the east side of Farm-to-Market Road 219, approximately 5 miles south of Farm-to-Market Road 219 and Highway 1702, approximately 7 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: None

**Texas Register Publication Date:** December 15, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$18,313

**Amount Deferred for Expedited Settlement:** \$3,662

**Total Paid to General Revenue:** \$441

**Total Due to General Revenue:** \$14,210

Payment Plan: 35 payments of \$406 each

**Compliance History Classifications (CN604036954):**

Person/CN - Unsatisfactory

Site/RN - Unsatisfactory

**Compliance History Classifications (CN603973462):**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** March 4, 2022 through March 7, 2022

**Date(s) of NOE(s):** May 11, 2022

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**Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC**  
**RN100794155**  
**Docket No. 2022-0651-AGR-E**

***Violation Information***

1. Failed to prevent the discharge of agricultural waste into or adjacent to any water in the state. Specifically, a fault in the reel gun, a leaking hose in Land Management Unit ("LMU") No. 2, and a leaking pipe north of LMU No. 2 discharged approximately 120,000 gallons of agricultural waste into an unnamed tributary of the South Fork of Little Green Creek [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 305.125(1), and 321.31(a), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002950000, Part VI.A].
2. Failed to maintain a vegetative buffer strip of no less than 100 feet of vegetation between manure, litter, or wastewater application areas and water in the state. Specifically, on March 4, 2022, a reel gun located in the buffer area between LMU Nos. 3A and 3B was leaking agricultural wastewater [30 TEX. ADMIN. CODE §§ 305.125(1) and 321.40(h) and TPDES Permit No. WQ0002950000, Part VII.A.8(d)(1)].
3. Failed to prevent trees from growing on the Retention Control Structure ("RCS") embankment. Specifically, trees were growing on the embankment of RCS No. 3 [30 TEX. ADMIN. CODE §§ 305.125(1) and 321.39(b)(5) and TPDES Permit No. WQ0002950000, Part VII.A.5(h)].
4. Failed to properly dispose of dead carcasses. Specifically, carcasses were exposed in the burial pit and observed outside of the burial pit area [30 TEX. ADMIN. CODE §§ 305.125(1) and 321.39(g)(3) and TPDES Permit No. WQ0002950000, Part X.Q.6].
5. Failed to remove manure and settled solids accumulations in the settling basin on a regular and consistent basis so as to assure attainment of the 50% designed removal efficiency [30 TEX. ADMIN. CODE §§ 305.125(1) and 321.36(b) and TPDES Permit No. WQ0002950000, Part X.M].
6. Failed to keep the spillway and embankment free of foreign material such as rocks larger than four inches, trash, brush, and fallen trees. Specifically, foreign material containing rocks larger than four inches was added to the spillway [30 TEX. ADMIN. CODE §§ 305.125(1) and 321.38(g)(1)(A) and TPDES Permit No. WQ0002950000, Part VII.A.3(f)(1)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondents implemented the following corrective measures:

- a. Ceased the discharge of agricultural waste by March 8, 2022;

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- b. Updated operational guidance and conducted employee training to ensure inspections of the irrigation equipment are conducted regularly by March 11, 2022; and
- c. Collected and properly disposed of all improperly disposed carcasses by May 25, 2022.

**Technical Requirements:**

The Order will require the Respondents to:

- a. Within 30 days:
  - i. Update operational guidance and conduct employee training to ensure that compost, manure, sludge, slurry, or wastewater is not applied within the buffer distances including the buffer area between LMU Nos. 3A and 3B; and
  - ii. Remove the trees growing on the embankment of RCS No. 3.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days:
  - i. Remove manure and settled solids accumulations in the settling basin to assure attainment of 50% designed removal efficiency; and
  - ii. Remove foreign material such as rocks larger than four inches, trash, brush, and fallen trees from the spillway.
- d. Within 75 days, submit written certification to demonstrate compliance with c.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Mistie Gonzales, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3056; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondents:** Tim Miranda, Member, Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC, 1743 County Road 308, Dublin, Texas 76446  
Dorice Miranda, Owner/Member, Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC, 1743 County Road 308, Dublin, Texas 76446

**Respondents' Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	16-May-2022			
	<b>PCW</b>	26-Oct-2023	<b>Screening</b>	25-May-2022	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC				
<b>Reg. Ent. Ref. No.</b>	RN100794155				
<b>Facility/Site Region</b>	4-Dallas/Fort Worth		<b>Major/Minor Source</b>	Minor	

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	62418		<b>No. of Violations</b>	6	
<b>Docket No.</b>	2022-0651-AGR-E		<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Water Quality		<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>			<b>Enf. Coordinator</b>	Mistie Gonzales	
			<b>EC's Team</b>	Enforcement Team 1	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000	

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$13,500
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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.

<b>Compliance History</b>	50.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$6,750
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<b>Notes</b>	Enhancement for two agreed orders containing a denial of liability and Unsatisfactory Performer classification.			
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<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondents do not meet the culpability criteria.				
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$1,937
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$828	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$7,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$18,313
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>				
<b>Final Penalty Amount</b>				\$18,313

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$18,313
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<b>DEFERRAL</b>	20.0%	Reduction	Adjustment	-\$3,662
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral offered for expedited settlement.			
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<b>PAYABLE PENALTY</b>	\$14,651
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<b>Screening Date</b>	25-May-2022	<b>Docket No.</b>	2022-0651-AGR-E	<b>PCW</b>
<b>Respondent</b>	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	62418			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN100794155			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Mistie Gonzales			

### 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> )	2	40%
	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) 40%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

Unsatisfactory Performer	Adjustment Percentage (Subtotal 7) 10%
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>> Compliance History Summary

Compliance History Notes	Enhancement for two agreed orders containing a denial of liability and Unsatisfactory Performer classification.
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Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 50%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%	50%
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Screening Date

25-May-2022

Docket No.

2022-0651-AGR-E

PCW

Respondent

Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC

Policy Revision 5 (January 28, 2021)

Case ID No.

62418

PCW Revision February 11, 2021

Reg. Ent. Reference No.

RN100794155

Media

Water Quality

Enf. Coordinator

Mistie Gonzales

Violation Number

1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code §§ 305.125(1) and 321.31(a) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002950000, Part VI.A

Violation Description

Failed to prevent the discharge of agricultural waste into or adjacent to any water in the state. Specifically, a fault in the reel gun, a leaking hose in Land Management Unit ("LMU") No. 2, and a leaking pipe north of LMU No. 2 discharged approximately 120,000 gallons of agricultural waste into an unnamed tributary of the South Fork of Little Green Creek.

Base Penalty

\$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent25.0%

>>Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent0.0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do 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 Events1

7

Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty\$6,250

One monthly event is recommended, calculated from the date of the discharge (March 4, 2022) to the compliance date (March 11, 2022).

Good Faith Efforts to Comply

25.0%

Reduction\$1,562

	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes

The Respondents achieved compliance by March 11, 2022.

Violation Subtotal\$4,688

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount\$0

Violation Final Penalty Total\$7,813

This violation Final Assessed Penalty (adjusted for limits)\$7,813

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 62418 RN100794155 Water Quality 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	4-Mar-2022	11-Mar-2022	0.02	\$0	n/a	\$0
Remediation/Disposal	\$500	4-Mar-2022	8-Mar-2022	0.01	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated Remediation/Disposal delayed cost to cease the discharge of agricultural waste. Date Required is the date of the discharge, and the Final Date is the date of compliance.

Estimated Training/Sampling delayed cost to update operational guidance and conduct employee training to ensure inspections of the irrigation equipment are conducted regularly. Date Required is the date of the discharge, and the Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$750	TOTAL	\$0
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<b>Screening Date</b> 25-May-2022		<b>Docket No.</b> 2022-0651-AGR-E		<b>PCW</b>		
<b>Respondent</b> Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC		<i>Policy Revision 5 (January 28, 2021)</i>				
<b>Case ID No.</b> 62418		<i>PCW Revision February 11, 2021</i>				
<b>Reg. Ent. Reference No.</b> RN100794155						
<b>Media</b> Water Quality						
<b>Enf. Coordinator</b> Mistie Gonzales						
<b>Violation Number</b> 2						
<b>Rule Cite(s)</b>		30 Tex. Admin. Code §§ 305.125(1) and 321.40(h) and TPDES Permit No. WQ0002950000, Part VII.A.8(d)(1)				
<b>Violation Description</b>		Failed to maintain a vegetative buffer strip of no less than 100 feet of vegetation between manure, litter, or wastewater application areas and water in the state. Specifically, on March 4, 2022, a reel gun located in the buffer area between LMU Nos. 3A and 3B was leaking agricultural wastewater.				
		<b>Base Penalty</b>		\$25,000		
>> Environmental, Property and Human Health Matrix						
OR	<b>Release</b>		<b>Harm</b>			
	Major	Moderate	Minor			
	Actual					
	Potential			X		
		<b>Percent</b>		3.0%		
>>Programmatic Matrix						
		Falsification	Major	Moderate	Minor	
		<b>Percent</b>		0.0%		
Matrix Notes		Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
		<b>Adjustment</b>		\$24,250		
				\$750		
Violation Events						
Number of Violation Events		1		82 Number of violation days		
		daily				
		weekly				
		monthly				
		quarterly				
		semiannual				
		annual				
		single event	X			
		<b>Violation Base Penalty</b>				\$750
		One single event is recommended.				
<b>Good Faith Efforts to Comply</b>		0.0%		<b>Reduction</b>		\$0
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer		
		Extraordinary				
		Ordinary				
		N/A	X			
		Notes	The Respondents do not meet the good faith criteria for this violation.			
		<b>Violation Subtotal</b>				\$750
<b>Economic Benefit (EB) for this violation</b>						<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>		\$30		<b>Violation Final Penalty Total</b>		\$1,125
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$1,125



Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 62418 RN100794155 Water Quality 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	4-Mar-2022	17-Jul-2024	2.37	\$30	n/a	\$30
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Training/Sampling delayed cost to update operational guidance and conduct employee training to ensure that compost, manure, sludge, slurry, or wastewater is not applied within the buffer distances as noted on Attachment B and Special Provision X.D of TPDES Permit No. WQ0002950000, including the buffer area between LMU Nos. 3A and 3B. Date Required is the initial date of noncompliance, and the Final Date is the estimated date of compliance.						

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

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

Approx. Cost of Compliance	\$250	TOTAL	\$30
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<b>Screening Date</b>	25-May-2022	<b>Docket No.</b>	2022-0651-AGR-E	<b>PCW</b>
<b>Respondent</b>	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62418			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN100794155			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Mistie Gonzales			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(1) and 321.39(b)(5) and TPDES Permit No. WQ0002950000, Part VII.A.5(h)			
<b>Violation Description</b>	Failed to prevent trees from growing on the Retention Control Structure ("RCS") embankment. Specifically, trees were growing on the embankment of RCS No. 3.			
		<b>Base Penalty</b>	\$25,000	

>> Environmental, Property and Human Health Matrix

OR

	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		X		<b>Percent</b> 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment**

\$23,750

\$1,250

Violation Events

Number of Violation Events	1	79	Number of violation days
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daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

**Violation Base Penalty**

\$1,250

One quarterly event is recommended, calculated from the initial date of noncompliance (March 7, 2022) to the screening date (May 25, 2022).

Good Faith Efforts to Comply

0.0%

Reduction

\$0

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

Notes

The Respondents do not meet the good faith criteria for this violation.

**Violation Subtotal**

\$1,250

Economic Benefit (EB) for this violation

Statutory Limit Test

<b>Estimated EB Amount</b>	\$59	<b>Violation Final Penalty Total</b>	\$1,875
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$1,875	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 62418 RN100794155 Water Quality 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				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)	\$500	7-Mar-2022	17-Jul-2024	2.36	\$59	n/a	\$59
Notes for DELAYED costs	Estimated Other delayed cost to remove the trees growing on the embankment of RCS No. 3. Date Required is the initial date of noncompliance, and the Final Date is the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$500	TOTAL	\$59
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<b>Screening Date</b>	25-May-2022	<b>Docket No.</b>	2022-0651-AGR-E	<b>PCW</b>
<b>Respondent</b>	Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62418			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN100794155			
<b>Media</b>	Water Quality			
<b>Enf. Coordinator</b>	Mistie Gonzales			
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 305.125(1) and 321.39(g)(3) and TPDES Permit No. WQ0002950000, Part X.Q.6			
<b>Violation Description</b>	Failed to properly dispose of dead carcasses. Specifically, carcasses were exposed in the burial pit and observed outside of the burial pit area.			
		<b>Base Penalty</b>	\$25,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor
	Actual			X
	Potential			
		<b>Percent</b>	15.0%	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<b>Percent</b>	0.0%		
<b>Matrix Notes</b>	Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	<b>Adjustment</b>	\$21,250		
			\$3,750	
<b>Violation Events</b>				
	Number of Violation Events	1	79	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	X		
	semiannual			
	annual			
	single event			
	<b>Violation Base Penalty</b>	\$3,750		
	One quarterly event is recommended, calculated from the initial date of noncompliance (March 7, 2022) to the compliance date (May 25, 2022).			
<b>Good Faith Efforts to Comply</b>	10.0%		<b>Reduction</b>	\$375
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary		X	
	N/A			
	<b>Notes</b>	The Respondents achieved compliance by May 25, 2022.		
	<b>Violation Subtotal</b>	\$3,375		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
	<b>Estimated EB Amount</b>	\$5	<b>Violation Final Penalty Total</b>	\$5,250
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$5,250

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 62418 RN100794155 Water Quality 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
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	\$500	7-Mar-2022	25-May-2022	0.22	\$5	n/a	\$5
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Remediation/Disposal delayed cost to collect and properly dispose of all improperly disposed carcasses. Date Required is the initial date of noncompliance, and the Final Date is the date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$500	TOTAL	\$5
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<b>Screening Date</b> 25-May-2022		<b>Docket No.</b> 2022-0651-AGR-E		<b>PCW</b>	
<b>Respondent</b> Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
<b>Case ID No.</b> 62418		<i>PCW Revision February 11, 2021</i>			
<b>Reg. Ent. Reference No.</b> RN100794155					
<b>Media</b> Water Quality					
<b>Enf. Coordinator</b> Mistie Gonzales					
<b>Violation Number</b>		5			
<b>Rule Cite(s)</b>		30 Tex. Admin. Code §§ 305.125(1) and 321.36(b) and TPDES Permit No. WQ0002950000, Part X.M			
<b>Violation Description</b>		Failed to remove manure and settled solids accumulations in the settling basin on a regular and consistent basis so as to assure attainment of the 50% designed removal efficiency.			
		<b>Base Penalty</b>		\$25,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>		<b>Harm</b>		
		Major	Moderate	Minor	
	Actual				
	Potential			X	<b>Percent</b> 3.0%
<b>&gt;&gt;Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
<b>Adjustment</b>				\$24,250	
				\$750	
<b>Violation Events</b>					
Number of Violation Events		1		79 Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	X			
<b>Violation Base Penalty</b> \$750					
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>		0.0%		<b>Reduction</b> \$0	
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary				
	Ordinary				
	N/A	X			
Notes	The Respondents do not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				\$750	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		\$306		<b>Violation Final Penalty Total</b> \$1,125	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$1,125	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 62418 RN100794155 Water Quality 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$2,500	7-Mar-2022	16-Aug-2024	2.45	\$306	n/a	\$306
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Remediation/Disposal delayed cost to remove manure and settled solids accumulations in the settling basin to assure attainment of 50% designed removal efficiency. Date Required is the intial date of noncompliance, and the Final Date is the estimated date of compliance.						

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

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

Approx. Cost of Compliance	\$2,500	TOTAL	\$306
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<b>Screening Date</b> 25-May-2022		<b>Docket No.</b> 2022-0651-AGR-E		<b>PCW</b>	
<b>Respondent</b> Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC		<i>Policy Revision 5 (January 28, 2021)</i>			
<b>Case ID No.</b> 62418		<i>PCW Revision February 11, 2021</i>			
<b>Reg. Ent. Reference No.</b> RN100794155					
<b>Media</b> Water Quality					
<b>Enf. Coordinator</b> Mistie Gonzales					
<b>Violation Number</b>		<input type="text" value="6"/>			
<b>Rule Cite(s)</b>		<div>30 Tex. Admin. Code §§ 305.125(1) and 321.38(g)(1)(A) and TPDES Permit No. WQ0002950000, Part VII.A.3(f)(1)</div>			
<b>Violation Description</b>		<div>Failed to keep the spillway and embankment free of foreign material such as rocks larger than four inches, trash, brush, and fallen trees. Specifically, foreign material containing rocks larger than four inches was added to the spillway.</div>			
		<b>Base Penalty</b>		<input type="text" value="\$25,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>		<b>Harm</b>		
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	<b>Percent</b> <input type="text" value="3.0%"/>
<b>&gt;&gt;Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
Matrix Notes	<div>Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.</div>				
<b>Adjustment</b>					<input type="text" value="\$24,250"/>
					<input type="text" value="\$750"/>
<b>Violation Events</b>					
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="79"/> Number of violation days		
	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="text" value="X"/>			
<div>One single event is recommended.</div>					
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/>	<b>Reduction</b>		<input type="text" value="\$0"/>
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	<input type="text"/>		
	N/A	<input checked="" type="text" value="X"/>			
	Notes	<div>The Respondents do not meet the good faith criteria for this violation.</div>			
<b>Violation Subtotal</b>					<input type="text" value="\$750"/>
<b>Economic Benefit (EB) for this violation</b>					
<b>Statutory Limit Test</b>					
<b>Estimated EB Amount</b>		<input type="text" value="\$428"/>	<b>Violation Final Penalty Total</b>		<input type="text" value="\$1,125"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					<input type="text" value="\$1,125"/>



Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Circle 7 Dairy LLC and GRAND CANYON DAIRY LLC 62418 RN100794155 Water Quality 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$2,500	7-Mar-2022	16-Aug-2024	2.45	\$20	\$408	\$428
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated Engineering/Construction delayed cost to remove foreign material such as rocks larger than four inches, trash, brush, and fallen trees from the spillway. Date Required is the initial date of noncompliance, and the Final Date is the estimated date of compliance.						

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

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

Approx. Cost of Compliance	\$2,500	TOTAL	\$428
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# Compliance History Report

Compliance History Report for CN604036954, RN100794155, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

<b>Customer, Respondent, or Owner/Operator:</b>	CN604036954, Circle 7 Dairy LLC	<b>Classification:</b> UNSATISFACTORY	<b>Rating:</b> 87.75
<b>Regulated Entity:</b>	RN100794155, JB GRAND CANYON DAIRY	<b>Classification:</b> UNSATISFACTORY	<b>Rating:</b> 87.75
<b>Complexity Points:</b>	3	<b>Repeat Violator:</b>	NO
<b>CH Group:</b>	12 - Agriculture, Forestry, Fishing, and Hunting		
<b>Location:</b>	2179 COUNTY ROAD 308 DUBLIN, TX 76446-6802, ERATH COUNTY		
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX		
<b>ID Number(s):</b>			
<b>AIR NEW SOURCE PERMITS</b> ACCOUNT NUMBER EF00430		<b>WASTEWATER AGRICULTURE</b> EPA ID TX0130923	
<b>WASTEWATER AGRICULTURE</b> PERMIT WQ0002950000			
<b>Compliance History Period:</b>	September 01, 2017 to August 31, 2022	<b>Rating Year:</b>	2022
		<b>Rating Date:</b>	09/01/2022
<b>Date Compliance History Report Prepared:</b>	August 21, 2023		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	August 21, 2018 to August 21, 2023		
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>			
<b>Name:</b>	TCEQ Staff Member		<b>Phone:</b> (512) 239-1000

## Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 06/02/2020 ADMINORDER 2019-0804-AGR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 321, SubChapter B 321.31(a)  
Rqmt Prov: \WQ0002950000 Part VI.A. PERMIT  
Description: Failed to prevent the discharge of agricultural waste into or adjacent to any water in the state. Specifically, on March 13, 2019, approximately 300,000 gallons of agricultural wastewater discharged from cattle pens located outside the retention control structure drainage area, into an unnamed tributary of the south fork of Little Green Creek.
- 2 Effective Date: 06/06/2022 ADMINORDER 2020-1361-AGR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 321, SubChapter B 321.39(c)(1)  
Rqmt Prov: VII.A.5(g) OP  
VII.A.5.(g) OP  
Description: 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.  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 321, SubChapter B 321.39(f)

Rqmt Prov: VII.A.6.(e) OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 321, SubChapter B 321.43(j)(5)(B)

Rqmt Prov: VII.D.4.(b) OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 321, SubChapter B 321.36(b)

Rqmt Prov: IX.E. OP

Description: 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

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 321, SubChapter B 321.31(a)

TWC Chapter 26 26.121

Rqmt Prov: WQ0002950000 Part VI.A PERMIT

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 321, SubChapter B 321.36(b)

Rqmt Prov: WQ0002950000PartIII(B)(3) PERMIT

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Rqmt Prov: WQ0002950000Part X(Q)(6)(d) PERMIT

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 321, SubChapter B 321.44(b)

Rqmt Prov: WQ0002950000 PartVII(A)(2)(b) PERMIT

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 321, SubChapter B 321.40(f)

Rqmt Prov: WQ0002950000 Part IX(S) PERMIT

Description: 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.

## B. Criminal convictions:

N/A

*Compliance History Report for CN604036954, RN100794155, Rating Year 2022 which includes Compliance History (CH) components from August 21, 2018, through August 21, 2023.*

**C. Chronic excessive emissions events:**

N/A

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

Item 1	May 23, 2019	(1569597)
Item 2	September 05, 2019	(1578273)
Item 4	August 27, 2020	(1671879)
Item 5	November 06, 2020	(1685577)
Item 6	July 26, 2022	(1833139)
Item 7	March 01, 2023	(1880778)
Item 8	June 06, 2023	(1904246)

**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



# Compliance History Report

Compliance History Report for CN603973462, RN100794155, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603973462, GRAND CANYON DAIRY LLC	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	54.84
<b>Regulated Entity:</b>	RN100794155, JB GRAND CANYON DAIRY	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	54.84
<b>Complexity Points:</b>	6	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	12 - Agriculture, Forestry, Fishing, and Hunting				
<b>Location:</b>	2179 COUNTY ROAD 308 DUBLIN, TX 76446-6802, ERATH COUNTY				
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX				

## ID Number(s):

**AIR NEW SOURCE PERMITS** ACCOUNT NUMBER EF00430

**WASTEWATER AGRICULTURE** EPA ID TX0130923

**WASTEWATER AGRICULTURE** PERMIT WQ0002950000

**Compliance History Period:** September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** August 21, 2023

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 21, 2018 to August 21, 2023

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

**Name:** TCEQ Staff Member

**Phone:** (512) 239-1000

## Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 06/02/2020 ADMINORDER 2019-0804-AGR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)  
30 TAC Chapter 321, SubChapter B 321.31(a)  
Rqmt Prov: \WQ0002950000 Part VI.A. PERMIT  
Description: Failed to prevent the discharge of agricultural waste into or adjacent to any water in the state. Specifically, on March 13, 2019, approximately 300,000 gallons of agricultural wastewater discharged from cattle pens located outside the retention control structure drainage area, into an unnamed tributary of the south fork of Little Green Creek.
- 2 Effective Date: 06/06/2022 ADMINORDER 2020-1361-AGR-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 321, SubChapter B 321.39(c)(1)  
Rqmt Prov: VII.A.5(g) OP  
VII.A.5.(g) OP  
Description: 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.  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 321, SubChapter B 321.39(f)

Rqmt Prov: VII.A.6.(e) OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 321, SubChapter B 321.43(j)(5)(B)

Rqmt Prov: VII.D.4.(b) OP

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 321, SubChapter B 321.36(b)

Rqmt Prov: IX.E. OP

Description: 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

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(4)

30 TAC Chapter 321, SubChapter B 321.31(a)

TWC Chapter 26 26.121

Rqmt Prov: WQ0002950000 Part VI.A PERMIT

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 321, SubChapter B 321.36(b)

Rqmt Prov: WQ0002950000PartIII(B)(3) PERMIT

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

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

Rqmt Prov: WQ0002950000Part X(Q)(6)(d) PERMIT

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 321, SubChapter B 321.44(b)

Rqmt Prov: WQ0002950000 PartVII(A)(2)(b) PERMIT

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 321, SubChapter B 321.40(f)

Rqmt Prov: WQ0002950000 Part IX(S) PERMIT

Description: 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.

## B. Criminal convictions:

N/A

*Compliance History Report for CN603973462, RN100794155, Rating Year 2022 which includes Compliance History (CH) components from August 21, 2018, through August 21, 2023.*

**C. Chronic excessive emissions events:**

N/A

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

Item 1	May 23, 2019	(1569597)
Item 2	September 05, 2019	(1578273)
Item 4	August 27, 2020	(1671879)
Item 5	November 06, 2020	(1685577)
Item 6	July 26, 2022	(1833139)
Item 7	March 01, 2023	(1880778)
Item 8	June 06, 2023	(1904246)

**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  
CIRCLE 7 DAIRY LLC AND GRAND  
CANYON DAIRY LLC  
RN100794155

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0651-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 in Erath County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the 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 \$18,313 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents paid \$441 of the penalty and \$3,662 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 \$14,210 of the undeferred penalty shall be paid in 35 monthly payments of \$406 each. The first monthly payment shall be paid within two weeks of the 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 Facility:
  - a. Ceased the discharge of agricultural waste by March 8, 2022.
  - b. Updated operational guidance and conducted employee training to ensure inspections of the irrigation equipment are conducted regularly by March 11, 2022.
  - c. Collected and properly disposed of all improperly disposed carcasses by May 25, 2022.

## II. ALLEGATIONS

During an investigation conducted on March 4, 2022 through March 7, 2022, an investigator documented that the Respondents:

1. Failed to prevent the discharge of agricultural waste into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE §§ 305.125(1), and 321.31(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002950000, Part VI.A. Specifically, a fault in the reel gun, a leaking hose in Land Management Unit ("LMU") No. 2, and a leaking pipe north of LMU No. 2 discharged approximately 120,000 gallons of agricultural waste into an unnamed tributary of the South Fork of Little Green Creek.
2. Failed to maintain a vegetative buffer strip of no less than 100 feet of vegetation between manure, litter, or wastewater application areas and water in the state, in

violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 321.40(h) and TPDES Permit No. WQ0002950000, Part VII.A.8(d)(1). Specifically, on March 4, 2022, a reel gun located in the buffer area between LMU Nos. 3A and 3B was leaking agricultural wastewater.

3. Failed to prevent trees from growing on the Retention Control Structure ("RCS") embankment, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 321.39(b)(5) and TPDES Permit No. WQ0002950000, Part VII.A.5(h). Specifically, trees were growing on the embankment of RCS No. 3.
4. Failed to properly dispose of dead carcasses, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 321.39(g)(3) and TPDES Permit No. WQ0002950000, Part X.Q.6. Specifically, carcasses were exposed in the burial pit and observed outside of the burial pit area.
5. Failed to remove manure and settled solids accumulations in the settling basin on a regular and consistent basis so as to assure attainment of the 50% designed removal efficiency, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 321.36(b) and TPDES Permit No. WQ0002950000, Part X.M.
6. Failed to keep the spillway and embankment free of foreign material such as rocks larger than four inches, trash, brush, and fallen trees, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 321.38(g)(1)(A) and TPDES Permit No. WQ0002950000, Part VII.A.3(f)(1). Specifically, foreign material containing rocks larger than four inches was added to the spillway.

### **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. 2022-0651-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. Update operational guidance and conduct employee training to ensure that compost, manure, sludge, slurry, or wastewater is not applied within the buffer distances as noted on Attachment B and Special Provision X.D of TPDES Permit No. WQ0002950000, including the buffer area between LMU Nos. 3A and 3B; and
    - ii. Remove the trees growing on the embankment of RCS No. 3.
  - b. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.d below, to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.ii.
  - c. Within 60 days after the effective date of this Order:
    - i. Remove manure and settled solids accumulations in the settling basin to assure attainment of 50% designed removal efficiency; and
    - ii. Remove foreign material such as rocks larger than four inches, trash, brush, and fallen trees from the spillway.
  - d. Within 75 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i through 3.c.ii. 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:

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 Facility 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 Enforcement Division at the address listed above.
8. This Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

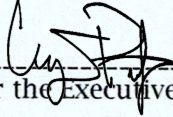


**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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For the Commission

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Date

  
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For the Executive Director

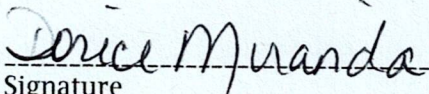
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1/17/2024  
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Date

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.

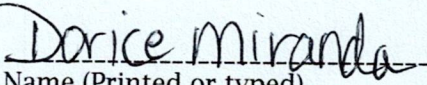
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- 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.

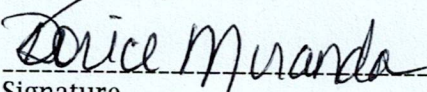
In addition, any falsification of any compliance documents may result in criminal prosecution.

  
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Signature

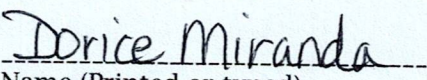
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1/3/24  
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Date

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

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Owner  
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Title

  
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Signature

-----  
1/3/24  
-----  
Date

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

-----  
Owner  
-----  
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.