

Executive Summary – Enforcement Matter – Case No. 62791
STX Beef Company, LLC
RN100664986
Docket No. 2022-1058-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – AIR, PST

Small Business:

No

Location(s) Where Violation(s) Occurred:

Sam Kane Beef Processors, 9001 Leopard Street, Corpus Christi, Nueces County

Type of Operation:

Rendering facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 25, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$204,538

Amount Deferred for Expedited Settlement: \$40,907

Total Paid to General Revenue: \$2,296

Total Due to General Revenue: \$79,520

Payment Plan: 35 payments of \$2,272 each

Supplemental Environmental Project (“SEP”) Conditional Offset: \$81,815

Name of SEP: Texas A&M University - Corpus Christi (Third-Party Pre-Approved)

Compliance History Classifications:

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: July 13, 2021 through January 4, 2022, May 19, 2022 through May 23, 2022, September 21, 2022, and March 8, 2023 through March 31, 2023

Date(s) of NOE(s): June 13, 2022, August 5, 2022, October 18, 2022, and July 19, 2023

Executive Summary – Enforcement Matter – Case No. 62791
STX Beef Company, LLC
RN100664986
Docket No. 2022-1058-MLM-E

Violation Information

1. Failed to prevent nuisance odor conditions. Specifically, TCEQ staff conducted odor surveys at off-site locations or at sites equal distance from the initial off-site locations to the Plant on July 16, 2021, July 23, 2021, August 11, 2021, August 19, 2021, September 3, 2021, September 21, 2021, September 28, 2021, October 4, 2021, October 12, 2021, October 19, 2021, October 27, 2021, November 9, 2021, November 10, 2021, and January 4, 2022 and detected cattle processing, wastewater, rendering, and manure odors, resulting in the confirmation of nuisance odor conditions [30 TEX. ADMIN. CODE §§ 101.4 and 116.115(c), New Source Review ("NSR") Permit No. 3806, Special Conditions ("SC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].
2. Failed to prevent outside storage of rendering raw materials. Specifically, on July 16, 2021, TCEQ staff observed two dump trucks that were full of raw harvest material (not being processed) from the harvest floor and were parked outside of the Bone Pit/Grinding Area [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to notify the appropriate TCEQ Regional Office immediately upon discovering equipment breakdowns which may necessitate emergency storage of unprocessed rendering raw materials. Specifically, on July 16, 2021 at approximately 9:45 a.m. to 10:30 a.m., a third-party contractor inadvertently cut the electrical power line that interrupted the processing of raw material and the Respondent was required to notify the TCEQ Corpus Christi Regional Office on July 16, 2021 at 11:00 a.m., but the TCEQ Corpus Christi Regional Office was not notified [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to continuously maintain a minimum residual free chlorine concentration of 10 parts per million by volume ("ppmv") in the scrubber recycle tank during the operation of the scrubber. Specifically, the Respondent did not continuously maintain a minimum residual free chlorine concentration of 10 ppmv in the scrubber recycle tank when the residual free chlorine concentration was 0.0 ppmv on July 7, 2021 and July 9, 2021 [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 17.A., and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to maintain all areas of the rendering building where odors can be produced under negative pressure, failed to keep all doors and openings closed, except as necessary to enter or exit the building, to receive raw materials or conduct maintenance activities, and failed to utilize streamers located at each loading/bay door for the rendering plant building. Specifically, on October 4, 2021, TCEQ staff observed the entrance door to the rendering plant building was left open with no indication that any raw materials were in the process of being received nor any maintenance activities were being actively conducted. On October 4, 2021 and November 10, 2021, TCEQ staff observed two openings in the northern exterior wall of the rendering plant building. On October 19, 2021 at 8:13 p.m., an entry was recorded on the STX Beef Observation of Inward Air Flow log indicating that the inward air flow was

Executive Summary – Enforcement Matter – Case No. 62791
STX Beef Company, LLC
RN100664986
Docket No. 2022-1058-MLM-E

unsatisfactory while rendering operations were being performed. On November 10, 2021, TCEQ staff observed a streamer hanging from a loading/bay door of the rendering plant building to be motionless, indicating a lack of continuous inward air flow while rendering operations were being performed. Also, on October 4, 2021 and November 9, 2021, TCEQ staff observed the loading/bay doors of the rendering plant building did not have a streamer [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC Nos. 6 and 7, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

6. Failed to record the corrective action taken after detecting rendering odors from the scrubber exhaust stacks. Specifically, on October 19, 2021 at 8:46 p.m., an unsatisfactory odor was detected from the sniff tube and was recorded on the STX Beef Daily Rendering Plant Log, but the corrective actions taken were not recorded [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC Nos. 8 and 19.D(7), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

7. Failed to keep the Plant property clean and free from any collection of raw and finished products, refuse, waste materials, and standing pools of water to prevent the occurrence of a nuisance condition. Specifically, on July 16, 2021, August 19, 2021, October 4, 2021, and November 10, 2021, TCEQ staff observed standing pools of rendering wastewater sludge and paunch in several areas throughout the Plant including standing water near the hide storage area, standing water from the drainage pipe that was unclogged, standing water outside of the bone grinding building, backed-up standing water in a drainage canal, a pool of water draining towards the main wastewater intake, and blood and fluids dripping from a trailer. Also, on July 16, 2021, TCEQ staff observed raw material buildup to be hanging from the raw material conveyer system transfer point, platform area, piping, recirculating tank, and other associated equipment under or near the transfer point [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8. Failed to record at least once every 10 hours the daily observations of continuous inward air flow (negative pressure) from the rendering building utilizing streamers located at each loading/bay door. Specifically, the Respondent uses the STX Observation of Inward Air Flow log to record the daily observations of continuous inward air flow from the rendering building, but the log does not specify the results of the observations conducted for each of the three loading/bay doors. Also, there was no record of an observation of the continuous inward air flow that occurred on October 22, 2021 from 3:40 a.m. to 6:00 a.m. [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 19.D.(6), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9. Failed to monitor and record at least once every 10 hours the residual free chlorine concentration when sodium hypochlorite is used. Specifically, the residual free chlorine concentrations were not monitored on October 15, 2021 from 7:15 a.m. to 8:16 p.m., on October 16, 2021 from 7:00 a.m. to 8:00 p.m., from October 20, 2021 at 4:26 p.m. to October 21, 2021 at 4:35 a.m., from October 21, 2021 at 12:12 p.m. to October 22, 2021 at 3:10 a.m., on October 22, 2021 from 12:46 p.m. to 11:00 p.m.,

Executive Summary – Enforcement Matter – Case No. 62791
STX Beef Company, LLC
RN100664986
Docket No. 2022-1058-MLM-E

from October 27, 2021 at 4:20 p.m. to October 28, 2021 at 6:00 a.m., and from October 28, 2021 at 4:13 p.m. to October 29, 2021 at 4:30 a.m. [30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 19.D.(2), and TEX. HEALTH & SAFETY CODE § 382.085(b)].

10. Failed to prevent nuisance odor conditions. Specifically, TCEQ staff conducted odor surveys at off-site locations or at sites equal distance from the initial off-site locations to the Plant on May 11, 2022, May 19, 2022, and May 23, 2022; detected rendering and wastewater odors on May 11, 2022; detected rotting-like and wastewater odors on May 19, 2022; and detected wastewater type odors on May 23, 2022, resulting in the confirmation of nuisance odor conditions [30 TEX. ADMIN. CODE §§ 101.4 and 116.115(c), NSR Permit No. 3806, SC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].

11. Failed to monitor the underground storage tanks (“USTs”) in a manner which will detect a release at a frequency of at least once every 30 days [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].

12. Failed to prevent nuisance odor conditions, in violation of 30 TEX. ADMIN. CODE §§ 101.4 and 116.115(c), NSR Permit No. 3806, SC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, TCEQ staff conducted odor surveys at off-site locations or at sites equal distance from the initial off-site locations to the Plant on March 9, 2023, March 17, 2023, March 21, 2023, March 22, 2023, March 23, 2023, March 30, 2023, and March 31, 2023 and detected rendering odors, resulting in the confirmation of nuisance odor conditions [30 TEX. ADMIN. CODE §§ 101.4 and 116.115(c), NSR Permit No. 3806, SC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. By July 31, 2021, implemented measures in order to ensure that any rendering materials that are stored outside at the Plant are properly disposed of at an authorized disposal facility and increased the capacity of the rendering raw material bins in order to ensure that there is no outside storage of rendering raw materials;

b. By July 31, 2021, implemented measures to immediately notify the President and Plant Manager upon any issue related to Plant equipment in order to ensure that the TCEQ Corpus Christi Regional Office is notified immediately (no later than 30 minutes from the time of the initial determination of equipment breakdown) upon discovering equipment breakdowns which may necessitate emergency storage of unprocessed rendering raw materials;

Executive Summary – Enforcement Matter – Case No. 62791
STX Beef Company, LLC
RN100664986
Docket No. 2022-1058-MLM-E

- c. By July 31, 2021, began maintaining an odor abatement test log in order to ensure that a minimum residual free chlorine concentration of 10 ppmv is continuously maintained in the scrubber recycle tank during the operation of the scrubber;
- d. By November 30, 2021, installed and began maintaining streamers on the loading/bay door of the rendering plant building;
- e. By November 30, 2021, began sampling with a sniff tube at least once per hour, documenting any unsatisfactory odors and the corrective actions taken on the Sniff Tube Log, and reviewing the Sniff Tube Log by the Plant Manager for completeness and accuracy in order to ensure the corrective actions are recorded when rendering odors are detected for any scrubbing solution;
- f. By November 30, 2021, began maintaining an Observation Log in order to ensure that the daily observations of continuous inward air flow (negative pressure) from the rendering building utilizing streamers located at each loading/bay door is recorded at least once every 10 hours;
- g. By November 30, 2021, implemented procedures in order to ensure that the residual free chlorine concentration when sodium hypochlorite is used is monitored and recorded at least once every 10 hours;
- h. By December 31, 2021, began removing standing pools of water when detected in order to ensure that any standing pools of water and paunch are removed and the Plant property is cleaned;
- i. By December 31, 2021, implemented procedures designed to ensure that the Plant property is kept clean and free from any collection of raw and finished products, refuse, waste materials, and standing pools of water;
- j. By January 31, 2022, installed new doors in order to repair the two openings in the northern exterior wall of the rendering plant building;
- k. By February 28, 2022, completed testing and began maintaining analysis in order to ensure that all areas of the rendering building where odors can be produced, excluding the meal storage and loadout areas, are maintained under negative pressure during all rendering operations;
- l. By June 30, 2022, repaired or replaced the rendering roof to ensure air flow is directed through the scrubber, repaired or replaced all rendering doors to improve sealing of the building envelope to contain rendering odors, completed the point source ducting and airflow optimization to help maintain temperature in the rendering facility, and rebuilt the blood and bone meal loadout to eliminate the need to open the rendering doors to load out the rendered product in order to ensure that all doors and openings remain closed, except as necessary to enter or exit the building, to receive raw materials, or conduct maintenance activities; and

Executive Summary – Enforcement Matter – Case No. 62791

STX Beef Company, LLC

RN100664986

Docket No. 2022-1058-MLM-E

m. By June 30, 2022, implemented a release detection method for all USTs at the Plant.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

a. Within 30 days, submit a plan to (i) the Air Section Manager of the TCEQ Corpus Christi Regional Office and (ii) the TCEQ Enforcement Division setting forth reasonable industry best management practices designed to minimize the odors from all potential sources at the Plant (the "Odor Control Plan") from causing nuisance odor conditions that impact off-site receptors. The Odor Control Plan shall, at a minimum, include an implementation schedule with milestones no greater than 180 days all relevant standard operating procedures, and maintenance practices designed to:

i. Minimize odors from each potential source or activity that generates odors at the Plant;

ii. Properly operate the Plant in accordance with NSR Permit No. 3806, including maintaining all pollution emission capture equipment and abatement equipment in good working order and operated properly during Plant operations, to mitigate odors from the Plant;

iii. Monitor for, detect, and respond to potential off-site nuisance odors, including at a minimum:

(a) Procedures for regularly detecting, investigating, and timely mitigating odors detected at the Plant's property line;

(b) Procedures for receiving and documenting reports of odors detected off-site from the public;

(c) Procedures for responding promptly to odor complaints including corrective actions to mitigate odor impacts; and

(d) Methodology to determine the effectiveness of each measure undertaken pursuant to the Odor Control Plan.

iv. Maintain detailed records of activities performed to comply with the Odor Control Plan. Such records shall also include those of activities relating to off-site odor impacts, including property line and off-site surveillance, odor reports received from the public, investigative activities to identify the odor source, and all corrective actions taken to mitigate the odor.

Executive Summary – Enforcement Matter – Case No. 62791

STX Beef Company, LLC

RN100664986

Docket No. 2022-1058-MLM-E

b. Respond completely and adequately, as determined by the TCEQ, to all requests for information and/or modification made by the Executive Director concerning the Odor Control Plan by any deadline specified in writing.

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

d. Upon Executive Director approval of the Odor Control Plan, begin implementing all provisions of the approved Odor Control Plan, in accordance with the approved implementation schedule.

e. Within 15 days after completion of all provisions of the approved Odor Control Plan, submit written certification to demonstrate compliance with d.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-0577; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Texas A&M University - Corpus Christi, 6300 Ocean Drive, NRC #2200, Unit 5844, Corpus Christi, Texas 78412

Respondent: Terry Maul, Plant Manager, STX Beef Company, LLC, 9001 Leopard Street, Corpus Christi, Texas 78469

Scott Hardiman, President, STX Beef Company, LLC, 9001 Leopard Street, Corpus Christi, Texas 78469

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned PCW	8-Aug-2022	Screening	16-Aug-2022	EPA Due	
--------------	---------------------	------------	------------------	-------------	----------------	--

RESPONDENT/FACILITY INFORMATION						
Respondent	STX Beef Company, LLC					
Reg. Ent. Ref. No.	RN100664986					
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor			

CASE INFORMATION						
Enf./Case ID No.	62791	No. of Violations	12			
Docket No.	2022-1058-MLM-E	Order Type	1660			
Media Program(s)	Air	Government/Non-Profit	No			
Multi-Media	Petroleum Storage Tank	Enf. Coordinator	Rajesh Acharya			
		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	\$173,750
---	-------------------	------------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	20.0%	Adjustment	Subtotals 2, 3, & 7	\$34,750
---------------------------	--------------	------------	--------------------------------	-----------------

Notes: Enhancement for one order containing a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	----	-------------	-------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$4,248
--	-------------------	-----------------

Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
-------------------------	-------------	--------------	-------------------	------------

Total EB Amounts: \$14,964
 Estimated Cost of Compliance: \$191,775
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$204,252
-----------------------------	-----------------------	------------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.1%	Adjustment	\$286
---	-------------	------------	--------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance associated with Violation Nos. 3 and 6.

Final Penalty Amount	\$204,538
-----------------------------	------------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$204,538
-----------------------------------	-------------------------------	------------------

DEFERRAL	20.0%	Reduction	Adjustment	-\$40,907
-----------------	--------------	-----------	-------------------	------------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$163,631
------------------------	------------------

Screening Date 16-Aug-2022

Docket No. 2022-1058-MLM-E

PCW

Respondent STX Beef Company, LLC

Policy Revision 5 (January 28, 2021)

Case ID No. 62791

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100664986

Media Air

Enf. Coordinator Rajesh Acharya

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>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 16-Aug-2022	Docket No. 2022-1058-MLM-E	PCW
Respondent STX Beef Company, LLC		Policy Revision 5 (January 28, 2021)
Case ID No. 62791		PCW Revision February 11, 2021
Reg. Ent. Reference No. RN100664986		
Media Air		
Enf. Coordinator Rajesh Acharya		

Violation Number	<input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 101.4 and 116.115(c), New Source Review ("NSR") Permit No. 3806, Special Conditions ("SC") No. 16, and Tex. Health & Safety Code § 382.085(a) and (b)		
Violation Description	Failed to prevent nuisance odor conditions. Specifically, TCEQ staff conducted odor surveys at off-site locations or at sites equal distance from the initial off-site locations to the Plant on July 16, 2021, July 23, 2021, August 11, 2021, August 19, 2021, September 3, 2021, September 21, 2021, September 28, 2021, October 4, 2021, October 12, 2021, October 19, 2021, October 27, 2021, November 9, 2021, November 10, 2021, and January 4, 2022 and detected cattle processing, wastewater, rendering, and manure odors, resulting in the confirmation of nuisance odor conditions, as shown in the attached Nuisance Odor Table.		
	Base Penalty	<input type="text" value="\$25,000"/>	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	x	<input type="text"/>	Percent <input type="text" value="25.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

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

Matrix Notes:

Adjustment

Violation Events

Number of Violation Events	<input type="text" value="14"/>		<input type="text" value="14"/>	Number of violation days
----------------------------	---------------------------------	--	---------------------------------	--------------------------

	daily	<input type="text"/>	weekly	<input type="text"/>	Violation Base Penalty <input type="text" value="\$87,500"/>
	monthly	<input type="text"/>	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	annual	<input type="text"/>	
	single event	x			

Fourteen single events are recommended (one event for each day an odor was detected that contributed to the odor nuisance conditions).

Good Faith Efforts to Comply Reduction

Before NOE/NOV NOE/NOV to EDRP/Settlement Offer

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

Notes:

Violation Subtotal

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$10,329"/>	Violation Final Penalty Total <input type="text" value="\$105,147"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$105,147"/>	

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$50,000	16-Jul-2021	1-Sep-2025	4.13	\$10,329	n/a	\$10,329

Notes for DELAYED costs

Estimated cost to implement the Odor Control Plan that is designed to minimize the odors from all potential sources at the Plant from causing nuisance odor conditions that impact off-site receptors. The Date Required is the first date an odor was detected 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 \$50,000

TOTAL \$10,329

Screening Date 16-Aug-2022 **Docket No.** 2022-1058-MLM-E **PCW**
Respondent STX Beef Company, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62791 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100664986
Media Air
Enf. Coordinator Rajesh Acharya

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 3806, SC No. 11, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to prevent outside storage of rendering raw materials. Specifically, on July 16, 2021, TCEQ staff observed two dump trucks that were full of raw harvest material (not being processed) from the harvest floor and were parked outside of the Bone Pit/Grinding Area.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

Two single events are recommended (one event for each dump truck).

Good Faith Efforts to Comply 25.0% Reduction \$625

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

Notes The Respondent completed the corrective measures by July 31, 2021, prior to the Notice of Enforcement ("NOE") dated June 13, 2022.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$24 **Violation Final Penalty Total** \$2,378

This violation Final Assessed Penalty (adjusted for limits) \$2,378

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$1,500	16-Jul-2021	31-Jul-2021	0.04	\$3	n/a	\$3
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	16-Jul-2021	31-Jul-2021	0.04	\$21	n/a	\$21

Notes for DELAYED costs

Estimated costs to implement measures in order to ensure that any rendering materials that are stored outside at the Plant are properly disposed of at an authorized disposal facility (\$1,500) and to increase the capacity of the rendering raw material bins in order to ensure that there is no outside storage of rendering raw materials (\$10,000). The Dates Required are the investigation date and the Final Dates are the dates 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

\$11,500

TOTAL

\$24

Screening Date 16-Aug-2022 **Docket No.** 2022-1058-MLM-E **PCW**
Respondent STX Beef Company, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62791 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100664986
Media Air
Enf. Coordinator Rajesh Acharya

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 3806, SC No. 12, and Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to notify the appropriate TCEQ Regional Office immediately upon discovering equipment breakdowns which may necessitate emergency storage of unprocessed rendering raw materials. Specifically, on July 16, 2021 at approximately 9:45 a.m. to 10:30 a.m., a third-party contractor inadvertently cut the electrical power line that interrupted the processing of raw material and the Respondent was required to notify the TCEQ Corpus Christi Regional Office on July 16, 2021 at 11:00 a.m., but the TCEQ Corpus Christi Regional Office was not notified.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$22,500

\$2,500

Violation Events

Number of Violation Events 1 396 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,500

One single event is recommended for the missing notification.

Good Faith Efforts to Comply 25.0% Reduction \$625

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

Notes The Respondent completed the corrective measures by July 31, 2021, prior to the NOE dated June 13, 2022.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$29 **Violation Final Penalty Total** \$2,378

This violation Final Assessed Penalty (adjusted for limits) \$2,378

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$1,500	16-Jul-2021	31-Jul-2021	0.04	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to implement measures to immediately notify the President and Plant Manager upon any issue related to Plant equipment in order to ensure that the TCEQ Corpus Christi Regional Office is notified immediately (no later than 30 minutes from the time of the initial determination of equipment breakdown) upon discovering equipment breakdowns which may necessitate emergency storage of unprocessed rendering raw materials. The Date Required is the date the notification was due 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	\$25	16-Jul-2021	16-Aug-2022	1.08	\$1	\$25	\$26
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to notify the TCEQ Corpus Christi Regional Office immediately upon discovering equipment breakdowns which may necessitate emergency storage of unprocessed rendering raw materials. The Date Required is the date the notification was due and the Final Date is the screening date.

Approx. Cost of Compliance

\$1,525

TOTAL

\$29

Screening Date 16-Aug-2022 **Docket No.** 2022-1058-MLM-E **PCW**
Respondent STX Beef Company, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62791 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100664986
Media Air
Enf. Coordinator Rajesh Acharya

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 3806, SC No. 17.A., and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to continuously maintain a minimum residual free chlorine concentration of 10 parts per million by volume ("ppmv") in the scrubber recycle tank during the operation of the scrubber. Specifically, the Respondent did not continuously maintain a minimum residual free chlorine concentration of 10 ppmv in the scrubber recycle tank when the residual free chlorine concentration was 0.0 ppmv on July 7, 2021 and July 9, 2021.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 2 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended for the instances of non-compliance that occurred on July 7, 2021 and July 9, 2021.

Good Faith Efforts to Comply 25.0% Reduction \$937

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

Notes: The Respondent completed the corrective measures by July 31, 2021, prior to the NOE dated June 13, 2022.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$5 **Violation Final Penalty Total** \$3,568

This violation Final Assessed Penalty (adjusted for limits) \$3,568

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$1,500	7-Jul-2021	31-Jul-2021	0.07	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to begin maintaining an odor abatement test log in order to ensure that a minimum residual free chlorine concentration of 10 ppmv is continuously maintained in the scrubber recycle tank during the operation of the scrubber. The Date Required is the initial date of non-compliance 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

\$1,500

TOTAL

\$5

Screening Date 16-Aug-2022
Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Enf. Coordinator Rajesh Acharya

Docket No. 2022-1058-MLM-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 3806, SC Nos. 6 and 7, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain all areas of the rendering building where odors can be produced under negative pressure, failed to keep all doors and openings closed, except as necessary to enter or exit the building, to receive raw materials or conduct maintenance activities, and failed to utilize streamers located at each loading/bay door for the rendering plant building. Specifically, on October 4, 2021, TCEQ staff observed that an exterior sliding door to the rendering plant building was left open with no indication that any raw materials were in the process of being received nor any maintenance activities were being actively conducted. On October 4, 2021 and November 10, 2021, TCEQ staff observed two openings in the northern exterior wall of the rendering plant building. On October 19, 2021 at 8:13 p.m., an entry was recorded on the STX Beef Observation of Inward Air Flow log indicating that the inward air flow was unsatisfactory while rendering operations were being performed. On November 10, 2021, TCEQ staff observed a streamer hanging from a loading/bay door of the rendering plant building to be motionless, indicating a lack of continuous inward air flow while rendering operations were being performed. Also, on October 4, 2021 and November 9, 2021, TCEQ staff observed the loading/bay doors of the rendering plant building did not have a streamer.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential		x			

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				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 4 4 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,000

Four single events are recommended (one event for each day of non-compliance).

Good Faith Efforts to Comply

10.0%

Reduction \$500

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

Extraordinary		
Ordinary		x
N/A		

Notes The Respondent completed the corrective measures by June 30, 2022, after the NOE dated June 13, 2022.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,035

Violation Final Penalty Total \$5,508

This violation Final Assessed Penalty (adjusted for limits) \$5,508

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$109,500	4-Oct-2021	30-Jun-2022	0.74	\$4,035	n/a	\$4,035

Notes for DELAYED costs

Estimated cost to repair or replace the rendering roof to ensure air flow is directed through the scrubber, repair or replace all rendering doors to improve sealing of the building envelope to contain rendering odors, complete the point source ducting and airflow optimization to help maintain temperature in the rendering facility, and rebuild the blood and bone meal loadout to eliminate the need to open the rendering doors to load out the rendered product in order to ensure that all doors and openings remain closed, except as necessary to enter or exit the building, to receive raw materials, or conduct maintenance activities (\$50,000); to complete testing and begin maintaining analysis in order to ensure that all areas of the rendering building where odors can be produced, excluding the meal storage and loadout areas, are maintained under negative pressure during all rendering operations (\$8,000); to install new doors in order to repair the two openings in the northern exterior wall of the rendering plant building (\$50,000); and to install and begin maintaining streamers on the loading/bay door of the rendering plant building (\$1,500).
 The Date Required is the first date of non-compliance 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

\$109,500

TOTAL

\$4,035

Screening Date 16-Aug-2022 **Docket No.** 2022-1058-MLM-E **PCW**
Respondent STX Beef Company, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62791 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100664986
Media Air
Enf. Coordinator Rajesh Acharya

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 3806, SC Nos. 8 and 19.D(7), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to record the corrective action taken after detecting rendering odors from the scrubber exhaust stacks. Specifically, on October 19, 2021 at 8:46 p.m., an unsatisfactory odor was detected from the sniff tube and was recorded on the STX Beef Daily Rendering Plant Log, but the corrective actions taken were not recorded.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 1 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply 25.0% Reduction \$62

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

Notes The Respondent completed the corrective measures by November 30, 2021, prior to the NOE dated June 13, 2022.

Violation Subtotal \$188

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$269 **Violation Final Penalty Total** \$238

This violation Final Assessed Penalty (adjusted for limits) \$238

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$1,500	19-Oct-2021	30-Nov-2021	0.12	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to begin sampling with a sniff tube at least once per hour, documenting any unsatisfactory odors and the corrective actions taken on the Sniff Tube Log, and reviewing the Sniff Tube Log by the Plant Manager for completeness and accuracy in order to ensure the corrective actions are recorded when rendering odors are detected for any scrubbing solution. The Date Required is the date rendering odors were detected 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	\$250	19-Oct-2021	16-Aug-2022	0.82	\$10	\$250	\$260
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to record the corrective action taken after detecting rendering odors from the scrubber exhaust stacks. The Date Required is the date rendering odors were detected and the Final Date is the screening date.

Approx. Cost of Compliance

\$1,750

TOTAL

\$269

Screening Date 16-Aug-2022 **Docket No.** 2022-1058-MLM-E **PCW**
Respondent STX Beef Company, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62791 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100664986
Media Air
Enf. Coordinator Rajesh Acharya

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 3806, SC No. 13, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to keep the plant property clean and free from any collection of raw and finished products, refuse, waste materials, and standing pools of water to prevent the occurrence of a nuisance condition. Specifically, on July 16, 2021, August 19, 2021, October 4, 2021, and November 10, 2021, TCEQ staff observed standing pools of rendering wastewater sludge and paunch in several areas throughout the Plant including standing water near the hide storage area, standing water from the drainage pipe that was unclogged, standing water outside of the bone grinding building, backed-up standing water in a drainage canal, a pool of water draining towards the main wastewater intake, and blood and fluids dripping from a trailer. Also, on July 16, 2021, TCEQ staff observed raw material buildup to be hanging from the raw material conveyer system transfer point, platform area, piping, recirculating tank, and other associated equipment under or near the transfer point.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes Human health or the environment 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

Violation Events

Number of Violation Events 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"/>

Violation Base Penalty

Four single events are recommended (one event for each day the instances of non-compliance were observed).

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="text" value="x"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes The Respondent completed the corrective measures by December 31, 2021, prior to the NOE dated June 13, 2022.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$3,000	16-Jul-2021	31-Dec-2021	0.46	\$69	n/a	\$69

Notes for DELAYED costs

Estimated cost to begin removing standing pools of water when detected in order to ensure that any standing pools of water and paunch are removed and the Plant property is cleaned (\$1,500) and to implement procedures designed to ensure that the Plant property is kept clean and free from any collection of raw and finished products, refuse, waste materials, and standing pools of water (\$1,500). The Date Required is the first date of non-compliance 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

\$3,000

TOTAL

\$69

Screening Date 16-Aug-2022
Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Enf. Coordinator Rajesh Acharya

Docket No. 2022-1058-MLM-E

PCW

Policy Revision 5 (January 28, 2021)
PCW Revision February 11, 2021

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 3806, SC No. 19.D.(6), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to record at least once every 10 hours the daily observations of continuous inward air flow (negative pressure) from the rendering building utilizing streamers located at each loading/bay door. Specifically, the Respondent uses the STX Observation of Inward Air Flow log to record the daily observations of continuous inward air flow from the rendering building, but the log does not specify the results of the observations conducted for each of the three loading/bay doors. Also, there was no record of an observation of the continuous inward air flow that occurred on October 22, 2021 from 3:40 a.m. to 6:00 a.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Less than 30% of the rule requirements were not met.

Adjustment \$24,750

\$250

Violation Events

Number of Violation Events 1 399 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$62

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

Extraordinary	
Ordinary	x
N/A	

Notes The Respondent completed the corrective measures by November 30, 2021, prior to the NOE dated June 13, 2022.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$192

Violation Final Penalty Total \$238

This violation Final Assessed Penalty (adjusted for limits) \$238

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

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	13-Jul-2021	30-Nov-2021	0.38	\$192	n/a	\$192

Notes for DELAYED costs

Estimated cost to begin maintaining an Observation Log in order to ensure that the daily observations of continuous inward air flow (negative pressure) from the rendering building utilizing streamers located at each loading/bay door is recorded at least once every 10 hours. The Date Required is the investigation date 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

\$10,000

TOTAL

\$192

Screening Date 16-Aug-2022 **Docket No.** 2022-1058-MLM-E **PCW**
Respondent STX Beef Company, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62791 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100664986
Media Air
Enf. Coordinator Rajesh Acharya

Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code § 116.115(c), NSR Permit No. 3806, SC No. 19.D.(2), and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to monitor and record at least once every 10 hours the residual free chlorine concentration when sodium hypochlorite is used. Specifically, the residual free chlorine concentrations were not monitored on October 15, 2021 from 7:15 a.m. to 8:16 p.m., on October 16, 2021 from 7:00 a.m. to 8:00 p.m., from October 20, 2021 at 4:26 p.m. to October 21, 2021 at 4:35 a.m., from October 21, 2021 at 12:12 p.m. to October 22, 2021 at 3:10 a.m., on October 22, 2021 from 12:46 p.m. to 11:00 p.m., from October 27, 2021 at 4:20 p.m. to October 28, 2021 at 6:00 a.m., and from October 28, 2021 at 4:13 p.m. to October 29, 2021 at 4:30 a.m.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				3.0%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

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

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1 8 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$750

One monthly event is recommended for the instances of non-compliance that occurred from October 15, 2021 to October 29, 2021.

Good Faith Efforts to Comply 25.0% Reduction \$187

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

Notes The Respondent completed the corrective measures by November 30, 2021, prior to the NOE dated June 13, 2022.

Violation Subtotal \$563

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$9 **Violation Final Penalty Total** \$714

This violation Final Assessed Penalty (adjusted for limits) \$714

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$1,500	15-Oct-2021	30-Nov-2021	0.13	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to implement procedures in order to ensure that the residual free chlorine concentration when sodium hypochlorite is used is monitored and recorded at least once every 10 hours. The Date Required is the first date of non-compliance 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

\$1,500

TOTAL

\$9

Screening Date 16-Aug-2022 **Docket No.** 2022-1058-MLM-E **PCW**
Respondent STX Beef Company, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62791 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100664986
Media Air
Enf. Coordinator Rajesh Acharya

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code §§ 101.4 and 116.115(c), NSR Permit No. 3806, SC No. 16, and Tex. Health & Safety Code § 382.085(a) and (b)

Violation Description Failed to prevent nuisance odor conditions. Specifically, TCEQ staff conducted odor surveys at off-site locations or at sites equal distance from the initial off-site locations to the Plant on May 11, 2022, May 19, 2022, and May 23, 2022; detected rendering and wastewater odors on May 11, 2022; detected rotting-like and wastewater odors on May 19, 2022; and detected wastewater type odors on May 23, 2022, resulting in the confirmation of nuisance odor conditions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		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.

Adjustment \$18,750

\$6,250

Violation Events

Number of Violation Events 3 3 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$18,750

Three single events are recommended (one event for each day an odor was detected that contributed to the nuisance odor conditions).

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$18,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$22,532

This violation Final Assessed Penalty (adjusted for limits) \$22,532

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit in Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date	16-Aug-2022	Docket No.	2022-1058-MLM-E	PCW
Respondent	STX Beef Company, LLC			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62791			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN100664986			
Media	Air			
Enf. Coordinator	Rajesh Acharya			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)			
Violation Description	Failed to monitor the underground storage tanks ("USTs") in a manner which will detect a release at a frequency of at least once every 30 days.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 15.0%
Potential	x				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Human health or the environment will or could be exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250
\$3,750

Violation Events

Number of Violation Events: 1 42 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended from the September 21, 2022 investigation date to the November 2, 2022 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes: The Respondent completed the corrective measures by June 30, 2022, prior to the NOE dated October 18, 2022.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$3 **Violation Final Penalty Total** \$4,506

This violation Final Assessed Penalty (adjusted for limits) \$4,506

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$1,500	16-Jun-2022	30-Jun-2022	0.04	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to implement a release detection method for all USTs at the Plant. The Date Required is the initial investigation date and the Final Date is the date of compliance.

Avoided Costs

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

2				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$3

Screening Date 16-Aug-2022 **Docket No.** 2022-1058-MLM-E **PCW**
Respondent STX Beef Company, LLC *Policy Revision 5 (January 28, 2021)*
Case ID No. 62791 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100664986
Media Air
Enf. Coordinator Rajesh Acharya

Violation Number 12
Rule Cite(s) 30 Tex. Admin. Code §§ 101.4 and 116.115(c), NSR Permit No. 3806, SC No. 16, and Tex. Health & Safety Code § 382.085(a) and (b)
Violation Description Failed to prevent nuisance odor conditions. Specifically, TCEQ staff conducted odor surveys at off-site locations or at sites equal distance from the initial off-site locations to the Plant on March 9, 2023, March 17, 2023, March 21, 2023, March 22, 2023, March 23, 2023, March 30, 2023, and March 31, 2023 and detected rendering odors, resulting in the confirmation of nuisance odor conditions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		X		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.

Adjustment \$18,750

\$6,250

Violation Events

Number of Violation Events 7 7 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$43,750

Seven single events are recommended (one event for each day an odor was detected that contributed to the odor nuisance conditions).

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$43,750

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$52,574

This violation Final Assessed Penalty (adjusted for limits) \$52,574

Economic Benefit Worksheet

Respondent STX Beef Company, LLC
Case ID No. 62791
Reg. Ent. Reference No. RN100664986
Media Air
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit in Violation No. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

STX Beef Company, LLC
Case No. 62791; Docket No. 2022-1058-MLM-E

Nuisance Odor Table (Inv. No. 1773681)	
Odor Survey Date	Odor Characteristics
July 16, 2021	Cattle processing and wastewater
July 23, 2021	Cattle processing and wastewater
August 11, 2021	Rendering, manure, and wastewater
August 19, 2021	Rendering, manure, and wastewater
September 3, 2021	Rendering
September 21, 2021	Cattle processing
September 28, 2021	Cattle processing
October 4, 2021	Rendering
October 12, 2021	Rendering
October 19, 2021	Rendering
October 27, 2021	Rendering, manure, and wastewater
November 9, 2021	Rendering
November 10, 2021	Rendering
January 4, 2022	Rendering



Compliance History Report

Compliance History Report for CN605627124, RN100664986, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN605627124, STX Beef Company, LLC **Classification:** SATISFACTORY **Rating:** 17.39

Regulated Entity: RN100664986, SAM KANE BEEF PROCESSORS **Classification:** SATISFACTORY **Rating:** 17.39

Complexity Points: 8 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 9001 LEOPARD ST CORPUS CHRISTI, TX 78409-2502, NUECES COUNTY

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

AIR NEW SOURCE PERMITS PERMIT 3806	AIR NEW SOURCE PERMITS ACCOUNT NUMBER NE0083L
AIR NEW SOURCE PERMITS REGISTRATION 89823	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 18593
STORMWATER PERMIT TXR05EH03	STORMWATER PERMIT TXR05GI73
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXP490355306	INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST 42037
TAX RELIEF ID NUMBER 24441	

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

Date Compliance History Report Prepared: May 21, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 21, 2019 to May 21, 2024

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

Name: Rajesh Acharya **Phone:** (512) 239-0577

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? YES
- 3) Who is the current owner/operator? Skb Disposition Company, Inc. OWNER OPERATOR since 1/1/1800
Sam Kane Beef Processors, LLC OWNER OPERATOR since 4/29/2013
STX Beef Company, LLC OWNER OPERATOR since 2/20/2019
- 4) Who was/were the prior owner(s)/operator(s)? KANE BEEF PROCESSORS INC SAM, OWNER, 5/6/1988 to 10/3/2019
Sam Kane Meats, OWNER, 1/1/1800 to 8/31/2019

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

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

- 1 Effective Date: 03/11/2022 ADMINORDER 2020-1565-AIR-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 106, SubChapter J 106.241
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: Bankruptcy Case No. 19-20020 ORDER
General Conditions PA
PBR Registration No. 89823 PA
SC 13 PA

Description: Failure to keep plant property clean and free from any collection of raw and finished products, refuse,

waste material, and standing pools of water to prevent the occurrence of a nuisance condition.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Conditions PA
SC 11 PA

Description: Failure to prevent outside storage of rendering raw material. Specifically, on October 20, 2020 at 1709 hours, a TCEQ investigator documented that a pile of raw guts and a pile of raw bone material were both stored on the ground outside the bone/grinding room due to two different reasons: (1) dump truck not properly parked in line with the bone/gut bin and not properly dumping the material in the bin; and (2) equipment failure.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Conditions PA
SC 12 PA

Description: Failure to notify the appropriate TCEQ Regional Office immediately (within 30 minutes) upon discovering equipment breakdowns which may necessitate emergency storage of unprocessed rendering raw materials.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: General Conditions PA
SC 14 PA

Description: Failure to wash the unloading area and all equipment, components, and building structures that come into contact with raw or partially processed material at least once each day with a hot steam or hot water pressure washer in a manner sufficient to prevent nuisance odors originating from the specified areas.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 3	September 17, 2019	(1591990)
Item 8	January 24, 2020	(1611924)
Item 11	February 25, 2020	(1624822)
Item 32	March 31, 2021	(1691469)
Item 38	July 23, 2021	(1746269)
Item 45	January 14, 2022	(1774887)
Item 49	March 11, 2022	(1796496)
Item 61	October 20, 2022	(1847997)
Item 65	February 11, 2023	(1875127)

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

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
STX BEEF COMPANY, LLC
RN100664986

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2022-1058-MLM-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 STX Beef Company, LLC (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a rendering plant located at 9001 Leopard Street in Corpus Christi, Nueces County, Texas (the "Plant"). The Plant consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12). The Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system located at the Plant. The UST system at the Plant is not excluded from regulation under the Texas Water Code or rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ.
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, 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$204,538 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$2,296 of the penalty and \$40,907 is deferred contingent upon the Respondent's 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.

Pursuant to TEX. WATER CODE § 7.067, \$81,815 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

The remaining amount of \$79,520 of the undeferred penalty shall be paid in thirty-five monthly payments of \$2,272 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails 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 Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent 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 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Plant:
 - a. By July 31, 2021, implemented measures in order to ensure that any rendering materials that are stored outside at the Plant are properly disposed of at an authorized disposal facility and increased the capacity of the rendering raw material bins in order to ensure that there is no outside storage of rendering raw materials;
 - b. By July 31, 2021, implemented measures to immediately notify the President and Plant Manager upon any issue related to Plant equipment in order to ensure that the TCEQ Corpus Christi Regional Office is notified immediately (no later than 30 minutes from the time of the initial determination of equipment breakdown) upon discovering equipment breakdowns which may necessitate emergency storage of unprocessed rendering raw materials;

- c. By July 31, 2021, began maintaining an odor abatement test log in order to ensure that a minimum residual free chlorine concentration of 10 parts million by volume ("ppmv") is continuously maintained in the scrubber recycle tank during the operation of the scrubber;
- d. By November 30, 2021, installed and began maintaining streamers on the loading/bay door of the rendering plant building;
- e. By November 30, 2021, began sampling with a sniff tube at least once per hour, documenting any unsatisfactory odors and the corrective actions taken on the Sniff Tube Log, and reviewing the Sniff Tube Log by the Plant Manager for completeness and accuracy in order to ensure the corrective actions are recorded when rendering odors are detected for any scrubbing solution;
- f. By November 30, 2021, began maintaining an Observation Log in order to ensure that the daily observations of continuous inward air flow (negative pressure) from the rendering building utilizing streamers located at each loading/bay door is recorded at least once every 10 hours;
- g. By November 30, 2021, implemented procedures in order to ensure that the residual free chlorine concentration when sodium hypochlorite is used is monitored and recorded at least once every 10 hours;
- h. By December 31, 2021, began removing standing pools of water when detected in order to ensure that any standing pools of water and paunch are removed and the Plant property is cleaned;
- i. By December 31, 2021, implemented procedures designed to ensure that the Plant property is kept clean and free from any collection of raw and finished products, refuse, waste materials, and standing pools of water;
- j. By January 31, 2022, installed new doors in order to repair the two openings in the northern exterior wall of the rendering plant building;
- k. By February 28, 2022, completed testing and began maintaining analysis in order to ensure that all areas of the rendering building where odors can be produced, excluding the meal storage and loadout areas, are maintained under negative pressure during all rendering operations;
- l. By June 30, 2022, repaired or replaced the rendering roof to ensure air flow is directed through the scrubber, repaired or replaced all rendering doors to improve sealing of the building envelope to contain rendering odors, completed the point source ducting and airflow optimization to help maintain temperature in the rendering facility, and rebuilt the blood and bone meal loadout to eliminate the need to open the rendering doors to load out the rendered product in order to ensure that all doors and openings remain closed, except as necessary to enter or exit the building, to receive raw materials, or conduct maintenance activities; and
- m. By June 30, 2022, implemented a release detection method for all USTs at the Plant.

II. ALLEGATIONS

1. During an investigation at the Plant conducted from July 13, 2021 through January 4, 2022, the TCEQ documented that the Respondent:
 - a. Failed to prevent nuisance odor conditions, in violation of 30 TEX. ADMIN. CODE §§ 101.4 and 116.115(c), New Source Review ("NSR") Permit No. 3806, Special Conditions ("SC") No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, TCEQ staff conducted odor surveys at off-site locations or at sites equal distance from the initial off-site locations to the Plant on July 16, 2021, July 23, 2021, August 11, 2021, August 19, 2021, September 3, 2021, September 21, 2021, September 28, 2021, October 4, 2021, October 12, 2021, October 19, 2021, October 27, 2021, November 9, 2021, November 10, 2021, and January 4, 2022 and detected cattle processing, wastewater, rendering, and manure odors, resulting in the confirmation of nuisance odor conditions, as shown in the Nuisance Odor Table below.

Odor Survey Date	Odor Characteristics
July 16, 2021	cattle processing and wastewater
July 23, 2021	cattle processing and wastewater
August 11, 2021	rendering, manure, and wastewater
August 19, 2021	rendering, manure, and wastewater
September 3, 2021	rendering
September 21, 2021	cattle processing
September 28, 2021	cattle processing
October 4, 2021	rendering
October 12, 2021	rendering
October 19, 2021	rendering
October 27, 2021	rendering, manure, and wastewater
November 9, 2021	rendering
November 10, 2021	rendering
January 4, 2022	rendering

- b. Failed to prevent outside storage of rendering raw materials, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 11, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on July 16, 2021, TCEQ staff observed two dump trucks that were full of raw harvest material (not being processed) from the harvest floor and were parked outside of the Bone Pit/Grinding Area.
 - c. Failed to notify the appropriate TCEQ Regional Office immediately upon discovering equipment breakdowns which may necessitate emergency storage of unprocessed rendering raw materials, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 12, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on July 16, 2021 at approximately 9:45 a.m. to 10:30 a.m., a third-party contractor inadvertently cut the electrical power line that interrupted the processing of raw material and the Respondent was required to notify the TCEQ Corpus Christi Regional Office on July 16, 2021 at 11:00 a.m., but the TCEQ Corpus Christi Regional Office was not notified.

- d. Failed to continuously maintain a minimum residual free chlorine concentration of 10 ppmv in the scrubber recycle tank during the operation of the scrubber, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 17.A., and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent did not continuously maintain a minimum residual free chlorine concentration of 10 ppmv in the scrubber recycle tank when the residual free chlorine concentration was 0.0 ppmv on July 7, 2021 and July 9, 2021.
- e. Failed to maintain all areas of the rendering building where odors can be produced under negative pressure, failed to keep all doors and openings closed, except as necessary to enter or exit the building, to receive raw materials or conduct maintenance activities, and failed to utilize streamers located at each loading/bay door for the rendering plant building, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC Nos. 6 and 7, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on October 4, 2021, TCEQ staff observed the entrance door to the rendering plant building was left open with no indication that any raw materials were in the process of being received nor any maintenance activities were being actively conducted. On October 4, 2021 and November 10, 2021, TCEQ staff observed two openings in the northern exterior wall of the rendering plant building. On October 19, 2021 at 8:13 p.m., an entry was recorded on the STX Beef Observation of Inward Air Flow log indicating that the inward air flow was unsatisfactory while rendering operations were being performed. On November 10, 2021, TCEQ staff observed a streamer hanging from a loading/bay door of the rendering plant building to be motionless, indicating a lack of continuous inward air flow while rendering operations were being performed. Also, on October 4, 2021 and November 9, 2021, TCEQ staff observed the loading/bay doors of the rendering plant building did not have a streamer.
- f. Failed to record the corrective action taken after detecting rendering odors from the scrubber exhaust stacks, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC Nos. 8 and 19.D(7), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on October 19, 2021 at 8:46 p.m., an unsatisfactory odor was detected from the sniff tube and was recorded on the STX Beef Daily Rendering Plant Log, but the corrective actions taken were not recorded.
- g. Failed to keep the Plant property clean and free from any collection of raw and finished products, refuse, waste materials, and standing pools of water to prevent the occurrence of a nuisance condition, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 13, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, on July 16, 2021, August 19, 2021, October 4, 2021, and November 10, 2021, TCEQ staff observed standing pools of rendering wastewater sludge and paunch in several areas throughout the Plant including standing water near the hide storage area, standing water from the drainage pipe that was unclogged, standing water outside of the bone grinding building, backed-up standing water in a drainage canal, a pool of water draining towards the main wastewater intake, and blood and fluids dripping from a trailer. Also, on July 16, 2021, TCEQ staff observed raw material buildup to be hanging from the raw material conveyer system transfer point, platform area, piping, recirculating tank, and other associated equipment under or near the transfer point.

- h. Failed to record at least once every 10 hours the daily observations of continuous inward air flow (negative pressure) from the rendering building utilizing streamers located at each loading/bay door, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 19.D.(6), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the Respondent uses the STX Observation of Inward Air Flow log to record the daily observations of continuous inward air flow from the rendering building, but the log does not specify the results of the observations conducted for each of the three loading/bay doors. Also, there was no record of an observation of the continuous inward air flow that occurred on October 22, 2021 from 3:40 a.m. to 6:00 a.m.
 - i. Failed to monitor and record at least once every 10 hours the residual free chlorine concentration when sodium hypochlorite is used, in violation of 30 TEX. ADMIN. CODE § 116.115(c), NSR Permit No. 3806, SC No. 19.D.(2), and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the residual free chlorine concentrations were not monitored on October 15, 2021 from 7:15 a.m. to 8:16 p.m., on October 16, 2021 from 7:00 a.m. to 8:00 p.m., from October 20, 2021 at 4:26 p.m. to October 21, 2021 at 4:35 a.m., from October 21, 2021 at 12:12 p.m. to October 22, 2021 at 3:10 a.m., on October 22, 2021 from 12:46 p.m. to 11:00 p.m., from October 27, 2021 at 4:20 p.m. to October 28, 2021 at 6:00 a.m., and from October 28, 2021 at 4:13 p.m. to October 29, 2021 at 4:30 a.m.
2. During an investigation at the Plant conducted from May 19, 2022 through May 23, 2022, an investigator documented that the Respondent failed to prevent nuisance odor conditions, in violation of 30 TEX. ADMIN. CODE §§ 101.4 and 116.115(c), NSR Permit No. 3806, SC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, TCEQ staff conducted odor surveys at off-site locations or at sites equal distance from the initial off-site locations to the Plant on May 11, 2022, May 19, 2022, and May 23, 2022; detected rendering and wastewater odors on May 11, 2022; detected rotting-like and wastewater odors on May 19, 2022; and detected wastewater type odors on May 23, 2022, resulting in the confirmation of nuisance odor conditions.
3. During a record review for the Plant conducted on September 21, 2022, an investigator documented that the Respondent failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
4. During an investigation at the Plant conducted from March 8, 2023 through March 31, 2023, an investigator documented that the Respondent failed to prevent nuisance odor conditions, in violation of 30 TEX. ADMIN. CODE §§ 101.4 and 116.115(c), NSR Permit No. 3806, SC No. 16, and TEX. HEALTH & SAFETY CODE § 382.085(a) and (b). Specifically, TCEQ staff conducted odor surveys at off-site locations or at sites equal distance from the initial off-site locations to the Plant on March 9, 2023, March 17, 2023, March 21, 2023, March 22, 2023, March 23, 2023, March 30, 2023, and March 31, 2023 and detected rendering odors, resulting in the confirmation of nuisance odor conditions.

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: STX Beef Company, LLC, Docket No. 2022-1058-MLM-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$81,815 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements at the Plant:
 - a. Within 30 days after the effective date of this Order, submit a plan to (i) the Air Section Manager of the TCEQ Corpus Christi Regional Office and (ii) the TCEQ Enforcement Division at the respective addresses listed in Ordering Provision No. 2.e., setting forth reasonable industry best management practices designed to minimize the odors from all potential sources at the Plant (the "Odor Control Plan") from causing nuisance odor conditions that impact off-site receptors. The Odor Control Plan shall, at a minimum, include an implementation schedule with milestones no greater than 180 days from the effective date of this order, all relevant standard operating procedures, and maintenance practices designed to:
 - i. Minimize odors from each potential source or activity that generates odors at the Plant;
 - ii. Properly operate the Plant in accordance with NSR Permit No. 3806, including maintaining all pollution emission capture equipment and abatement equipment in good working order and operated properly during Plant operations, to mitigate odors from the Plant;
 - iii. Monitor for, detect, and respond to potential off-site nuisance odors, including at a minimum:

- (a) Procedures for regularly detecting, investigating, and timely mitigating odors detected at the Plant's property line;
 - (b) Procedures for receiving and documenting reports of odors detected off-site from the public;
 - (c) Procedures for responding promptly to odor complaints including corrective actions to mitigate odor impacts; and
 - (d) Methodology to determine the effectiveness of each measure undertaken pursuant to the Odor Control Plan.
- iv. Maintain detailed records of activities performed to comply with the Odor Control Plan. Such records shall also include those of activities relating to off-site odor impacts, including property line and off-site surveillance, odor reports received from the public, investigative activities to identify the odor source, and all corrective actions taken to mitigate the odor.
- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information and/or modification made by the Executive Director concerning the Odor Control Plan by any deadline specified in writing.
- c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 3.a., as described in Ordering Provision No. 3.e.
- d. Upon Executive Director approval of the Odor Control Plan, begin implementing all provisions of the approved Odor Control Plan, in accordance with the approved implementation schedule.
- e. Within 15 days after completion of all provisions of the approved Odor Control Plan, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.d. 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
500 North Shoreline Boulevard, Suite 500
Corpus Christi, Texas 78401

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 Plant 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

11/4/2024

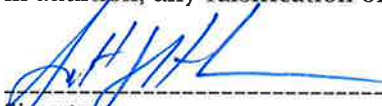
Date

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

Date

9-24-2024

Scott J Hardiman

President

Name (Printed or typed)
Authorized Representative of
STX Beef Company, LLC

Title

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

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

Attachment A
Docket Number: 2022-1058-MLM-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	STX Beef Company, LLC
Payable Penalty Amount:	\$163,631
SEP Offset Amount:	\$81,815
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Texas A&M University - Corpus Christi
Project Name:	<i>AutoCheck</i>
Location of SEP:	Aransas, Bee, Brooks, Calhoun, DeWitt, Duval, Goliad, Jackson, Jim Wells, Kenedy, Kleberg, Lavaca, Live Oak, McMullen, Nueces, Refugio, San Patricio, and Victoria Counties

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

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas A&M University – Corpus Christi** for the *Autocheck* project. The contribution will be used in accordance with the SEP between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used for vehicle repairs by approved automotive repair shops for maintenance, repair, and calibration of the AutoCheck equipment by a contractor; for replacement of equipment if necessary; for fuel to transport the equipment to event sites and for generators necessary to operate the equipment during events; the salary of a Program Operator whose position is devoted to the AutoCheck program; and for printer ink and card stock to print emissions test results to provide to participating motorists. The SEP will be done in accordance with all federal, state, and local environmental laws and regulations.

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

b. Environmental Benefit

According to local emissions inventories of the Corpus Christi area, approximately 35% of air pollution is caused by vehicles. The vehicle operator may not know that the vehicle is polluting or may not have the resources to have emissions-reducing repairs performed on the vehicle. This Project addresses emissions by informing motorists that their vehicles are polluting, providing them with information regarding the clean air benefits of a well-maintained vehicle, and providing resources to repair polluting vehicles to bring them up to clean emissions standards.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas A&M University - Corpus Christi SEP** and shall mail the contribution with a copy of the Agreed Order to:

Program Manager
Pollution Prevention Partnership
Texas A&M University - Corpus Christi
6300 Ocean Drive, NRC #2200, Unit 5844
Corpus Christi, Texas 78412

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached

STX Beef Company, LLC
Docket No. 2022-1058-MLM-E
Agreed Order - Attachment A

Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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