

From: [Randy Ammons](#)
To: [Nelson, Jennifer](#); [Herrenbruck, Katie](#)
Cc: [OCE](#); [Jackson, Reenie](#)
Subject: RE: Implementation of COVID-19 Overstocking Plan
Date: Monday, May 4, 2020 3:22:01 PM
Attachments: [image001.png](#)
[image002.png](#)

Thank you Ms. Nelson.

Please provide the notifications as they occur. Written notification may be sent to our Amarillo regional office at:

3918 Canyon Drive
Amarillo, Texas 79109

Or you can submit the notification electronically to Regional Director Brad Jones (brad.jones@tceq.texas.gov) and Water Section Manager Guy Wilkins (guy.wilkins@tceq.texas.gov).

Thank you,

Randy J. Ammons, Director
North Central and West Texas Area
Texas Commission on Environmental Quality

From: Nelson, Jennifer <[REDACTED]>
Sent: Monday, May 4, 2020 2:53 PM
To: Randy Ammons <randy.ammons@tceq.texas.gov>; Herrenbruck, Katie <[REDACTED]>
Cc: OCE <OCE@tceq.texas.gov>; Jackson, Reenie <[REDACTED]>
Subject: RE: Implementation of COVID-19 Overstocking Plan

Thank you for your response and approval. Shall we keep a record of the start date of overstocking at each facility and provide them at one time or provide them as they occur?

Jennifer

Jennifer Charno Nelson

Senior Director of Environmental Affairs
9000 W. 67th Street, Suite 200
Shawnee Mission, KS 66202
w: (913) 261-2651 **m:** (913) 302-3009
[Website](#) | [Facebook](#)



From: Randy Ammons <randy.ammons@tceq.texas.gov>

Sent: Monday, May 4, 2020 2:49 PM

To: Herrenbruck, Katie <[REDACTED]> Nelson, Jennifer
<[REDACTED]>

Cc: OCE <OCE@tceq.texas.gov>

Subject: RE: Implementation of COVID-19 Overstocking Plan

CAUTION: External email - ATTACH suspicious emails to a NEW mail message and send to spam@seaboardcorp.com

Good afternoon Ms. Herrenbruck and Ms. Nelson,

This is in response to your April 30, 2020 request seeking enforcement discretion to allow for overstocking of swine at the facilities listed below.

TXG921476 Contract Farm 143 & 146

TXG921460 Farms 501 – 508

TXG920914 Whitaker 303 – 308

TXG921460 Farms 458 – 475

TXG920906 Sparky 450 – 457

TXG920911 Sunray 381 – 396

TXG920913 Taylor 401 – 416

The TCEQ is exercising enforcement discretion on a case-by-case basis for regulated entities that are experiencing operational difficulties and seeking to provide critical services due to the COVID-19 pandemic. Your request is approved through July 31, 2020. You originally requested discretion through October 31, 2020. If conditions have not improved by July 31, 2020, please resubmit your request for review at that time. Additionally, please notify the agency of the start date of being over your permitted head count per facility and make notification if it becomes necessary to euthanize livestock and bury onsite. If you have any questions or if new information becomes available, please feel free to contact us at any time.

Please continue to keep us updated as conditions change.

Regards,

Randy J. Ammons, Director
North Central and West Texas Area
Texas Commission on Environmental Quality

From: Herrenbruck, Katie <[REDACTED]>

Sent: Thursday, April 30, 2020 4:09 PM

To: Ramiro Garcia <ramiro.garcia@tceq.texas.gov>; OCE <OCE@tceq.texas.gov>; Brad Jones <brad.jones@tceq.texas.gov>

Cc: Gregg Easley <gregg.easley@tceq.texas.gov>; David Galindo <david.galindo@tceq.texas.gov>; Charles Schneider <charles.schneider@tceq.texas.gov>; Nelson, Jennifer

<[REDACTED]> Sand, Duke <[REDACTED]> Summerlin,
Stephen <[REDACTED]> Maloney, Craig
<[REDACTED]> Locke, Joe <[REDACTED]> Martinez, Rick
<[REDACTED]> Sappington, Rick <[REDACTED]>
Yingst, Tim <[REDACTED]> Jackson, Reenie
<[REDACTED]>

Subject: Implementation of COVID-19 Overstocking Plan

Dear Messrs. Garcia and Jones:

Attached please find a letter from Jennifer Nelson regarding the captioned matter. Please feel free to contact us with any questions or concerns.

Sincerely,

Katie Herrenbruck

Legal Compliance Assistant

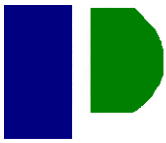
w: (913) 671-6635

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Prestage Farms of Oklahoma, LLC

May 7, 2020

TCEQ
3918 Canyon Dr.
Amarillo, TX 79109

RE: Emergency Overstocking

Dear TCEQ:

Due to COVID -19, Prestage Farms of Oklahoma LLC. is planning in the event we are not able to ship all of our market hogs to the Seaboard plant. Prestage believes we could hold pigs for Four weeks but in order to do this we would need to be able to double stock at Nursery and or Finishing barns.

Please see the attached action plan and request for your agencies' approval to implement the plan if it becomes necessary.

Thanks

Kelli Johnson

Prestage Farms of Oklahoma LLC. is planning in the event of a shutdown of the Seaboard pork processing plant in Guymon Oklahoma due to the Coronavirus. Prestage Farms of Oklahoma LLC. is requesting advanced emergency authorization to overstock animals if the plans below have to be activated.

- I. In the event of a plant shut down / reduction in processed animals due to Coronavirus
Prestage Farms of Oklahoma LLC. proposes the following plan:
 - a. Animals could be held for three days on farm after that the below plan would be put into place
Action Plan:
 - i. To mitigate unnecessary slaughter and financial loss Prestage Farms of Oklahoma LLC. would overstock Nursery and / or Finishing animals on farms in Oklahoma and Texas.
 - a. Overstocking would not exceed double the number of currently authorized animals.
 - b. Original overstocking could only last for four weeks.
 - c. At this time Prestage Farms of Oklahoma LLC. would have to decide where to start euthanizing animals.
 - d. Mortality would be dealt with thru rendering and or other approved mortality disposal methods.
- II. After the four-week mark.
 - a. Prestage would continue to double stock.
 - b. Render carcasses as much as possible.
 - c. Any carcasses that cannot be rendered will be disposed of thru state approved methods.
- III. Request Summary – Prestage Farms of Oklahoma LLC. is requesting immediate authorization to implement overstocking (up to double-stocking) at nursery and or finishing farms immediately upon determination that it is necessary and for as long as necessary.



April 30, 2020

By Electronic Mail Only

Mr. Ramiro A. Garcia, Jr., Deputy Director
Office of Compliance and Enforcement
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
Ramiro.Garcia@tceq.texas.gov
OCE@tceq.texas.gov

Brad Jones, Director
Regional Office 1
3918 Canyon Dr.
Amarillo, TX 79109
Brad.Jones@tceq.texas.gov

Re: Emergency Overstocking

Dear Messrs. Garcia and Jones:

By electronic mail dated April 16, 2020, the Texas Commission on Environmental Quality ("TCEQ") responded with instructions regarding the plan Seaboard Foods LLC ("Seaboard") submitted March 24, 2020 related to emergency livestock overstocking and carcass disposal as a result of COVID-19. I am writing to notify you of the current status of implementing the plan and a request TCEQ exercise enforcement discretion.

Seaboard's processing plant in Guymon, Oklahoma has not been shut down as of this date. It is, however, not operating at full capacity. Therefore, as of yesterday, April 29, 2020, Seaboard began overstocking nursery farms in Texas to reduce the flow of hogs to the processing plant. Overstocking is occurring at all Seaboard-owned nurseries in Texas. We anticipate the need to overstock finisher farms may also be imminent. Please consider this communication as notice that overstocking at finisher farms will occur, and we will retain a record of the actual date of initiation.

The following further information is provided in support of our request for enforcement discretion.

- The farms/permits for which we are seeking enforcement discretion are:

Farm Type	Name/Farm #	Permit #	County
Nursery	Farms 501-508	TX921460	Ochiltree
Nursery	Whitaker 303-308	TX920914	Hansford



Finisher	Farms 458-475	TX921460	Ochiltree
Finisher	Sparky 450-457	TX920906	Sherman
Finisher	Sunray 381-396	TX920911	Sherman
Finisher	Taylor 401-416	TX920913	Sherman/Hansford

- We are uncertain as to how long we need enforcement discretion. In an abundance of caution, Seaboard requests it through October 2020.
- We request enforcement discretion from Texas Administrative Code Title 30, Part 1, Chapter 321, Subchapter B, including but not limited to Sections 321.36(c)(2)(a), 321.38(e)(7)(C)(i), and 321.46(a)(4)(B), and from General Permit No. TXG9200000, including but not limited to Parts III.A.6(d)(4) and V.B, D and N.

We do not currently anticipate the need to euthanize animals and bury carcasses on Seaboard owned property. That portion of the plan has not been activated. Additional information will be provided if that status changes.

Thank you for your continued cooperation as Seaboard manages through COVID-19 consequences. If you have questions or need additional information, please contact me at

[REDACTED] or by telephone at (913) 261-2651 (office) or (913) 302-3009 (mobile).

Sincerely,



Jennifer Charno Nelson
Senior Director of Environmental Affairs

C: Gregg Easley
David Galindo
Charles Schneider
Duke Sand
Stephen Summerlin
Craig Maloney
Joe Locke
Rick Martinez
Rick Sappington
Tim Yingst
Reenie Jackson