

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of General Counsel

Date: May 10, 2007

From: Enforcement Division

Subject: Field Citation Compliance Certification
Steven Benke
Docket No. 2007-0636-WOC-E, RN105128516

Regarding the enforcement action listed above, the penalties have been paid and corrective actions have been verified complete by the Field Operations Division.

If there are any questions, please contact Steven Lopez of my staff at 239-1896.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FIELD CITATION

Field Citation No.
01536

REGION B - SAN ANTONIO

Investigation Date: 8/16/06
10/02/06

Time: 10:00 AM PM

Docket No.: 2007-0136 ^{WOC}
Investigation No.: 516648

Investigators Name: Alan G. Jones

Investigators Signature: Alan G. Jones

Respondent: <u>Steven Benke</u>	CN No. <u>603109737</u>
Regulated Entity: <u>Benke Residence Steven Benke</u>	RN No. <u>105087720</u>
Physical Address: <u>3059 US Hwy E, Castorville</u> County: <u>Medina</u>	Additional ID No. <u>105128516</u>

An investigation was conducted at the regulated entity named above. The following violation(s), with a checked box and assessed penalty, are alleged against the respondent named above:

ALLEGED VIOLATION	30 TEX. ADMIN. CODE (TAC) RULE	ASSESSED PENALTY			
		MAJOR	MINOR		
Failure to provide release detection	30 TAC §334.50(b)(1)(A)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to provide corrosion protection	30 TAC §334.49(a)(1)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to implement inventory control methods	30 TAC §334.50(d)(1)(B)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to provide spill containment and overflow prevention	30 TAC §334.51(b)(2)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to possess a valid TCEQ Delivery Certificate prior to receiving fuel	30 TAC §334.8(c)(5)(A)(i)			<input type="checkbox"/>	\$875
Failure to have Stage I vapor recovery equipment	30 TAC §115.221	<input type="checkbox"/>	\$1,750	<input type="checkbox"/>	\$875
Failure to have Stage II vapor recovery equipment	30 TAC §115.241	<input type="checkbox"/>	\$1,750	<input type="checkbox"/>	\$875
Failure to obtain a Multi-Sector General Permit (stormwater)	30 TAC §281.25(a)(4)			<input type="checkbox"/>	\$875
Failure to obtain a required occupational license (Program: <u>PST</u>)	30 TAC §30.5(a) 334.401(a)			<input checked="" type="checkbox"/>	\$210

Investigator Comments: (including corrective action)
ON 10-2-06 TANK OWNER CONFIRMED MR. STEVEN BENKE SUPERVISED UST REMOVAL, MR. BENKE DID NOT HAVE THE REQUIRED LICENSE,

TOTAL ASSESSED PENALTY: **\$210**
Additional violation(s) noted: Yes No

IF YOU CHOOSE TO SETTLE the alleged violation(s) within **30 days** from the investigation date noted above, please submit this form with the Authorized Representatives original signature AND check or money order for the total assessed penalty to the address below. Be sure and include BOTH the Regulated Entity Name AND Field Citation No. noted above on your payment method.

*Received
11-21-06
JRP*

Financial Administration Division, MC 214
Texas Commission on Environmental Quality
PO Box 13088
Austin, Texas 78711-3088

*Alan Jones
Witnessed*

Certification of completed corrective action for each alleged violation must be submitted to the address circled on the back of this form, within **60 days** from the investigation date. Your signature below and penalty payment within 30 days from the investigation date indicates that you will correct the alleged violation(s). Failure to provide documentation of completed corrective action within the specified time frame may result in additional penalties.

The respondent named above generally denies the alleged violation(s) with an assessed penalty above. Payment of the penalty is made only in the interest of settlement.

As an Authorized Representative, I understand that by signing this citation and agreeing to pay the administrative penalty, I waive certain procedural rights, including the right to formal notice of violation(s) alleged in this citation, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal.

[Signature] STEVE BENKE _____
 Authorized Representative Signature Printed Name Title Date

For the Commission Date

IF YOU CHOOSE TO CONTEST the alleged violation(s) in this citation, notify the investigator named above. The alleged violation(s) above will be referred to the TCEQ's Enforcement Division. Please be aware this Field Citation total assessed penalty amount will no longer be available.

FAILURE TO RESPOND TO THIS CITATION: If you fail to pay the assessed penalty, the TCEQ Enforcement Division will pursue further enforcement action including assessment of increased administrative penalties. Financial inability to pay the penalty does not excuse failure to respond to and correct the alleged violation(s).

- Water (CWTR)
- Waste/Multimedia (CWST)
- Air (CAIR)
- Dry Cleaner (CDRY)

TCEQ REGIONAL OFFICES

1 – AMARILLO	2 – LUBBOCK	3 – ABILENE
Regional Director - Brad Jones 3918 Canyon Dr. Amarillo, TX 79109-4933 806/353-9251 FAX: 806/358-9545	Regional Director - Randy Ammons 3113 34th St. Lubbock, TX 79410-3227 806/796-7092 FAX: 806/796-7107	Regional Director - Winona Henry 1977 Industrial Blvd. Abilene, TX 79602-7833 325/698-9674 FAX: 325/692-5869
4 – DALLAS/FORT WORTH	5 – TYLER	6 – EL PASO
Regional Director - Frank Espino 2309 Gravel Dr. Fort Worth, TX 76118-6951 817/588-5800 FAX: 817/588-5700	Regional Director - Leroy Biggers 2916 Teague Dr. Tyler, TX 75701-3734 903/535-5100 FAX: 903/595-1562	Regional Director - Archie Clouse 401 E. Franklin Ave., Ste. 560 El Paso, TX 79901-1212 915/834-4949 FAX: 915/834-4940
7 – MIDLAND	8 – SAN ANGELO	9 – WACO
Regional Director - Jed Barker 3300 North A St., Bldg. 4-107 Midland, TX 79705-5451 432/570-1359 FAX: 432/570-4795	Regional Director - Ricky Anderson 622 S. Oakes, Ste. K San Angelo, TX 76903-7035 325/655-9479 FAX: 325/658-5431	Regional Director - Anna Dunbar 6801 Sanger Ave., Ste. 2500 Waco, TX 76710-7826 254/751-0335 FAX: 254/772-9241
10 – BEAUMONT	11 – AUSTIN	12 – HOUSTON
Regional Director - Georgie Volz 3870 Eastex Fwy. Beaumont, TX 77703-1830 409/898-3838 FAX: 409/892-2119	Regional Director - Patty Reeh 1921 Cedar Bend Dr., Ste. A150 Austin, TX 78758-5327 512/339-2929 FAX: 512/339-3795	Regional Director - Donna Phillips 5425 Polk St., Ste. H Houston, TX 77023-1452 713/767-3500 FAX: 713/767-3520
13 – SAN ANTONIO	14 – CORPUS CHRISTI	15 – HARLINGEN
Regional Director - Richard Garcia 14250 Judson Rd. San Antonio, TX 78233-4480 210/490-3096 FAX: 210/545-4329	Regional Director - Susan Clewis NRC Bldg., Ste. 1200 6300 Ocean Dr., Unit 5839 Corpus Christi, TX 78412-5839 361/825-3100 FAX: 361/825-3101	Regional Director - Carlos Rubinstein 1804 West Jefferson Ave. Harlingen, TX 78550-5247 956/425-6010 FAX: 956/412-5059
16 – LAREDO	WORLD WIDE WEB	
Regional Director - Carlos Rubinstein 707 East Calton Rd., Ste. 304 Laredo, TX 78041-3887 956/791-6611 FAX: 956/791-6716	TCEQ rules, publications, agendas and highlights of Commission meetings and other environmental information are available from the convenience of your computer by accessing the TCEQ World Wide Web Home Page over the Internet at: www.tceq.state.tx.us .	

LOCAL GOVERNMENT OFFICES

Environmental Management Department City of Fort Worth 5000 Martin Luther King, Jr. Fwy. Fort Worth, TX 76119-4166 817/871-5450 FAX: 817/871-5464	Air Program El Paso City-County Health & Environmental District 222 S. Campbell, Ste. 205 El Paso, TX 79901-2838 915/543-3599 FAX: 915/543-3655
Environmental & Health Services Department City of Dallas 320 E. Jefferson Blvd., Rm LL13 Dallas, TX 75203-2632 214/948-4435 FAX: 214/948-4412	Pollution Control Division Galveston County Health District P.O. Box 939 LaMarque, TX 77568-0939 409/938.2411 FAX: 409/938-2321