

CAPTION: Docket No. 2008-0794-WQ-E. Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Milk Transport Services, L.P. in Lubbock County; RN104459987; for storm water violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, Bryan Sinclair)

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of General Counsel

Date: June 6, 2008

From: Enforcement Division

Subject: Field Citation Compliance Certification
Milk Transport Services, L.P. (Dairy Transporter)
Docket No. 2008-0794-WQ-E, RN104459987

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 Bryan Sinclair of my staff at 239-2171.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FIELD CITATION

Field Citation No.
10085

REGION 2

Investigation Date: 2/25/2008
Investigator Name: TERRY TILLMAN

Time: 1000 AM PM
Investigator Signature: Terry Tillman

Docket No.: 2008-0741-100
Investigation No.: 63219

Responsible Party (RP): <u>MILK TRANSPORT SERVICES, LP.</u>	CN No. <u>600693469</u>
Regulated Entity: <u>MILK TRANSPORT SERVICES - SHALLOWATER INDY</u>	RN No. <u>104459987</u>
Physical Address: <u>901 AVE. "B" SHALLOWATER, TX</u> County: <u>LYNN BOULDER</u>	Additional ID No. <u>PST 76189</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 responsible party named above:

ALLEGED VIOLATION	Rules Cited TEX. ADMIN. CODE (TAC)	ASSESSED PENALTY			
		MAJOR		MINOR	
Failure, by an installer, to ensure that an authorization to construct has been issued prior to beginning construction of an On-site Sewage Facility (OSSF)	30 TAC §283.61(4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$ 175
Purchasing the dry cleaning solvent perchloroethylene with a non-perchloroethylene registration	30 TAC §337.4 (f)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$ 875
Distributing or selling dry cleaning solvent perchloroethylene without proper registration	30 TAC §337.12(a)(1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$ 875
Failure to obtain a valid, current Dry Cleaning Facility Registration	30 TAC §337.10(a)(1) or 30 TAC §337.11(e)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$ 100 (≤ 30 days overdue) # days <u> </u> x \$4 = \$ <u> </u>
Impounding, diverting, or using state water without a required permit	TEX. WATER CODE §11.081 TEX. WATER CODE §11.121	<input type="checkbox"/>	\$ 875	<input type="checkbox"/>	\$ 350
Failure to obtain a Construction General Permit (stormwater)	30 TAC §281.25(a)(4)	<input type="checkbox"/>	\$ <u> </u>	<input type="checkbox"/>	\$ 700
Failure to obtain a Multi-Sector General Permit (stormwater)	30 TAC §281.25(a)(4)	<input type="checkbox"/>	\$ <u> </u>	<input checked="" type="checkbox"/>	\$ 700
Failure to obtain a required occupational license (Program: <u> </u>)	30 TAC §30.5 (a)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$ 210
Investigator Comments: (including corrective action) <u>SITE FAILED TO HAVE HSCIP COVERAGE AT THIS LOCATION WHEN ANOTHER MILK TRANSPORT SERVICES HAS HAD HSCIP COVERAGE. SITE MUST HAVE HSCIP.</u>				TOTAL ASSESSED PENALTY: \$ <u>700.00</u>	

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 Representative's original signature AND check or money order for the total assessed penalty to the address below. Please include the Field Citation No. on your payment method.

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

Certification of **completed corrective action** for each alleged violation must be submitted to the TCEQ region address circled on the back of this form within **45 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 45 days may result in additional penalties.

The RP 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.

M. L. Davis Authorized Representative Signature M. L. Davis Printed Name Loc Mgr. Title 7-28-08 Date
Regina C. Garcabrant Commission Signature 2-29-08 Date

FOR COMMISSION USE ONLY	
Commission Signature	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 5012 50th St., Ste. 100 Lubbock, TX 79414-3421 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 - Tony Walker 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 79705-5406 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 2800 S IH 35, Ste. 100 Austin, TX 78704-5700 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 - Lorinda Gardner 1804 West Jefferson Ave. Harlingen, TX 78550-5247 956-425-6010 FAX: 956-412-5059
16 - LAREDO	WORLD WIDE WEB	
Regional Director - Lorinda Gardner 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 .	