

**CAPTION: Docket No. 2008-1129-WOC-E. Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Leroy McBride in Shelby County; RN104956214; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Melissa Keller, Bryan Sinclair)**



# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Office of General Counsel

**Date:** August 5, 2008

**From:** Enforcement Division

**Subject:** Field Citation Compliance Certification  
Leroy McBride (Wastewater operator)  
Docket No. 2008-1129-WOC-E, RN104956214

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.  
**01083**

REGION 10

038472 2198

Investigation Date: 4/22/2008  
Investigators Name: RONALD HEBERT

Time: 1351  AM  PM  
Investigators Signature: [Signature]

Docket No. 2008-1129-WC-8  
Investigation No.: 653941

Respondent: <u>Leroy McBride</u>	CN No. <u>CN603038043</u>
Regulated Entity: <u>Leroy McBride</u>	RN No. <u>RN104956214</u>
Physical Address: <u>PO Box 28</u>	County: <u>Shelby</u>
Additional ID No.	

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>WASTEWATER</u> )	30 TAC §30.5(a)			<input checked="" type="checkbox"/>	\$210

Investigator Comments: (including corrective action)  
City must hire licensed operator to operate plant 5 days/week  
Mr McBride is operating Tenaha WWT 4-5 days/week

**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.

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 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.

Leroy McBride Leroy McBride 5/15/08  
 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

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

## LOCAL GOVERNMENT OFFICES

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