Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of General Counsel **Date: June 25, 2009**

From: Enforcement Division

Subject: Field Citation Compliance Certification
Flournoy Construction Company, L.L.C.
(Construction Site)
Docket No. 2009-0973-WQ-E, RN105727838

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 Cari-Michel La Caille at 239-1387.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 AUG 24 PM 1:18
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)
FIELD CITATION

Field Citation No. 10721

REGION 13

Investigation Date: 4 / 6 / 2009 Time: 3:00 ☐ AM ☒ PM Docket No.: 2009-0873-WQ-E

Investigator Name: Charlyne Fritz Investigator Signature: Charlyne Fritz Investigation No.: 741812

Responsible Party (RP): Flournoy Construction Company, L.L.C.	CN No. CN602500613
Regulated Entity: Haven at the Rim	**RN No.** 105727838
Physical Address: 16631 Vance Jackson **County:** Bexar	Additional ID No. TXRISNX44

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)			☐	$ 175
Purchasing the dry cleaning solvent perchloroethylene with a non-perchloroethylene registration	30 TAC §337.4 (f)			☐	$ 875
Distributing or selling dry cleaning solvent perchloroethylene without proper registration	30 TAC §337.12(a)(1)			☐	$ 875
Failure to obtain a valid, current Dry Cleaning Facility Registration	30 TAC §337.10(a)(1) or 30 TAC §337.11(e)			☐ ☐	$ 100 (≤ 30 days overdue) # days ___ x $4 = $___
Impounding, diverting, or using state water without a required permit	TEX. WATER CODE §11.081 TEX. WATER CODE §11.121	☐	$ 875	☐	$ 350
Failure to obtain a Construction General Permit (stormwater)	30 TAC §281.25(a)(4)	☐	$ _____	☒	$ 700
Failure to obtain a Multi-Sector General Permit (stormwater)	30 TAC §281.25(a)(4)	☐	$ _____	☐	$ 700
Failure to obtain a required occupational license (Program: _____)	30 TAC §30.5 (a)			☐	$ 210

Investigator Comments: (including corrective action)

Obtain a Construction General Permit (Stormwater)

TOTAL ASSESSED PENALTY: $ 700.

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.

Authorized Representative Signature	Printed Name	Title	Date
[signature]	T. BRENT OSBORN	SR VICE PRESIDENT	4/14/09

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)