# Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

**To:** Office of General Counsel **Date: February 8, 2010**

**From:** Enforcement Division

**Subject:** Field Citation Compliance Certification
M. J. Sheridan of Texas, Inc.
(Residential Construction)
Docket No. 2010-0101-WR-E, RN105828560

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 Laurie Eaves at 239-4495.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)
# FIELD CITATION

TCEQ

**Field Citation No.** 11202

REGION Tyler - 5

Investigation Date: 10/30/2009 Time: 9:10 [X] AM [ ] PM **Docket No.** 2010-0101-WR-E

Investigator Name: Jennifer Williamson Investigator Signature: Jennifer Williamson Investigation No.: 781092

| | |
|---|---|
| **Responsible Party (RP):** M.J. SHERIDAN OF TEXAS INC. | CN No. CN603578220 |
| Regulated Entity: County Road 46 OLD NEW HARMONY RD. | **RN No.** RN105828560 |
| **Physical Address:** 9015 Sweetbrush Dr, Houston, TX 77064 **County:** Harris | 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 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 §285.61(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<br>30 TAC §337.11(e) | | | [ ]<br>[ ] | $ 100 (≤ 30 days overdue)<br># days ___ x $4 = $___ |
| Impounding, diverting, or using state water without a required permit | TEX. WATER CODE §11.081<br>TEX. WATER CODE §11.121 | [ ] | $ 875 | [X] | $ 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) Cease diversion of the waters of the state until approval of a water rights permit.

**TOTAL ASSESSED PENALTY:** $ 350.00

**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.

| Stephen Brown | STEPHEN BROWN | SAFETY MGR | 11/12/09 |
|---|---|---|---|
| Authorized Representative Signature | Printed Name | Title | 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).

[X] Water (CWTR) [ ] Waste/Multimedia (CWST) [ ] Air (CAIR) [ ] Dry Cleaner (CDRY)

# TCEQ REGIONAL OFFICES

| 1 – AMARILLO | 2 – LUBBOCK | 3 – ABILENE |
|---|---|---|
| **Regional Director - Brad Jones**<br>3918 Canyon Dr.<br>Amarillo, TX 79109-4933<br>806-353-9251 FAX: 806-358-9545 | **Regional Director - Randy Ammons**<br>5012 50th St., Ste. 100<br>Lubbock, TX 79414-3426<br>806-796-7092 FAX: 806-796-7107 | **Regional Director - Winona Henry**<br>1977 Industrial Blvd.<br>Abilene, TX 79602-7833<br>325-698-9674 FAX: 325-692-5869 |
| **4 – DALLAS/FORT WORTH** | **5 – TYLER** | **6 – EL PASO** |
| **Regional Director - Tony Walker**<br>2309 Gravel Dr.<br>Fort Worth, TX 76118-6951<br>817-588-5800 FAX: 817-588-5700 | **Regional Director - Leroy Biggers**<br>2916 Teague Dr.<br>Tyler, TX 75701-3734<br>903-535-5100 FAX: 903-595-1562 | **Regional Director - Lorinda Gardner**<br>401 E. Franklin Ave., Ste. 560<br>El Paso, TX 79901-1212<br>915-834-4949 FAX: 915-834-4940 |
| **7 – MIDLAND** | **8 – SAN ANGELO** | **9 – WACO** |
| **Regional Director - Jed Barker**<br>3300 North A St., Bldg. 4-107<br>Midland, TX 79705-5406<br>432-570-1359 FAX: 432-570-4795 | **Regional Director - Ricky Anderson**<br>622 S. Oakes, Ste. K<br>San Angelo, TX 76903-7035<br>325-655-9479 FAX: 325-658-5431 | **Regional Director - Anna Dunbar**<br>6801 Sanger Ave., Ste. 2500<br>Waco, TX 76710-7826<br>254-751-0335 FAX: 254-772-9241 |
| **10 – BEAUMONT** | **11 – AUSTIN** | **12 – HOUSTON** |
| **Regional Director - Georgie Volz**<br>3870 Eastex Fwy.<br>Beaumont, TX 77703-1830<br>409-898-3838 FAX: 409-892-2119 | **Regional Director - Patty Reeh**<br>2800 S IH 35, Ste. 100<br>Austin, TX 78704-5700<br>512-339-2929 FAX: 512-339-3795 | **Regional Director - Donna Phillips**<br>5425 Polk St., Ste. H<br>Houston, TX 77023-1452<br>713-767-3500 FAX: 713-767-3520 |
| **13 – SAN ANTONIO** | **14 – CORPUS CHRISTI** | **15 – HARLINGEN** |
| **Regional Director - Richard Garcia**<br>14250 Judson Rd.<br>San Antonio, TX 78233-4480<br>210-490-3096 FAX: 210-545-4329 | **Regional Director - Susan Clewis**<br>NRC Bldg., Ste. 1200<br>6300 Ocean Dr., Unit 5839<br>Corpus Christi, TX 78412-5839<br>361-825-3100 FAX: 361-825-3101 | **Regional Director - Lorinda Gardner**<br>1804 West Jefferson Ave.<br>Harlingen, TX 78550-5247<br>956-425-6010 FAX: 956-412-5059 |
| **16 – LAREDO** | **WORLD WIDE WEB** | |
| **Regional Director - Lorinda Gardner**<br>707 East Calton Rd., Ste. 304<br>Laredo, TX 78041-3887<br>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**. | |