

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Office of General Counsel

**Date:** March 10, 2010

**From:** Enforcement Division

**Subject:** Field Citation Compliance Certification  
Carl Dyes  
(Water System Operator)  
Docket No. 2010-0273-WOC-E, RN105798128

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

Field Citation No. **11335**

*within 45 days*

Investigation Date: 9/10/2009  
 Investigator Name: Daniel Baquera

REGION 10  
 Time: 12:20  AM  PM  
 Investigator Signature: Daniel Baquera

Docket No. 290-0273-0002  
 Investigation No.: 715864

Responsible Party (RP): <u>Carl Dyes</u>	CN No. <u>603531591</u>
Regulated Entity: <u>Carl Dyes</u>	RN No. <u>105798128</u>
Physical Address: <u>12542 E State Hwy 21</u> County: <u>Nacogdoches</u>	Additional ID No. <u>3</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 §285.61(4)	<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"/> \$ 875
Distributing or selling dry cleaning solvent perchloroethylene without proper registration	30 TAC §337.12(a)(1)	<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"/> \$ 100 (< 30 days overdue) <input type="checkbox"/> # days ___ x \$4 = \$ ___
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"/> \$ _____	<input type="checkbox"/> \$ 700
Failure to obtain a Multi-Sector General Permit (stormwater)	30 TAC §281.25(a)(4)	<input type="checkbox"/> \$ _____	<input type="checkbox"/> \$ 700
Failure to obtain a required occupational license (Program: <u>Water</u> )	30 TAC §30.5 (a)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> \$ 210

Investigator Comments: (including corrective action)  
Operating a public Water system (Melrose WSO) without a Class C operators license. Obtain a Class C operators license or submit signed statement that you will not operate unless under the direct supervision of an adequately licensed operator.

TOTAL ASSESSED PENALTY: **\$ 210**

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.

Carl F Dyes  
 Authorized Representative Signature

Carl F Dyes  
 Printed Name

Manager 9-10-09  
 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).

This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

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

