

FIELD CITATION ON THE 10/18/11 COMMISSIONER'S AGENDA

October 18, 2011	Mailing Address
Item # 2011-1247-OSI-E RN106144991 FC# 11033	Jackie Behrens Behrens Construction, LLC 127 PR 921 Brady, Texas 76825
Item # 2011-1243-OSI-E RN103223178 FC# 11415	Robert W. Pixley Rocking P Utility Service P.O. Box 2303 Livingston, Texas 77351-0046

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of General Counsel

Date: July 29, 2011

From: Enforcement Division

Subject: Field Citation Compliance Certification
Robert W. Pixley
(Septic system installer)
Docket No. 2011-1243-OSI-E, RN103223178

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 Debra Barber at (512) 239-0412.



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

FIELD CITATION

Field Citation No.
11415

REGION 10

Investigation Date: 04/25/08 6:30 Time: AM PM
 Investigator Name: Ruth Polato Investigator Signature: Ruth Polato

2011-1243-OSI-E
 Docket No.: _____
 Investigation No.: 914637

Responsible Party (RP): <u>Robert W. Pixley</u>	CN No. <u>601743784</u>
Regulated Entity: <u>Robert W. Pixley</u>	RN No. <u>103223178</u>
Physical Address: <u>PO Box 2303, Livingston, TX 77359</u> County: <u>Polk</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 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 checked="" type="checkbox"/>	\$ 175
Purchasing the dry cleaning solvent perchloroethylene with a non-perchloroethylene registration	30 TAC §337.4 (f)	<input type="checkbox"/>	\$ 875
Distributing or selling dry cleaning solvent perchloroethylene without proper registration	30 TAC §337.12(a)(1)	<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"/>	\$ 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
Failure to obtain a Construction General Permit (stormwater)	30 TAC §281.25(a)(4)	<input type="checkbox"/>	\$ 700
Failure to obtain a Multi-Sector General Permit (stormwater)	30 TAC §281.25(a)(4)	<input type="checkbox"/>	\$ 700
Failure to obtain a required occupational license (Program: _____)	30 TAC §30.5 (a)	<input type="checkbox"/>	\$ 210
Investigator Comments: (including corrective action) <u>Submit application for site and cease installation without authorization to construct.</u>		TOTAL ASSESSED PENALTY: \$ 175.00	

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.

ROBERT PIXLEY
OWNER/INSTALLER
4/28/11

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).

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

