FIELD CITATION ON THE November 2, 2011 COMMISSIONER'S AGENDA

November 2, 2011 Agenda	Mailing Address
Item # 2011-1268-WQ-E RN106163736 FC #11431	Mr. David Thurn Black Canyon Construction Company 206 North Hill Top Drive Boerne, Texas 78006-5937
Item# 2011-1267-WR-E RN106145279 FC #11283	TD Golden Fluid Disposable Specialties, Inc. 8000 Highway 59 South Marshall, Texas 75672
Item # 2011-1269-WQ-E RN106149339 FC #11417	Nathan Holder XTO Energy, Inc. 6141 Paluxy Drive Tyler, Texas 75703-5976

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of General Counsel **Date:** August 4, 2011

From: Enforcement Division

Subject: Field Citation Compliance Certification
XTO Energy, Inc.
(Electrical/Commercial Construction)
Docket No. 2011-1269-WQ-E, RN106149339

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. 11417

REGION 10/Beaumont

Investigation Date: 06/01/2011 Time: 4:30 ☐ AM ☒ PM **Docket No.:** 2011-1269-WQ-E

Investigator Name: Doug Robinson Investigator Signature: Doug Robinson Investigation No.: 923580

Responsible Party (RP): XTO Energy, Inc.	CN No. 600601348
Regulated Entity: 18.3 acres, Block Ø, Tract 7.30, Rusk Co School Land Survey, Hwy 96, Center, Tx	**RN No.** 106149339
Physical Address: 2.5 miles South of Center, Tx on Hwy 96 **County:** Shelby	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			☐	$ 100 (≤ 30 days overdue)
	30 TAC §337.11(e)			☐	# 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) Submit NOI (permit application) for large construction project. Post copy of NOI + Large Construction Site Notice at property line of construction site. Develop Storm Water Plan. Submit copy of NOI + picture of posting to Beaumont TCEQ Office.

TOTAL ASSESSED PENALTY: $ 700.00 xx

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
	Ken Kirby	Sr. V.P. Operations	6-10-11

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)

TCEQ REGIONAL OFFICES

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