FIELD CITATION ON THE 06/22/2011 COMMISSIONER'S AGENDA

June 22, 2011	Mailing Address
Item # 2011-0403-PST-E RN105668479 FC #20005	AIG Annuity Insurance Company AIG Data Center 2401 South Osage Amarillo, Texas 79103
Item# 2011-0419-WOC-E RN103842951 FC #10557	Christopher D. Moss, Jr. 10034 Rosbrook Houston, Texas 77038
Item # 2011-0400-WQ-E RN106077597 FC #10046	Miguel Hurtado Hurtado Construction Company 2115 Center Street Richmond, Texas 77469-1676
Item # 2011-0418-WOC-E RN106052673 FC #11488	Johnny Mican Sweet Home Independent School District P.O. Box 402 Sweet Home, Texas 77987
Item # 2011-0383-PST-E RN100941798 FC #20801	Flying J Travel Plaza 724 PTCAA Texas, L.P. 3001 Mountain Pass Boulevard Anthony, Texas 79821-7256
Item # 2011-0421-WR-E RN106082837 FC #11412	Ross Ridge Sand Pit Ross Ridge Sand Company, L.P. 1365 Freeway Boulevard Vidor, Texas 77662
Item # 2011-0401-WQ-E RN105966394 FC # 11440	Timothy Horn US Army Corps of Engineers Proctor Lake Project Site 2330 West Highway 6 Waco, Texas 76712

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of General Counsel **Date:** March 25, 2011

From: Enforcement Division

Subject: Field Citation Compliance Certification
U.S. Army Corp. of Engineers
(Construction)
Docket No. 2011-0401-WQ-E, RN105966394

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. 11440

REGION 3

Investigation Date: 1/26/11 Time: 11:00 ☒ AM ☐ PM Docket No. 2011-0401-WQ-E

Investigator Name: Jennifer Meador Investigator Signature: Jennifer Meador Investigation No.: 874017

Responsible Party (RP): US Army Corps of Engineers	CN No. 600918916
Regulated Entity: Proctor Lake Project Site	**RN No.** 105966394
Physical Address: 2180 FM 2861, Comanche, TX **County:** Comanche	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)
Please obtain authorization to discharge storm water associated with construction activities

TOTAL ASSESSED PENALTY: $ 700.00

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.

Authorized Representative Signature	Printed Name	Title	Date
	Timothy Horn	Operations Project Manager	15 Feb 2011

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)