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

| June 22, 2011 | Mailing Address |
|---|---|
| Item #<br>2011-0403-PST-E<br>RN105668479<br>FC #20005 | AIG Annuity Insurance Company<br>AIG Data Center<br>2401 South Osage<br>Amarillo, Texas 79103 |
| Item#<br>2011-0419-WOC-E<br>RN103842951<br>FC #10557 | Christopher D. Moss, Jr.<br>10034 Rosbrook<br>Houston, Texas 77038 |
| Item #<br>2011-0400-WQ-E<br>RN106077597<br>FC #10046 | Miguel Hurtado<br>Hurtado Construction Company<br>2115 Center Street<br>Richmond, Texas 77469-1676 |
| Item #<br>2011-0418-WOC-E<br>RN106052673<br>FC #11488 | Johnny Mican<br>Sweet Home Independent School District<br>P.O. Box 402<br>Sweet Home, Texas 77987 |
| Item #<br>2011-0383-PST-E<br>RN100941798<br>FC #20801 | Flying J Travel Plaza 724<br>PTCAA Texas, L.P.<br>3001 Mountain Pass Boulevard<br>Anthony, Texas 79821-7256 |
| Item #<br>2011-0421-WR-E<br>RN106082837<br>FC #11412 | Ross Ridge Sand Pit<br>Ross Ridge Sand Company, L.P.<br>1365 Freeway Boulevard<br>Vidor, Texas 77662 |
| Item #<br>2011-0401-WQ-E<br>RN105966394<br>FC # 11440 | Timothy Horn<br>US Army Corps of Engineers<br>Proctor Lake Project Site<br>2330 West Highway 6<br>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
Johnny Mican
Docket No. 2011-0418-WOC-E, RN106052673

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. 11488

REGION 14

Investigation Date: 12/9/10 Time: 11:00 ☐ AM ☑ PM 15470 Docket No.: 2011-0418-WOC-E

Investigator Name: Keith Ladner Investigator Signature: Investigation No.: 885175

| | |
|---|---|
| **Responsible Party (RP):** Mican, Johnny | CN No. CN603788548 |
| Regulated Entity: Mican, Johnny | **RN No.** RN106052673 |
| **Physical Address:** 6172 FM 531 Sweet Home **County:** Lavaca | 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: Public Water Supply) | 30 TAC §30.5 (a) | | | ☑ | $ 210 |
| Investigator Comments: (including corrective action) No license | | | | TOTAL ASSESSED PENALTY: | $ 210.00 |

RECEIVED JAN 24 2011 TCEQ FIELD OPS/REGION 14

**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 |
|---|---|---|---|
| John Mican | John Mican | Maintenance | 01/24/11 |

**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)