# FIELD CITATION ON THE 06/8/2011 COMMISSIONER'S AGENDA

| June 8, 2011 | Mailing Address |
|---|---|
| Item #<br>2011-0305-WOC-E<br>RN103636460<br>FC#00064<br>Item # | Mr. Delton Osborn<br>2442 CR 355 Road<br>Justiceburg, Tx 79330 |

**CAPTION: Docket No. 2011-0305-WOC-E. Consideration of a Field Citation assessing administrative penalties and requiring certain actions of Delton Osborn in Garza County; RN103636460; for occupational licensing violations pursuant to Tex. Water Code chs. 7 and 37 and the rules of the Texas Commission on Environmental Quality. (Heather Podlipny, Laurie Eaves)**

# Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

**To:** Office of General Counsel **Date:** March 8, 2011

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**From:** Enforcement Division

**Subject:** Field Citation Compliance Certification
Delton Osborn
Docket No. 2011-0305-WOC-E, RN103636460

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. 00064

REGION 02

Investigation Date: 1/10/2011 Time: 2:00 ☐ AM ☒ PM Docket No.: 2011-0305-WR-E

Investigators Name: Malcolm LAING Investigators Signature: Malcolm Laing Investigation No.: 890836

| | |
|---|---|
| **Respondent:** DELTON OSBORN | CN No. 602155434 |
| Regulated Entity: DELTON OSBORN | **RN No.** 103636460 |
| **Physical Address:** 2442 CR 355 JUSTICEBURG 79330 **County:** GARZA | 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 respondent named above:**

| ALLEGED VIOLATION | 30 TEX. ADMIN. CODE (TAC) RULE | ASSESSED PENALTY MAJOR | | MINOR | |
|---|---|---|---|---|---|
| Failure to provide release detection | 30 TAC §334.50(b)(1)(A) | ☐ | $3,500 | ☐ | $1,750 |
| Failure to provide corrosion protection | 30 TAC §334.49(a)(1) | ☐ | $3,500 | ☐ | $1,750 |
| Failure to implement inventory control methods | 30 TAC §334.50(d)(1)(B) | ☐ | $3,500 | ☐ | $1,750 |
| Failure to provide spill containment and overfill prevention | 30 TAC §334.51(b)(2) | ☐ | $3,500 | ☐ | $1,750 |
| Failure to possess a valid TCEQ Delivery Certificate prior to receiving fuel | 30 TAC §334.8(c)(5)(A)(i) | | | ☐ | $875 |
| Failure to have Stage I vapor recovery equipment | 30 TAC §115.221 | ☐ | $1,750 | ☐ | $875 |
| Failure to have Stage II vapor recovery equipment | 30 TAC §115.241 | ☐ | $1,750 | ☐ | $875 |
| Failure to obtain a Multi-Sector General Permit (stormwater) | 30 TAC §281.25(a)(4) | | | ☐ | $875 |
| Failure to obtain a required occupational license (*Program:* PWS ) | 30 TAC §30.5(a) | | | ☒ | $210 |

Investigator Comments: (including corrective action)
OPERATOR LICENSE EXPIRED.

**TOTAL ASSESSED PENALTY:** $ 210

Additional violation(s) noted: ☐ Yes ☒ No

**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 Representatives original signature AND check or money order for the total assessed penalty to the address below. Be sure and include BOTH the Regulated Entity Name AND Field Citation No. noted above 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 address circled on the back of this form, within 60 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 the specified time frame may result in additional penalties.**

The respondent 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.

Delton Osborn — Authorized Representative Signature
Delton Osborn — Printed Name
Title
1-10-11 — Date

For the Commission
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).

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

# TCEQ REGIONAL OFFICES

| 1 – AMARILLO | 2 – LUBBOCK | 3 – ABILENE |
|---|---|---|
| **Regional Director - Brad Jones**<br>3918 Canyon Dr.<br>Amarillo, TX 79109-4933<br>806/353-9251 FAX: 806/358-9545 | **Regional Director - Randy Ammons**<br>3113 34th St.<br>Lubbock, TX 79410-3227<br>806/796-7092 FAX: 806/796-7107 | **Regional Director - Winona Henry**<br>1977 Industrial Blvd.<br>Abilene, TX 79602-7833<br>325/698-9674 FAX: 325/692-5869 |
| **4 – DALLAS/FORT WORTH** | **5 – TYLER** | **6 – EL PASO** |
| **Regional Director - Frank Espino**<br>2309 Gravel Dr.<br>Fort Worth, TX 76118-6951<br>817/588-5800 FAX: 817/588-5700 | **Regional Director - Leroy Biggers**<br>2916 Teague Dr.<br>Tyler, TX 75701-3734<br>903/535-5100 FAX: 903/595-1562 | **Regional Director - Archie Clouse**<br>401 E. Franklin Ave., Ste. 560<br>El Paso, TX 79901-1212<br>915/834-4949 FAX: 915/834-4940 |
| **7 – MIDLAND** | **8 – SAN ANGELO** | **9 – WACO** |
| **Regional Director - Jed Barker**<br>3300 North A St., Bldg. 4-107<br>Midland, TX 79705-5451<br>432/570-1359 FAX: 432/570-4795 | **Regional Director - Ricky Anderson**<br>622 S. Oakes, Ste. K<br>San Angelo, TX 76903-7035<br>325/655-9479 FAX: 325/658-5431 | **Regional Director - Anna Dunbar**<br>6801 Sanger Ave., Ste. 2500<br>Waco, TX 76710-7826<br>254/751-0335 FAX: 254/772-9241 |
| **10 – BEAUMONT** | **11 – AUSTIN** | **12 – HOUSTON** |
| **Regional Director - Georgie Volz**<br>3870 Eastex Fwy.<br>Beaumont, TX 77703-1830<br>409/898-3838 FAX: 409/892-2119 | **Regional Director - Patty Reeh**<br>1921 Cedar Bend Dr., Ste. A150<br>Austin, TX 78758-5327<br>512/339-2929 FAX: 512/339-3795 | **Regional Director - Donna Phillips**<br>5425 Polk St., Ste. H<br>Houston, TX 77023-1452<br>713/767-3500 FAX: 713/767-3520 |
| **13 – SAN ANTONIO** | **14 – CORPUS CHRISTI** | **15 – HARLINGEN** |
| **Regional Director - Richard Garcia**<br>14250 Judson Rd.<br>San Antonio, TX 78233-4480<br>210/490-3096 FAX: 210/545-4329 | **Regional Director - Susan Clewis**<br>NRC Bldg., Ste. 1200<br>6300 Ocean Dr., Unit 5839<br>Corpus Christi, TX 78412-5839<br>361/825-3100 FAX: 361/825-3101 | **Regional Director - Carlos Rubinstein**<br>1804 West Jefferson Ave.<br>Harlingen, TX 78550-5247<br>956/425-6010 FAX: 956/412-5059 |
| **16 – LAREDO** | **WORLD WIDE WEB** | |
| **Regional Director - Carlos Rubinstein**<br>707 East Calton Rd., Ste. 304<br>Laredo, TX 78041-3887<br>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 World Wide Web Home Page over the Internet at: **www.tceq.state.tx.us**. | |

# LOCAL GOVERNMENT OFFICES

**Environmental Management Department**
**City of Fort Worth**
5000 Martin Luther King, Jr. Fwy.
Fort Worth, TX 76119-4166
817/871-5450 FAX: 817/871-5464

**Environmental & Health Services Department**
**City of Dallas**
320 E. Jefferson Blvd., Rm LL13
Dallas, TX 75203-2632
214/948-4435 FAX: 214/948-4412

**Air Program**
**El Paso City-County**
**Health & Environmental District**
222 S. Campbell, Ste. 205
El Paso, TX 79901-2838
915/543-3599 FAX: 915/543-3655

**Pollution Control Division**
**Galveston County Health District**
P.O. Box 939
LaMarque, TX 77568-0939
409/938.2411 FAX: 409/938-2321