

# **TCEQ Interoffice Memorandum**

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**To:** Commissioners

**Thru:** *SJ for* Ramiro Garcia, Jr., Deputy Director, Office of Compliance and Enforcement

**From:** *MS* Bryan Sinclair, Director, Enforcement Division

**Date:** June 17, 2016

**Docket No.:** 2016-0962-MIS

**Subject:** Monthly Enforcement Report for May 2016

## **Background and Current Practices**

At the Texas Commission on Environmental Quality, formal enforcement is handled within the Enforcement Division and the Litigation Division for all program media types. In order to provide an overview of agency-wide enforcement actions and backlogs, a summary compiling each program's data is prepared for each month and is presented at a meeting of the Commission for which public notice is given. This report is required by Texas Water Code §7.003 - Enforcement Report.

Information for Fiscal Year 2016 through the end of May is attached.

Commission Action on this issue is not required.

## **Attachments**

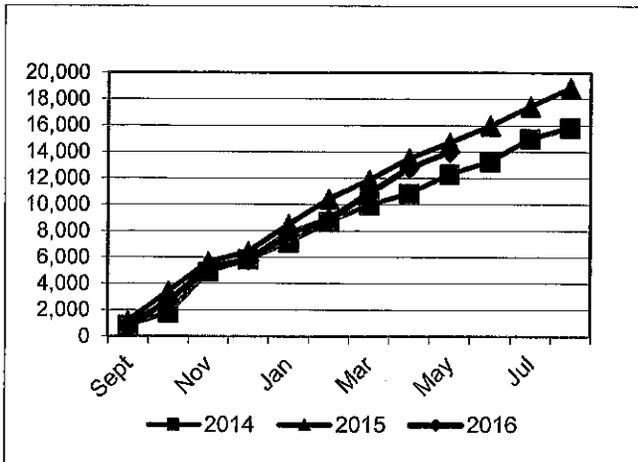
Enforcement Report to the Commission for May 2016 FY16 Year-to-Date Totals

**Monthly Enforcement Report.**

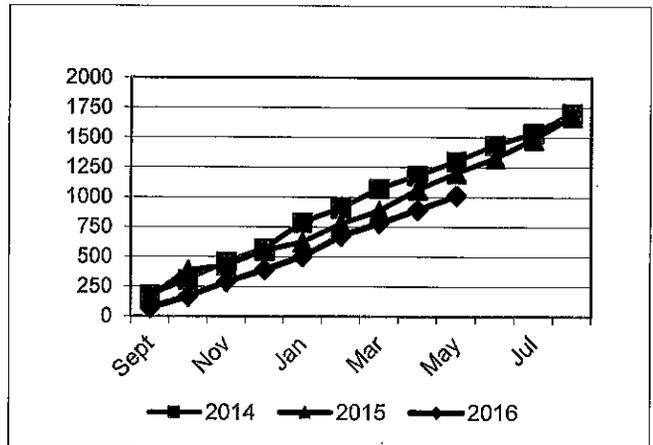
Consideration of the Texas Commission on Environmental Quality Monthly Enforcement Report, submitted for discussion in accordance with Texas Water Code § 7.003. (Bryan Sinclair and Melissa Cordell)

# Enforcement Report to the Commission for May 2016 FY16 Year-to-Date Totals

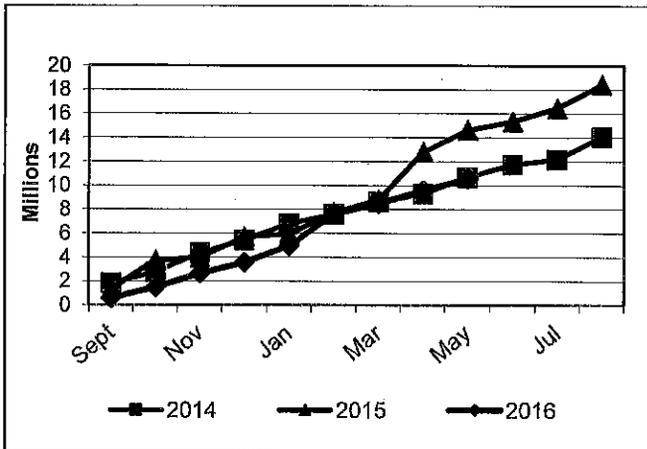
**Figure 1: Number of NOVs**



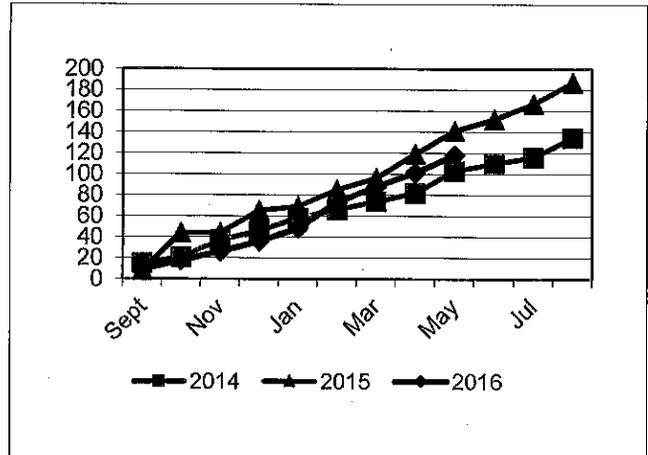
**Figure 2: Number of Effective Orders**



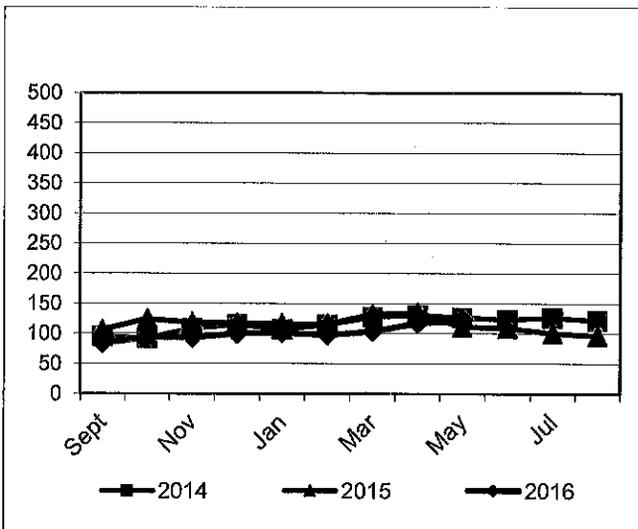
**Figure 3: Assessed Penalties**



**Figure 4: Supplemental Environmental Projects**



**Figure 5: Number of Backlogged Orders**



**Figure 6: Summary**

For fiscal year 2016 through May, TCEQ has:

- Issued 14,053 Notices of Violation
- Issued 1,014 Administrative Orders (see <http://www2.tceq.texas.gov/epic/eenf/>);
- Assessed \$10,553,367 in administrative penalties; and
- Approved 118 Supplemental Environmental Projects.

Judgments have been received on 20 cases referred by TCEQ to the Attorney General and the AG has 215 TCEQ cases pending. AG actions typically take from 6 months to 5 years from referral to judgment. For a complete list of court orders from TCEQ referrals, go to: <http://www.tceq.state.tx.us/assets/public/compliance/enforcement/penenfac/CourtOrdersIssued.pdf>

**Enforcement Report to the Commission for May 2016  
FY16 Year-to-Date Totals**

**Programs Summary:**

<b>PROGRAMS</b>	<b>Notices of Violation</b>	<b>Effective Orders</b>	<b>Assessed Penalties</b>
AGRICULTURE	42	0	\$0
AIR	819	150	\$4,370,278
DAM SAFETY	0	0	\$0
DRY CLEANERS	0	1	\$750
INDUSTRIAL & HAZARDOUS WASTE <sup>1</sup>	140	17	\$260,168
MUNICIPAL SOLID WASTE	196	41	\$294,166
OCCUPATIONAL CERTIFICATION	59	26	\$23,187
PETROLEUM STORAGE TANKS	651	236	\$1,915,128
PUBLIC WATER SUPPLY <sup>2</sup>	10,986	224	\$233,907
WATER RIGHTS <b>YTD Complaints = 97</b>	64	7	\$6,394
WATER QUALITY <sup>3</sup>	937	257	\$2,652,569
MULTI-MEDIA	159	55	\$796,820
<b>YTD TOTALS</b>	<b>14,053</b>	<b>1,014</b>	<b>\$10,553,367</b>
<b>FY15 Total for Year</b>	<b>18,893</b>	<b>1,681</b>	<b>\$18,405,038</b>
<b>FY14 Total for Year</b>	<b>15,865</b>	<b>1,708</b>	<b>\$14,091,165</b>

**Year-to-Date Summary:**

<b>YTD Penalty Summary</b>	
Total Deferred Penalties	\$1,739,607
Total Penalties to SEP	\$2,301,823
Total Payable Penalties	\$6,511,937
<b>YTD Case Status Summary</b>	
Attorney General (AG) Judgments	20
Pending AG Cases	215
Pending TCEQ Cases	1,331
Backlogged Cases	121
Resolved Cases	131
Orders Being Tracked	2,124

<sup>1</sup> Includes radioactive waste and underground injection control cases

<sup>2</sup> Includes Notices of Violation based on self-reported data

<sup>3</sup> Includes Notices of Violation based on self-reported data