

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners' Work Session

Date: April 12, 2007

Thru: Glenn Shankle, Executive Director 
Mark Vickery, P.G., Deputy Executive Director

 John F. Steib, Jr., Deputy Director
Office of Compliance and Enforcement

From:  Jennifer A. Sidnell, Director
4-12 Field Operations Support Division

Subject: Field Citation Pilot Program

Issue

Discussion of the progress of the Field Citation Pilot Program including consideration of any revisions to the program.

Background

On December 2, 2005 the Commission approved the Enforcement Process Review recommendation to develop and implement, on a pilot basis for one year, a Field Citation program. The Field Citation pilot program was implemented on March 13, 2006. A six month progress report dated October 3, 2006 (**Attachment 1**) and a one year progress report dated March 30, 2007 (**Attachment 2**) have been provided to the Commission. In the first year of implementation, 148 field citations were utilized to address certain violations of the Petroleum Storage Tank (PST), Storm Water, and Licensing program requirements. For ease of reference, a sample field citation form is provided as **Attachment 3** that identifies the original nine violations approved by the Commission for implementation. Also, the information document provided to field citation recipients is provided as **Attachment 4**. The progress reports provide detailed, by program and region information, as well as the payment and corrective action status.

Question 1 Should the Field Citation Program be shifted from a pilot to a permanent TCEQ program?

Question 2 Should the field citation process be changed to remove the bifurcation element? Specifically, should a field citation not be offered if field citation-*ineligible* violations, that require either an enforcement order or a notice of violation (NOV), are documented with field citation-eligible violations?

Question 3 Should eight violations be added to the field citation pilot program as described in **Attachment 5**?

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Chairman Kathleen Hartnett White
Commissioner Larry R. Soward
Commissioner Martin A. Hubert

Date: October 3, 2006

Thru: Glenn Shankle, Executive Director
Mark Vickery, P.G., Deputy Executive Director
John F. Steib, Jr., Deputy Director
Office of Compliance and Enforcement

From: Jennifer A. Sidnell, Director
Field Operations Support Division

Subject: Field Citation Pilot Program Progress Report

Background

During the December 2, 2005 Commissioner's Work Session, the Field Citation Pilot Program was presented and approved with the expectation that a six-month progress report would be provided to the Commission. In addition to this report, program staff are available to provide individual Commissioner briefings on this subject.

The purpose of this update memorandum is to provide the Commission with information regarding the training for implementing the pilot, outreach to the regulated community, statistics about the first six months of field citations, and the current challenges and successes of implementing the field citation pilot program.

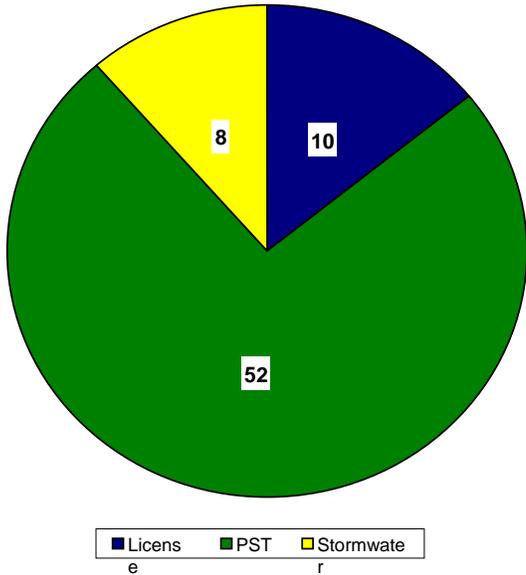
Training and Outreach

The Field Operations Division developed a training program, via videoconference and on-site training, which was delivered to all water and waste investigators and their supervisors. Currently, the field citation pilot only applies to select water and waste programs. Investigators will be provided with additional training and updates during annual training events and committee meetings.

Outreach to the regulated community has been accomplished by providing information on the public website of the Texas Commission on Environmental Quality (TCEQ) and through the many presentations conducted by Small Business and Environmental Assistance (SBEA) and Field Operations Division staff. SBEA has also made outreach efforts through informational emails to the Small Business Advisory Committee and to the Compliance Advisory Panel.

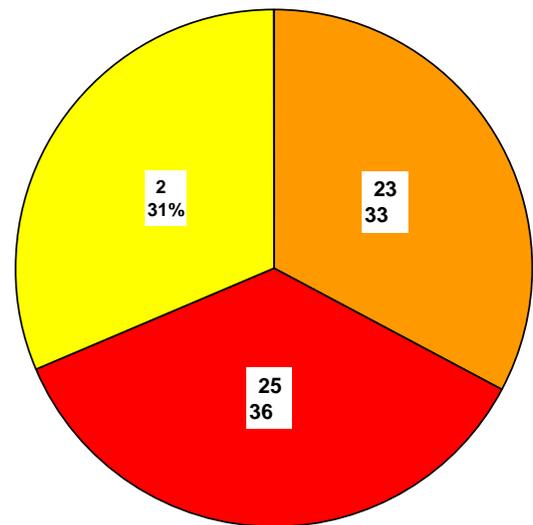
Implementation Statistics (First 6 Months)

The pilot program was implemented on March 13, 2006. The statistics below are based on all the information received as of September 8, 2006. Seventy-three (73) field citations have been issued to regulated entities during the first 26 weeks of the pilot. Three (3) of the 73 field citations were withdrawn after additional information was provided. The remaining 70 field citations will be analyzed in the following sections.

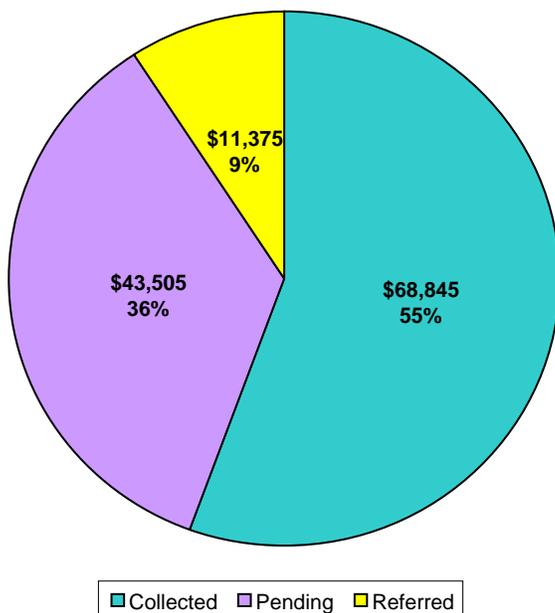


Field Citations by Media: As expected, the majority of the violations cited in the field citations are in the Petroleum Storage Tank (PST) program, primarily at retail gas stations. The licensing violation has been cited for the unlicensed operators at six (6) public water supplies, two (2) municipal solid waste facilities, and for two (2) installations of on-site sewage facilities. Failure to obtain a stormwater multi-sector general permit (MSGP) was cited eight times in a field citation. Also, just over half of the field citations addressed one violation, with no more than three (3) violations in any of the 70 field citations.

Field Citations with Other Enforcement Actions (NOV or NOE): Sixty-seven percent (67%) of the 70 field citations required an additional enforcement mechanism (NOV or NOE) to address the field citation-ineligible violations. The most common ineligible violation documented with an eligible violation is failure to have PST financial assurance. During development of the pilot, this violation was the subject of an enforcement initiative in the Financial Administration Division, therefore it was not included in the field citation pilot. With the conclusion of that initiative, the financial assurance violation appears to be a good candidate as a future addition to the pilot.



Field Citation Only Field Citation + Field Citation +

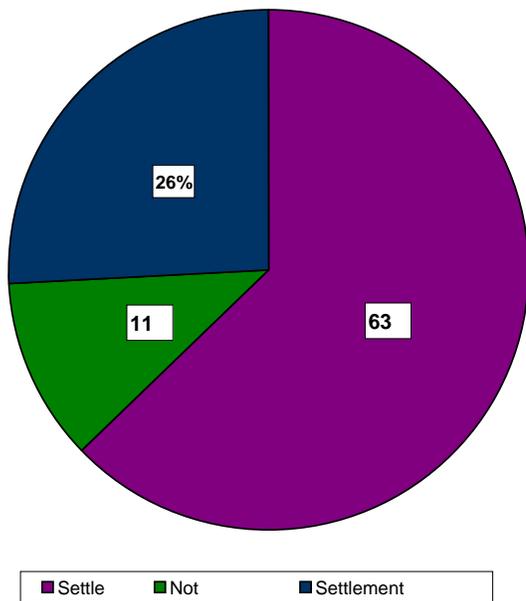


Field Citations Penalties: A total of \$123,725 was assessed in the 70 field citations, with the highest assessed and paid field citation penalty being \$5,250. Of that assessed amount, \$68,845 has been collected. The field citations that are pending in the 30-day settlement phase account for \$43,505 of the total assessed penalties. The unsettled violations, associated with the remaining \$11,375, were referred for standard enforcement where the reduced penalty associated with the field citation is no longer available. For the field citation recipients who chose to settle their field citation, the 10% reduced penalty amount total is an estimated \$6,885. Since implementation of the field citation pilot program, 14 field citations have been approved and issued by the Commission.

Collected Pending Referred

Field Citations by Region: The DFW and Houston region offices issued the most field citations during the first six months of the pilot, 21 and 14, respectively. The El Paso and Midland Regions have not had a field citation eligible violation to date, but this is not unusual since these two regions do not generate high PST enforcement numbers. The Amarillo Region had one field citation, but it was withdrawn based on additional information that was provided. The San Angelo Region has produced a higher than expected number of field citations. The majority of investigators indicated that their explanation is important in the respondents' understanding of their options and the field citation process.

REGION	PST	Licens e	Stormwate r	TOTAL
Amarillo	-	-	-	0
Lubbock	2	1	-	3
Abilene	2	-	-	2
DFW	20	0	1	21
Tyler	-	3	1	4
El Paso	-	-	-	0
Midland	-	-	-	0
San Angelo	3	1	1	5
Waco	-	1	1	2
Beaumont	3	1	1	5
Austin	1	1	-	2
Houston	13	-	1	14
San Antonio	3	1	-	4
Corpus Christi	3	-	-	3
Harlingen	-	1	2	3
Laredo	2	-	-	2
TOTAL	52	10	8	70



Field Citations Settled: Sixty-three percent (63%) of the field citation offers were settled (44 of 70) through penalty payment, signature and corrective action completion. Eleven percent (11%) of the field citations have been referred to the Enforcement Division for lack of settlement (8 of 70), which leaves 26% of the field citations pending in the settlement period (18 of 70). There does not appear to be a relationship between the respondents' initial reaction to the field citation penalty and the rate of settlement. Some of the field citation recipients were quoted as being "upset with the penalty," but this was not unexpected, since this was the first time TCEQ investigators have specified a penalty amount during an investigation. The investigators indicated an extra hour or more time investment on-site, and over the phone, to explain the field citation process, but this investment could be contributing to the good settlement rate. No official appeal meetings have been requested.

Field Citation Pilot Program Challenges (in Order of Emphasis)

1) **The Bifurcated Process:** Sixty-seven percent (67%) of the field citations were combined with a Notice of Violation (NOV) or a Notice of Enforcement (NOE). The latter combination accounted for all but two of the unsettled field citations. Investigator feedback indicates that respondents receiving a field citation with an NOE did not want to settle the field citation, because they were going through the enforcement process regardless. Explaining why the respondent is receiving two types of enforcement actions has been challenging and has caused the most confusion, despite the investigator's notable time investment on-site and over the phone. Additionally, the bifurcation process requires two investigation reports, because Consolidated Compliance and Enforcement Data System (CCEDS) is not designed for associating more than one enforcement action to a single investigation.

2) **Obtaining all Required Records at PST Facilities:** The release detection and inventory control requirement can only be verified by reviewing all the applicable records. Many of the investigated facilities do not have all the necessary records on-site, and therefore the investigators are unable to determine the field citation eligibility immediately, especially if the investigation is complaint-based, therefore unannounced. Allowing a 48-hour time

frame to provide all the records has proven to be very effective, because the respondent's response within that time frame is explained as the means to retain the field citation opportunity. However, investigators state that being able to determine field citation eligibility and explain the process on-site is ideal when compared to making the determination in the region office once the records are provided in the 48-hour time frame.

3) Obtaining the Corrective Action Documentation in a Timely Manner: Most of the respondents who signed and paid a field citation eventually sent the necessary corrective action documentation. Getting the respondents to send all the required documentation within the 60-day time frame is the challenge. This documentation must be received before the field citation can be scheduled for Commissioner's Agenda. Waiting for this documentation has slowed down the field citation process. Investigators were directed to emphasize the equal importance of correcting all the violations (and submitting the associated documentation) if a respondent wants to settle the field citation. The added emphasis is working well with some of the recently-paid field citations, because the corrective action documentation is accompanying the settlement payment.

Pilot Program Successes (in Order of Emphasis)

1) An Efficient Enforcement Mechanism for Certain Violations: Since implementation, 14 field citations have been considered and approved at the Commissioner's Agenda. For these 14 field citations, the average number of days between the investigation date and Commission approval is 113 days. In comparison to the standard enforcement time frames, the field citation process has reduced the enforcement process by an average of 132 days. Specifically, the Enforcement Process Review established 185 days as the time frame from case assignment to order issuance, and with the investigation time frame of 60 days added, that brings the process to 245 days versus the field citation experience of 113 days. Additionally, field citations do not require Enforcement Division or Field Operation Division resources for tracking, because corrective action associated to a field citation must be completed prior to the Commissioner's Agenda. Therefore, the field citation process is complete upon issuance by the Commission. It should be noted that validation of the regulated entity's compliance certification is performed if a follow-up visit occurs.

2) Timely Corrective Action Efforts: The corrective action associated with field citations has proven to be a challenge and a success. When field citation recipients complete and submit the corrective action documentation within the 60-day compliance period, it is a notable improvement compared to respondents waiting until they receive their NOE or until they receive their compliance timeframes in an issued Agreed Order. As stated above, investigators are emphasizing that choosing to sign the field citation form means the respondent is agreeing to correct the violations within 60 days. As a result, the corrective action response time has improved for respondents who are choosing to settle their field citation through signature acknowledgement, penalty payment and completion of corrective action.

3) Full Penalty Collection: Field citation penalties are paid in full, therefore there is no need for TCEQ or collection agency resources to retrieve outstanding penalties. A future consideration for the pilot would be to add an option for a single credit card payment, since there is no penalty payment option with a field citation.

cc: Derek Seal, General Counsel, Commissioners' Office
 Steve Goodson, Chief Auditor, Commissioners' Office
 Blas Coy, Public Interest Council, Commissioners' Office
 David W. Bower, P.G., Coastal Texas Area Director, Field Operations
 Brent Wade, West Texas Area Director, Field Operations
 Frank Espino, North Central Texas Area Director, Field Operations
 Carlos Rubinstein, Texas Border Area Director, Field Operations
 John Sadlier, Director, Enforcement Division
 Stephanie Bergeron-Perdue, Deputy Director, Office of Legal Services
 Matthew Baker, Director, Small Business and Environmental Assistance
 Leonard Olson, Director, Intergovernmental Relations
 Andy Saenz, Director, Agency Communications

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Chairman Kathleen Hartnett White
Commissioner Larry R. Soward
Commissioner H.S. Buddy Garcia

Date: March 30, 2007

Thru: Glenn Shankle, Executive Director
Mark Vickery, P.G., Deputy Executive Director
John F. Steib, Jr., Deputy Director
Office of Compliance and Enforcement

From: Jennifer A. Sidnell, Director
Field Operations Support Division

Subject: Field Citation Pilot Program First Annual Progress Report

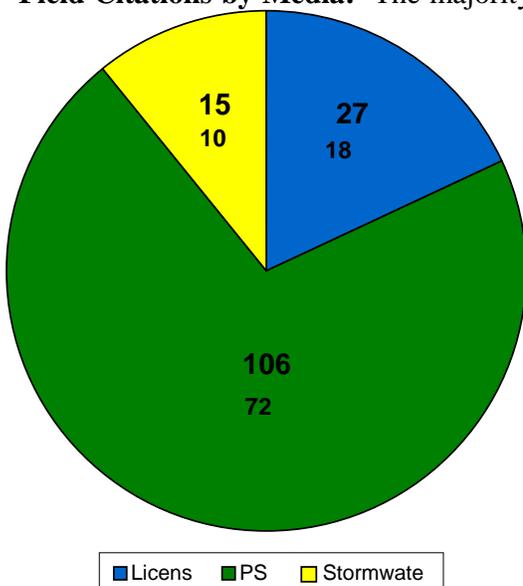
Introduction

The Field Citation Pilot Program was implemented on March 13, 2006. The purpose of this annual report is to provide the Commission with the first year's statistics and to request approval for changes and additions to the pilot program.

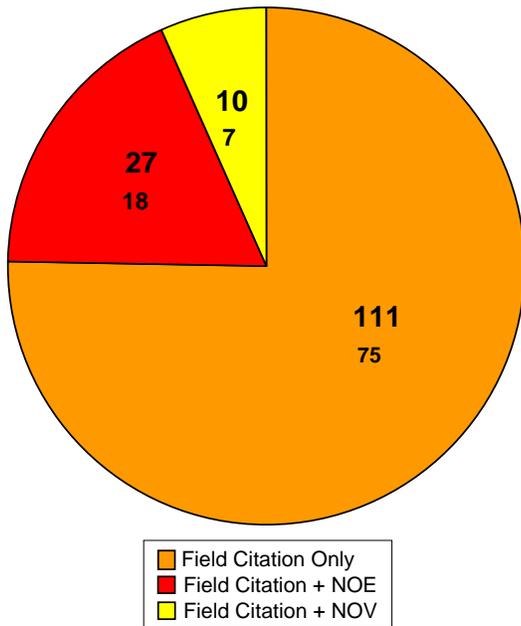
Implementation Statistics (March 13, 2006 – March 9, 2007)

One hundred forty-eight (148) field citations were issued to regulated entities during the first year of the pilot program. Six (6) field citations were withdrawn based on submittal of information that was not made available during the investigation. One (1) field citation was formally appealed, and that field citation was not withdrawn as a result of the appeal.

Field Citations by Media: The majority (72%) of the violations cited in a field citation were in the Petroleum Storage Tank (PST) program, primarily at retail gas stations. The licensing violation was cited for unlicensed operators at 15 public water supplies, six (6) wastewater treatment facilities, three (3) municipal solid waste facilities, for two (2) underground storage tank pulls, and for one (1) unlicensed installation of an on-site sewage facility. Failure to obtain a stormwater multi-sector general permit (MSGP) was cited 15 times for a wide variety of unauthorized industrial facilities.

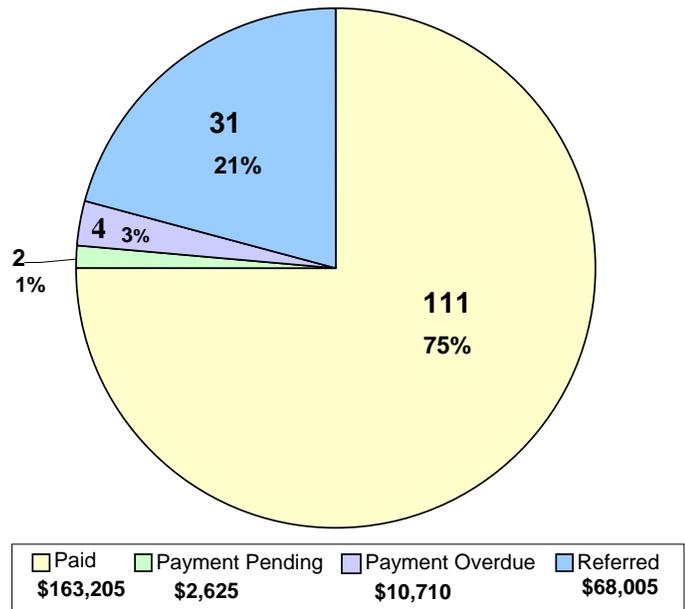


Of the 148 field citations issued, 75% addressed one violation, 18% addressed two violations, and 7% addressed three of the eligible violations in the pilot program. Also, the PST release detection violation was cited most frequently as compared to the other field citation-eligible violations.



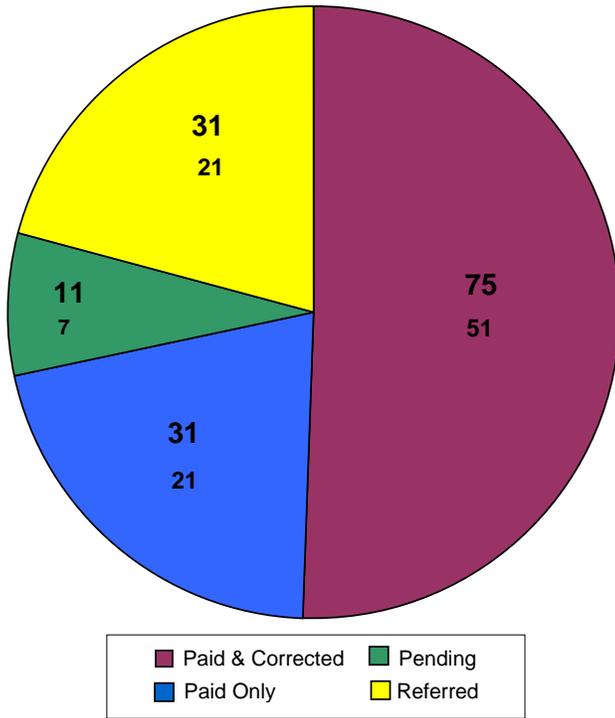
Field Citations with Other Enforcement Actions (NOV or NOE): Twenty-five percent (25%) of the field citations required an additional enforcement mechanism [Notice of violation (NOV) or Notice of Enforcement (NOE)] to address the field citation-*ineligible* violations. The most common ineligible violation documented with an eligible violation is failure to have PST financial assurance. This violation is under consideration as an addition to the pilot (see Attachment 1). The bifurcation component of the pilot program continues to be the most challenging aspect of implementation, and a change to eliminate the bifurcation option is requested on page 3 (#1).

Field Citations Penalties: A total of \$244,545 was assessed in the 148 field citations, with the highest assessed and paid field citation penalty being \$4,375. Of the assessed amount, \$163,205 has been collected. The field citations that are pending in the 30-day payment period account for \$2,625 of the total assessed penalties. The unpaid and/or uncorrected violations, associated with the remaining \$68,005, were referred to the Enforcement Division. For the field citation recipients that chose to pay their field citation, the 10% reduced penalty amount totaled \$16,320. Since implementation, 38 field citations have been approved and issued by the Commission (24 in the second six months of the pilot).



REGION	PST	License	Stormwater	Total
Amarillo	2	1	1	4
Lubbock	8	3	2	13
Abilene	2	-	-	2
DFW	31	3	-	34
Tyler	-	4	1	5
El Paso	3	-	-	3
Midland	3	-	-	3
San Angelo	5	1	1	7
Waco	-	2	1	3
Beaumont	4	3	1	8
Austin	1	2	1	4
Houston	32	-	1	33
San Antonio	4	3	1	8
Corpus	8	3	-	11
Harlingen	1	1	4	6
Laredo	2	1	1	4
TOTAL	106	27	15	148

Field Citations by Region: The DFW and Houston region offices continue to issue the highest number of field citations, 34 and 33, respectively. During the first six months not all regions had issued at least one field citation, but at the one-year mark, all regions had issued at least two (2) citations. The Houston region’s PST numbers climbed the most for the PST program, while the Amarillo region issued a field citation in all three programs during the last six months. Another noteworthy change; was in Lubbock PST field citation numbers, which climbed from two (2) to eight (8) in the second six months of the pilot.



Field Citations Paid and/or Corrected: One of the most notable improvements in the second six months of the pilot was the increase in the number of field citation recipients that corrected their violations in the 60-day timeframe (51%). The “paid only” field citations (21%) represent the field citation recipients that have not yet corrected the violation(s), so those 31 field citations are in the process of on-site corrective action confirmation or referral to the Enforcement Division. The field citations referred to the Enforcement Division (21%) for no payment and/or no corrective action has increased from the first six months of the pilot program. This increase can be linked to the investigator’s on-site corrective action emphasis to the respondents. Specifically, field citation recipients are told that corrective action must be completed within 60 days, and that payment alone will not allow them to retain the field citation opportunity.

Requested Changes to the Field Citation Pilot Program:

1) *Remove the bifurcation aspect of the field citation process:* The most challenging aspect of the field citation process is the bifurcation component. When an additional enforcement option (NOV or NOE) is necessary to address the field citation-ineligible violations, the field citation process loses efficiency (externally and internally). The on-site explanation of the bifurcated process continues to cause confusion for the field citation recipients, despite investigators’ notable time investment on-site and over the phone. Also, a recommendation to eliminate the bifurcation option consistently tops the list of investigator feedback, especially from the PST program.

If the pilot program was changed to an “all or nothing” process, a field citation would only be offered if field citation-eligible violations were documented during an investigation. If a combination of eligible and ineligible violations were documented, then all of those violations would be referred to the Enforcement Division. This proposed process change would not significantly decrease the number of field citations as long as the PST financial assurance violation is added to the pilot.

2) *Add eight (8) violations to the list of field citation-eligible violations:* See Attachment 1

3) *Shift the field citation program from a pilot to a permanent TCEQ program:* Based on the positive growth and continuously improving results (corrective action and payment) during the first year of implementation, it is recommended that the Commission adopt the field citation program on a permanent basis. The field citation program has great potential to further advance into the efficient enforcement mechanism it was intended to become.

Attachment 1: Field Citation Violation Expansion List

Steve Goodson, Chief Auditor, Commissioners' Office
Blas Coy, Public Interest Council, Commissioners' Office
John Sadlier, Director, Enforcement Division
David W. Bower, P.G., Coastal Texas Area Director, Field Operations
Brent Wade, West Texas Area Director, Field Operations
Frank Espino, North Central Texas Area Director, Field Operations
Carlos Rubinstein, Texas Border Area Director, Field Operations
Stephanie Bergeron-Perdue, Deputy Director, Office of Legal Services
Matthew Baker, Director, Small Business and Environmental Assistance
Leonard Olson, Director, Intergovernmental Relations
Andy Saenz, Director, Agency Communications



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FIELD CITATION

Field Citation No.
00001

REGION _____

Investigation Date: ____/____/____

Time: _____ AM PM

Docket No.: _____

Investigators Name: _____

Investigators Signature: _____

Investigation No.: _____

Respondent:	CN No.
Regulated Entity:	RN No.
Physical Address:	County: 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)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to provide corrosion protection	30 TAC §334.49(a)(1)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to implement inventory control methods	30 TAC §334.50(d)(1)(B)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to provide spill containment and overfill prevention	30 TAC §334.51(b)(2)	<input type="checkbox"/>	\$3,500	<input type="checkbox"/>	\$1,750
Failure to possess a valid TCEQ Delivery Certificate prior to receiving fuel	30 TAC §334.8(c)(5)(A)(i)			<input type="checkbox"/>	\$875
Failure to have Stage I vapor recovery equipment	30 TAC §115.221	<input type="checkbox"/>	\$1,750	<input type="checkbox"/>	\$875
Failure to have Stage II vapor recovery equipment	30 TAC §115.241	<input type="checkbox"/>	\$1,750	<input type="checkbox"/>	\$875
Failure to obtain a Multi-Sector General Permit (stormwater)	30 TAC §281.25(a)(4)			<input type="checkbox"/>	\$875
Failure to obtain a required occupational license (Program: _____)	30 TAC §30.5(a)			<input type="checkbox"/>	\$210
Investigator Comments: (including corrective action)		TOTAL ASSESSED PENALTY: \$			
		Additional violation(s) noted: <input type="checkbox"/> Yes <input type="checkbox"/> 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.

_____ Authorized Representative Signature	_____ Printed Name	_____ Title	_____ 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 3918 Canyon Dr. Amarillo, TX 79109-4933 806/353-9251 FAX: 806/358-9545	Regional Director - Randy Ammons 3113 34th St. Lubbock, TX 79410-3227 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 - Frank Espino 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 - Archie Clouse 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 - Jed Barker 3300 North A St., Bldg. 4-107 Midland, TX 79705-5451 432/570-1359 FAX: 432/570-4795	Regional Director - Ricky Anderson 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 1921 Cedar Bend Dr., Ste. A150 Austin, TX 78758-5327 512/339-2929 FAX: 512/339-3795	Regional Director - Donna Phillips 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 - Carlos Rubinstein 1804 West Jefferson Ave. Harlingen, TX 78550-5247 956/425-6010 FAX: 956/412-5059
16 – LAREDO	WORLD WIDE WEB	
Regional Director - Carlos Rubinstein 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 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	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
Environmental & Health Services Department City of Dallas 320 E. Jefferson Blvd., Rm LL13 Dallas, TX 75203-2632 214/948-4435 FAX: 214/948-4412	Pollution Control Division Galveston County Health District P.O. Box 939 LaMarque, TX 77568-0939 409/938.2411 FAX: 409/938-2321

I Received a Field Citation – What Happens Next?

The TCEQ conducted an investigation at your regulated entity. The investigator cited a violation(s) on an official TCEQ Field Citation form. The Field Citation is intended to promote a quick resolution for violations documented during a TCEQ investigation, while offering a reduced penalty as compared to a penalty calculated through the traditional enforcement process.

If you receive a field citation, you have two options:

Option #1 - Settle the Field Citation.

If you choose this option, you must do the following **TWO** things:

1. Sign the field citation form and mail it to the TCEQ along with the total assessed penalty payment within **30 days** from the investigation date. Mail the signed form and penalty payment to:
Financial Administration Division, MC 214
TCEQ
P.O. Box 13088
Austin, Texas, 78711-3088
Please include the name of the Regulated Entity and the Field Citation number (located on the top right-hand corner of the Field Citation form) on your payment method.
2. Correct the violation(s) and mail certification of your completed corrective action to the region address listed and circled on the back of the field citation form within **60 days** from the investigation date. Your certification of completed corrective action must include any documentation necessary to prove corrective measures have been completed, such as receipts, photographs, and copies of records.

Please be aware that payment of the penalty does not relieve you of your responsibility to correct all alleged violations.

NOTE: You have the right to appeal the Field Citation to the Regional Director within the 30 days from the investigation date. Please contact the Regional Director at the phone number on the back of the Field Citation. **Please be aware that after the 30th day, you will be subject to higher penalties for the unsettled field citation.**

Option #2 - Choose **NOT** to accept the Field Citation.

If you choose this option:

- Your Field Citation will be referred to the TCEQ Enforcement Division for a standard administrative order. In this process, you may choose to disagree with the violation and enter into discussions that may resolve the issue or may lead to litigation for resolution. The reduced penalty opportunity is removed during this process. An Enforcement Coordinator will contact you soon after you inform the associated investigator of your choice for this option
- You may request all the violations be combined into one enforcement action, **IF** additional violations were documented (other than those checked on the Field Citation). Choosing this option means you forfeit the reduced Field Citation penalty, which has a lesser impact on your TCEQ compliance history, because the Field Citation is treated as an agreed final enforcement order containing denial of liability for compliance history purposes. See 30 TEX. ADMIN CODE Ch. 60 for compliance history rules.
[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=60&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=60&rl=Y)]
- You will retain your opportunity to request an evidentiary hearing through the State Office of Administrative Hearings.

See information about the TCEQ Field Citation pilot program
at www.tceq.state.tx.us
under Featured Projects and Programs

Proposed Field Citation Violation Expansion List

Program / Violation Description	30 TAC Rule	Field Citation Penalty	
<i>Petroleum Storage Tank (\$10,000/day Statutory Maximum)</i>		Major Facility	Minor Facility
(1) Failure to submit initial/renewal UST Registration and Self-Certification form	334.8	\$1,750	\$700
(2) Complete failure to maintain Financial Assurance	37.815	<input type="checkbox"/> 1 tank: \$1,750 <input type="checkbox"/> 2 tanks: \$3,500 <input type="checkbox"/> 3 tanks: \$5,250 <input type="checkbox"/> other: \$ _____	<input type="checkbox"/> 1 tank: \$700 <input type="checkbox"/> 2 tanks: \$1,400 <input type="checkbox"/> 3 tanks: \$2,100 <input type="checkbox"/> other: \$ _____
<i>On-site Sewage Facility (OSSF) (\$2,500/day Statutory Maximum)</i>		All Minor	
(3) Failure, by an installer, to ensure that an authorization to construct has been issued prior to beginning construction of an OSSF	285.61(4)	\$175	
<i>Dry Cleaners (\$5,000/day Statutory Maximum)</i>		All Minor	
(4) Purchasing dry cleaning solvent perchloroethylene without proper registration	337.10(a)(1)	\$875	
(5) Distributing or selling dry cleaning solvent perchloroethylene without proper registration	337.12(a)(1)	\$875	
<i>Dry Cleaners (\$50 /day Statutory Maximum)</i>		All Minor	
(6) Failure to obtain a valid, current Dry Cleaner Registration (facility)	337.4	≤ 30 days from date required: \$100 >30 days from date required: \$4/day	
<i>Stormwater (\$10,000/day Statutory Maximum)</i>		All Minor	
(7) Failure to obtain Construction General Permit (storm water)	281.25(a)(4)	\$700	
<i>Water Rights (\$5,000/day Statutory Maximum)</i>		Major	Minor
(8) Impounding, diverting or using state water without proper authorization	303.34(a)(1)	\$875	\$350

