

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners' Work Session **Date:** September 18, 2009

Thru: *JOS* John Sadlier, Deputy Director, Office of Compliance and Enforcement
BKS Bryan Sinclair, Director, Enforcement Division

From: *BKS* Melinda Johnston, Special Assistant to the Director, Enforcement Division
for MJ

Subject: Monthly Enforcement Report

Issue Discussion of the Monthly Enforcement Report

Background and Current Practice

At the Texas Commission on Environmental Quality, 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 to the Commissioners during regularly scheduled Work Sessions. This report is required by Texas Water Code § 7.003 – Enforcement Report.

Information for Fiscal Year 2009 through the end of July 2009 is attached.

Commission Action on this issue is not required.

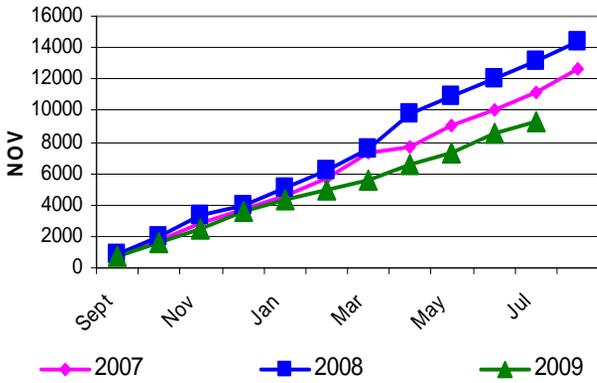
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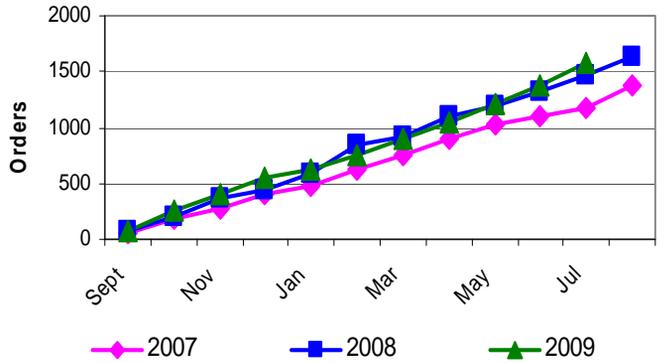
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COMMISSION
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Enforcement Report to the Commission for July 2009 FY09 Year-to-Date Totals

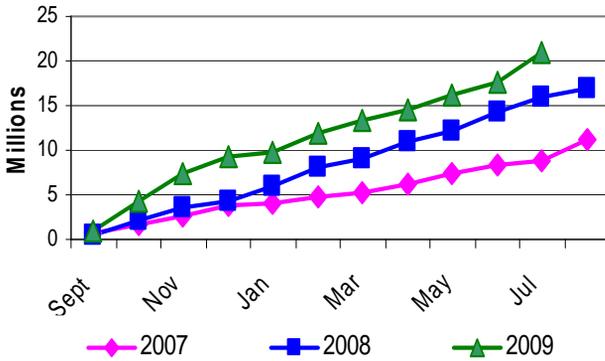
***Number of NOVs**



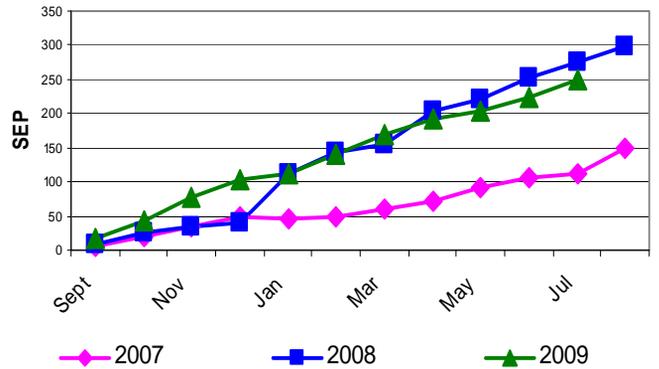
Number of Effective Orders



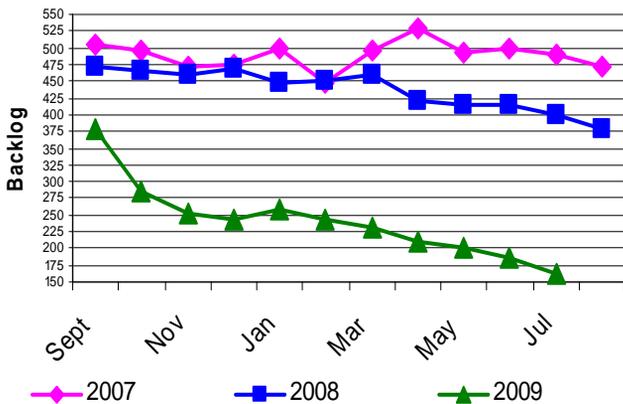
Assessed Penalties



Supplemental Environmental Projects (SEP)



Number of Backlogged Orders



For fiscal year 2009 through July, TCEQ has:

- Issued *9,334 Notices of Violation
 - Issued 1,584 Administrative Orders (see <http://www5.tceq.state.tx.us/eenf/>);
 - Assessed \$21,021,549 in administrative penalties;
 - Approved 249 Supplemental Environmental Projects; and
 - Reduced backlogged cases to 162.
- Judgments have been received on 21 cases referred by TCEQ to the Attorney General and the AG has 193 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/penenf/CourtOrdersIssued.pdf>.

*NOVs do not include numbers from the Public Drinking Water Section for July.

Enforcement Report to the Commission for July 2009 FY09 Year-to-Date Totals

PROGRAMS	Notices of Violation	Effective Orders	Assessed Penalties
AGRICULTURE	137	23	\$130,630
AIR	1,108	357	\$8,996,020
DRY CLEANERS	1	16	\$22,657
INDUSTRIAL & HAZARDOUS WASTE ¹	174	26	\$1,110,685
MUNICIPAL SOLID WASTE	245	72	\$385,558
OCCUPATIONAL CERTIFICATION	63	35	\$32,442
PETROLEUM STORAGE TANKS	960	382	\$3,790,563
PUBLIC WATER SUPPLY ²	4,602	199	\$568,423
WATER QUALITY ³	1,910	354	\$2,951,408
MULTI-MEDIA	134	120	\$3,033,163
YTD TOTALS	9,334	1,584	\$21,021,549
FY08 Total for Year	14,406	1,624	\$16,907,912
FY07 Total for Year	12,695	1,383	\$11,252,210
YTD Penalty Summary			
Total Deferred Penalties			\$2,378,508
Total Penalties to S.E.P.			\$5,572,067
Total Payable Penalties			\$13,070,974
YTD Case Status Summary			
Attorney General (A.G.) Judgments			21
Pending A.G. Cases			193
Pending TCEQ Cases			1,311
Backlogged Cases			162
Resolved Cases			236
Orders Being Tracked			3,070

¹ Includes radioactive waste and underground injection control cases

² Includes water rights cases and Notices of Violation based on self reported data

³ Includes Notices of Violation based on self reported data