

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Commissioners' Work Session **Date:** June 1, 2012

Thru: ^{RS} Ramiro Garcia, Jr., Deputy Director, Office of Compliance and Enforcement
^{BKS} Bryan Sinclair, Director, Enforcement Division

From: LO Lynley Doyen, Special Assistant to the Director, Enforcement Division

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 2012 through the end of April is attached. This report also includes an attachment regarding the status of penalty collections.

Commission Action on this issue is not required.

Enforcement Report to the Commission for April 2012 FY12 Year-To-Date Totals

Figure 1: Number of NOV's

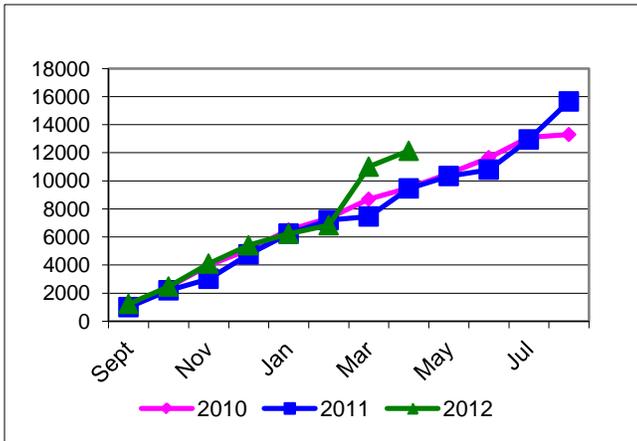


Figure 2: Number of Effective Orders

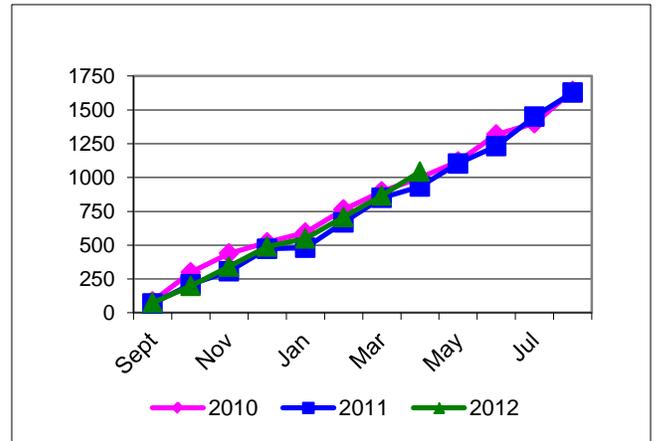


Figure 3: Assessed Penalties

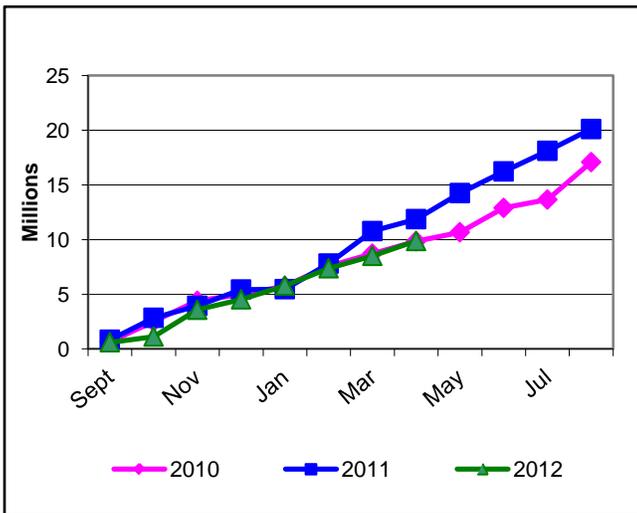


Figure 4: Supplemental Environmental Projects

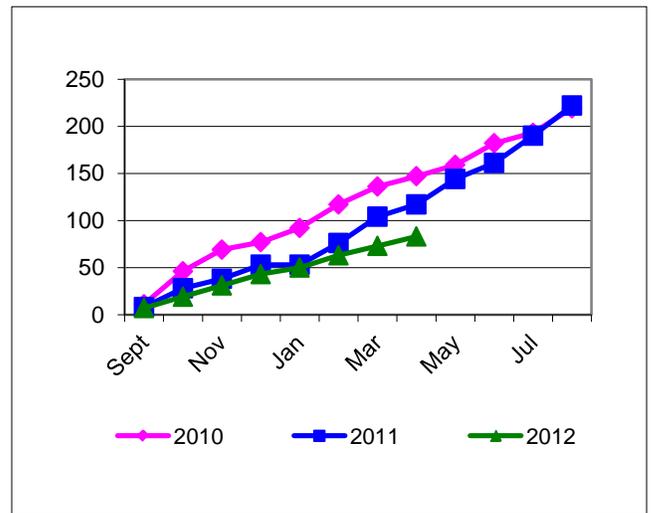


Figure 5: Number of Backlogged Orders

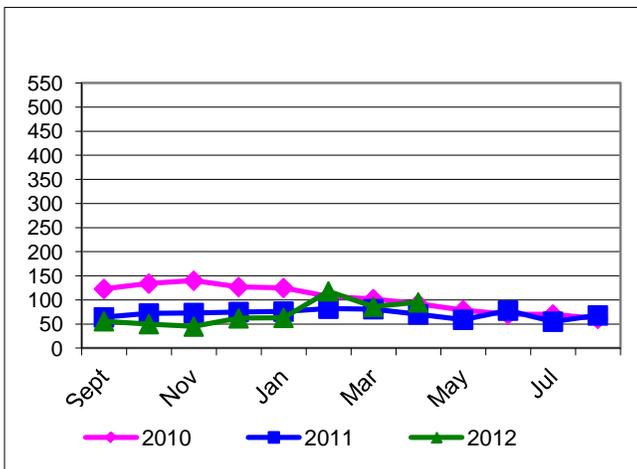


Figure 6: Summary

For fiscal year 2012 through **April**, TCEQ has:

- Issued **12,135** Notices of Violation
- Issued **1,044** Administrative Orders (see <http://www5.tceq.state.tx.us/eenf/>);
- Assessed **\$9,867,342** in administrative penalties; and
- Approved **83** Supplemental Environmental Projects.

Judgments have been received on **22** cases referred by TCEQ to the Attorney General and the AG has **271** 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 April 2012
FY12 Year-To-Date Totals**

Programs Summary:

PROGRAMS	Notices of Violation	Effective Orders	Assessed Penalties
AGRICULTURE	60	8	\$24,465
AIR	789	142	\$3,979,048
DAM SAFETY	0	0	\$0
DRY CLEANERS	0	1	\$7,586
INDUSTRIAL & HAZARDOUS WASTE ¹	99	16	\$278,974
MUNICIPAL SOLID WASTE	199	35	\$503,713
OCCUPATIONAL CERTIFICATION	43	17	\$10,352
PETROLEUM STORAGE TANKS	411	407	\$2,315,357
PUBLIC WATER SUPPLY ²	9,366	125	\$361,682
WATER QUALITY ³	1,030	218	\$1,956,338
WATER RIGHTS	9	9	\$4,725
MULTI-MEDIA	129	66	\$425,102
YTD TOTALS	12,135	1044	\$9,867,342
FY11 Total for Year	15,651	1,628	\$20,108,493
FY10 Total for Year	13,294	1,640	\$17,081,898

Year-To-Date Summary:

YTD Penalty Summary	
Total Deferred Penalties	\$1,200,509
Total Penalties to SEP	\$1,536,185
Total Payable Penalties	\$7,130,648
YTD Case Status Summary	
Attorney General (AG) Judgments	22
Pending AG Cases	271
Pending TCEQ Cases	1,780
Backlogged Cases	95
Resolved Cases	220
Orders Being Tracked	1599

¹ Includes radioactive waste and underground injection control cases

² Includes Notices of Violation based on self reported data

³ Includes Notices of Violation based on self reported data

Attachment 1: Report on TCEQ Penalty Collection Efforts

**Administrative Penalty Accounts
Referred to Collection Agency
September 1, 2009 - April 30, 2012**



Orders By Referral Status

Status	Number of Orders	Referred Amount	Paid Amount	Remaining Balance
STILL REFERRED	289	\$752,828.53	\$62,785.99	\$690,042.54
BANKRUPTCY	6	\$11,592.89	\$0.00	\$11,592.89
REFERRING TO AG	8	\$24,583.09	\$6.00	\$24,577.09
PAID	157	\$189,127.60	\$187,742.15	\$1,385.45
PAYMENT PLAN	17	\$28,494.53	\$2,703.62	\$25,790.91
UNCOLLECTIBLE	53	\$129,176.00	\$17,693.04	\$111,482.96
Total	530	\$1,135,802.64	\$270,930.80	\$864,871.84

Collection Rate By Order Type

Order Type	Number of Orders	Referred Amount	Paid Amount	Collection Rate
AFTERHE/TR	18	\$43,993.57	\$8,441.73	19.19%
AGRWDEN	271	\$447,208.42	\$133,226.26	29.79%
DEFAULT	241	\$644,600.65	\$129,262.81	20.05%
Total	530	\$1,135,802.64	\$270,930.80	23.85%