

TCEQ Interoffice Memorandum

To: Commissioners' Work Session

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

From: ^{LD} Lynley Doyen, Special Assistant to the Director, Enforcement Division

Date: September 14, 2012

Subject: Monthly Enforcement Report

Issue: Discussion of the Monthly Enforcement Report

Background and Current Practices:

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 July 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 July 2012 FY12 Year-To-Date Totals

Figure 1: Number of NOVs

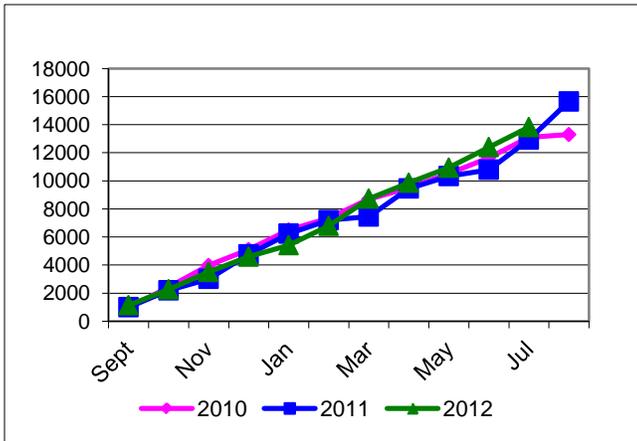


Figure 2: Number of Effective Orders

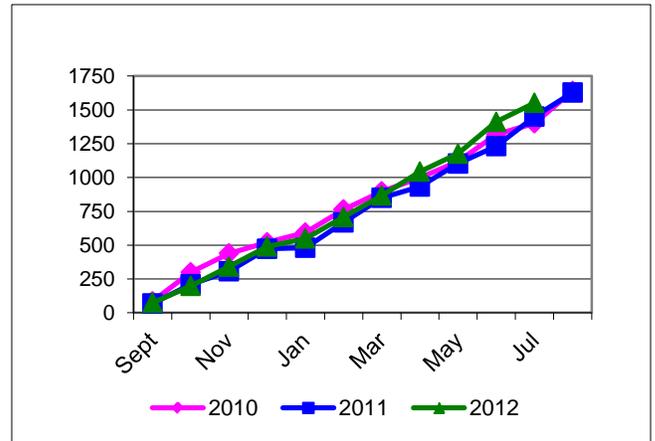


Figure 3: Assessed Penalties

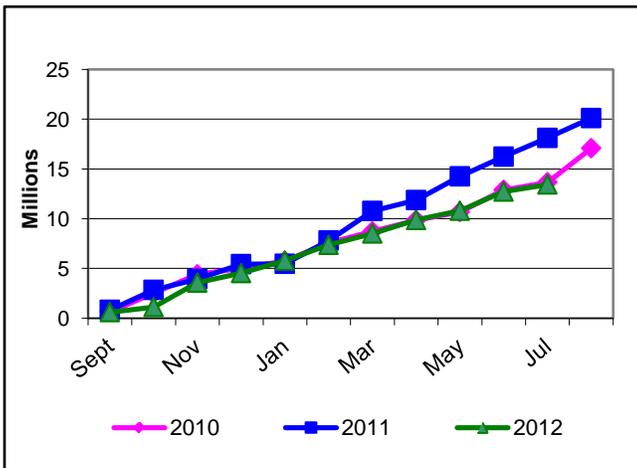


Figure 4: Supplemental Environmental Projects

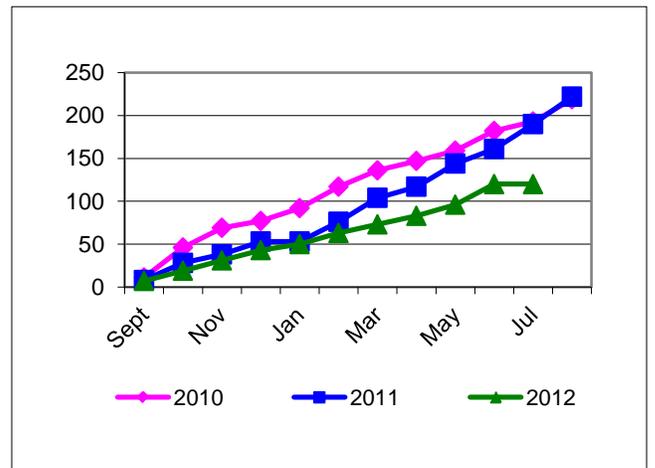


Figure 5: Number of Backlogged Orders

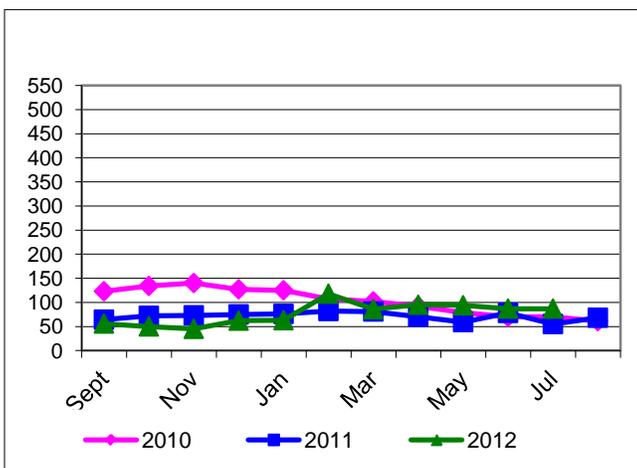


Figure 6: Summary

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

- Issued **13,828** Notices of Violation
- Issued **1,552** Administrative Orders (see <http://www5.tceq.state.tx.us/eenf/>);
- Assessed **\$13,435,552** in administrative penalties; and
- Approved **123** Supplemental Environmental Projects.

Judgments have been received on **34** cases referred by TCEQ to the Attorney General and the AG has **280** 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 July 2012
FY12 Year-To-Date Totals**

Programs Summary:

PROGRAMS	Notices of Violation	Effective Orders	Assessed Penalties
AGRICULTURE	89	10	\$28,785
AIR	1,132	204	\$5,228,536
DAM SAFETY	0	0	\$0
DRY CLEANERS	1	1	\$7,586
INDUSTRIAL & HAZARDOUS WASTE ¹	139	23	\$398,944
MUNICIPAL SOLID WASTE	260	60	\$686,967
OCCUPATIONAL CERTIFICATION	68	24	\$15,581
PETROLEUM STORAGE TANKS	574	666	\$3,455,925
PUBLIC WATER SUPPLY ²	9,848	174	\$486,628
WATER QUALITY ³	1,516	283	\$2,419,617
WATER RIGHTS (YTD Complaints = 132)	11	14	\$24,232
MULTI-MEDIA	190	93	\$682,751
YTD TOTALS	13,828	1,552	\$13,435,552
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	\$1,701,013
Total Penalties to SEP	\$2,041,553
Total Payable Penalties	\$9,692,986
YTD Case Status Summary	
Attorney General (AG) Judgments	34
Pending AG Cases	280
Pending TCEQ Cases	1,770
Backlogged Cases	87
Resolved Cases	294
Orders Being Tracked	1,696

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 - July 31, 2012**



Orders By Referral Status

Status	Number of Orders	Referred Amount	Paid Amount	Remaining Balance
STILL REFERRED	289	\$ 745,322.72	\$ 50,706.28	\$ 694,616.44
BANKRUPTCY	13	\$ 18,889.79	\$ -	\$ 18,889.79
REFERRING TO AG	27	\$ 61,828.57	\$ 6.00	\$ 61,822.57
PAID	224	\$ 272,523.28	\$ 271,137.83	\$ 1,385.45
PAYMENT PLAN	47	\$ 32,375.78	\$ 2,828.62	\$ 29,547.16
UNCOLLECTIBLE	62	\$ 149,151.80	\$ 17,986.47	\$ 131,165.33
Total	662	\$1,280,091.94	\$342,665.20	\$937,426.74

Collection Rate By Order Type

Order Type	Number of Orders	Referred Amount	Paid Amount	Collection Rate
AFTERHE/TR	22	\$ 49,512.29	\$ 8,441.73	17.05%
AGRWDEN	336	\$ 511,532.98	\$ 185,602.13	36.28%
DEFAULT	304	\$ 719,046.67	\$ 148,621.34	20.67%
Total	662	\$1,280,091.94	\$342,665.20	26.77%