

TCEQ Interoffice Memorandum

To: Commissioners' Work Session

Thru: ^{PK} Ramiro Garcia, Jr., Deputy Director, Office of Compliance and Enforcement
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From: ^{LD} Lynley Doyen, Special Assistant to the Director, Enforcement Division

Date: June 14, 2013

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 2013 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 2013 FY13 Year-to-Date Totals

Figure 1: Number of NOV's

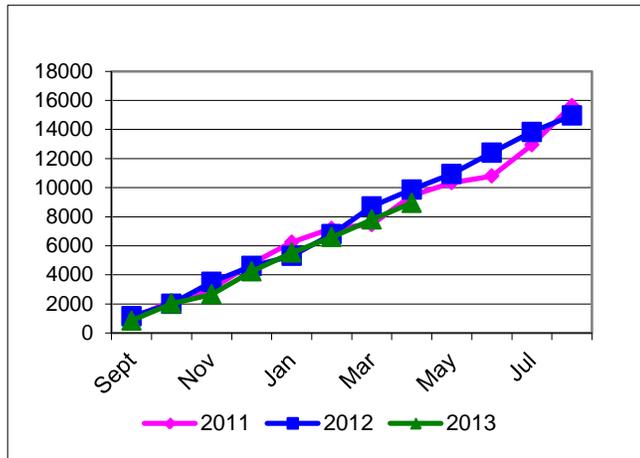


Figure 2: Number of Effective Orders

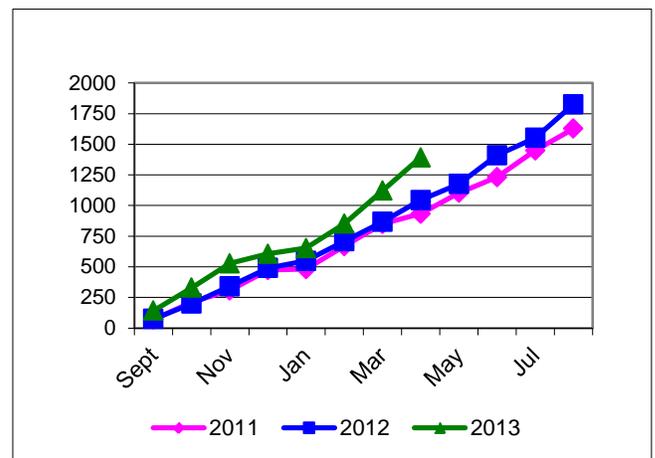


Figure 3: Assessed Penalties

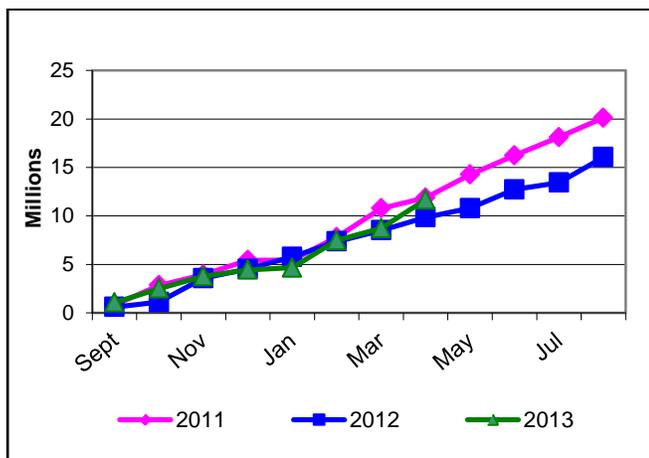


Figure 4: Supplemental Environmental Projects

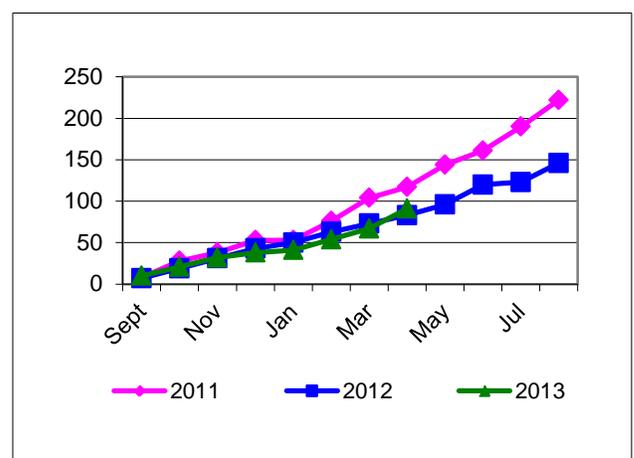


Figure 5: Number of Backlogged Orders

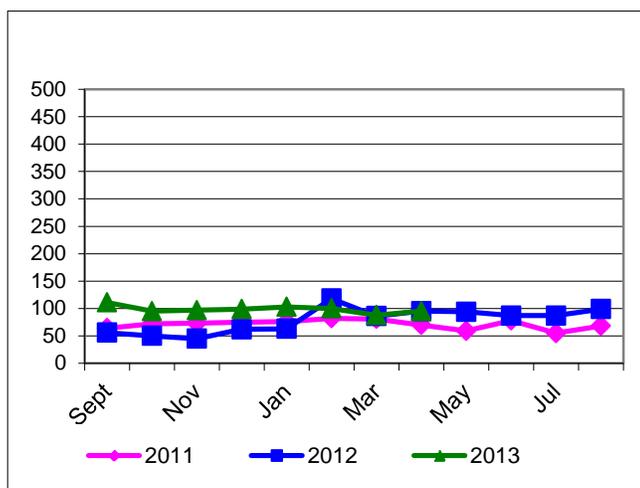


Figure 6: Summary

For fiscal year 2013 through **April**, TCEQ has:

- Issued **8,950** Notices of Violation
- Issued **1,393** Administrative Orders (see <http://www2.tceq.texas.gov/epic/eenf/>);
- Assessed **\$11,674,391** in administrative penalties; and
- Approved **91** Supplemental Environmental Projects.

Judgments have been received on **26** cases referred by TCEQ to the Attorney General and the AG has **269** 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/penenfacc/CourtOrdersIssued.pdf>

**Enforcement Report to the Commission for April 2013
FY13 Year-to-Date Totals**

Programs Summary:

| PROGRAMS | Notices of Violation | Effective Orders | Assessed Penalties |
|--|-----------------------------|-------------------------|---------------------------|
| AGRICULTURE | 42 | 6 | \$75,387 |
| AIR | 647 | 146 | \$2,603,141 |
| DAM SAFETY | 0 | 0 | \$0 |
| DRY CLEANERS | 0 | 1 | \$1,000 |
| INDUSTRIAL & HAZARDOUS WASTE ¹ | 141 | 17 | \$804,922 |
| MUNICIPAL SOLID WASTE | 162 | 43 | \$417,476 |
| OCCUPATIONAL CERTIFICATION | 39 | 26 | \$12,956 |
| PETROLEUM STORAGE TANKS | 374 | 653 | \$3,526,279 |
| PUBLIC WATER SUPPLY ² | 6,263 | 158 | \$296,086 |
| WATER QUALITY ³ | 1,088 | 270 | \$79,819 |
| WATER RIGHTS YTD Complaints = 44 | 25 | 20 | \$3,340,339 |
| MULTI-MEDIA | 169 | 53 | \$516,986 |
| YTD TOTALS | 8,950 | 1,393 | \$11,674,391 |
| FY12 Total for Year | 14,952 | 1,826 | \$16,061,369 |
| FY11 Total for Year | 15,651 | 1,628 | \$20,108,493 |

Year-to-Date Summary:

| | |
|---------------------------------|-------------|
| YTD Penalty Summary | |
| Total Deferred Penalties | \$1,932,722 |
| Total Penalties to SEP | \$1,716,748 |
| Total Payable Penalties | \$8,024,921 |
| YTD Case Status Summary | |
| Attorney General (AG) Judgments | 26 |
| Pending AG Cases | 269 |
| Pending TCEQ Cases | 1,763 |
| Backlogged Cases | 95 |
| Resolved Cases | 362 |
| Orders Being Tracked | 1,761 |

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, 2013**



Orders By Referral Status

| Status | Number of Orders | Referred Amount | Paid Amount | Remaining Balance |
|-----------------|-------------------------|------------------------|---------------------|--------------------------|
| STILL REFERRED | 333 | \$ 840,887.68 | \$ 53,516.20 | \$ 787,371.48 |
| BANKRUPTCY | 19 | \$ 35,824.65 | \$ 412.85 | \$ 35,411.80 |
| REFERRING TO AG | 51 | \$ 118,258.95 | \$ 106.00 | \$ 118,152.95 |
| PAID | 289 | \$ 339,195.36 | \$ 337,809.91 | \$ 1,385.45 |
| PAYMENT PLAN | 47 | \$ 55,866.25 | \$ 4,068.62 | \$ 51,797.63 |
| UNCOLLECTIBLE | 63 | \$ 137,722.80 | \$ 19,041.72 | \$ 118,681.08 |
| Total | 802 | \$ 1,527,755.69 | \$414,955.30 | \$1,112,800.39 |

Collection Rate By Order Type

| Order Type | Number of Orders | Referred Amount | Paid Amount | Collection Rate |
|-------------------|-------------------------|------------------------|---------------------|------------------------|
| AFTERHE/TR | 24 | \$ 52,813.99 | \$ 8,441.73 | 15.98% |
| AGRWDEN | 431 | \$ 628,165.40 | \$ 241,393.34 | 38.43% |
| DEFAULT | 347 | \$ 846,776.30 | \$ 165,120.23 | 19.50% |
| Total | 802 | \$1,527,755.69 | \$414,955.30 | 27.16% |