

TCEQ Interoffice Memorandum

To: Commissioners' Work Session

Thru: ✓ Ramiro Garcia, Jr., Deputy Director, Office of Compliance and Enforcement
BKS Bryan Sinclair, Director, Enforcement Division

From: LO Lynley Doyen, Special Assistant, Enforcement Division

Date: August 15, 2014

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 2014 through the end of June 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 June 2014 FY14 Year-to-Date Totals

Figure 1: Number of NOV's

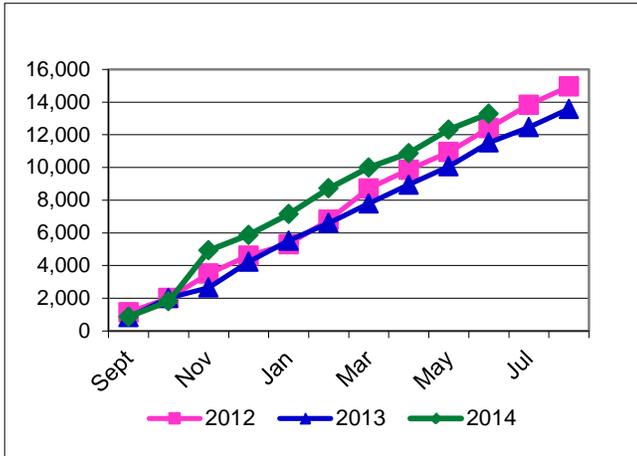


Figure 2: Number of Effective Orders

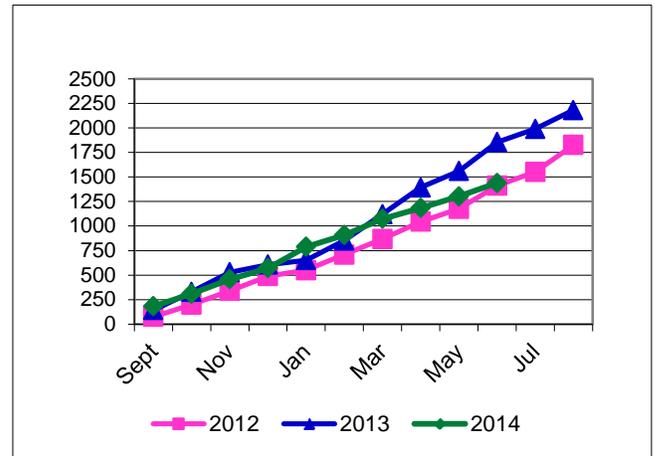


Figure 3: Assessed Penalties

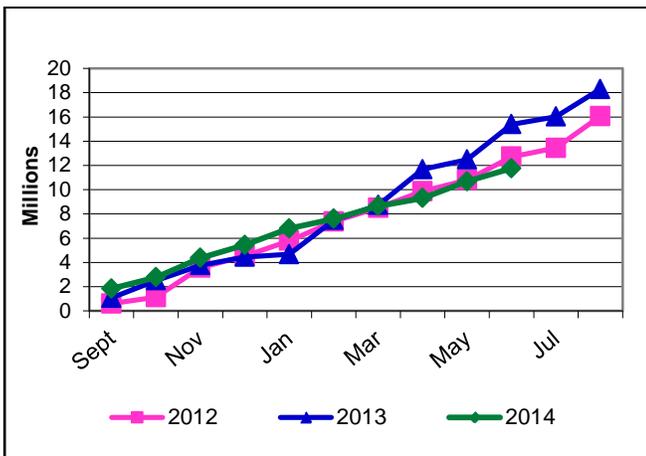


Figure 4: Supplemental Environmental Projects

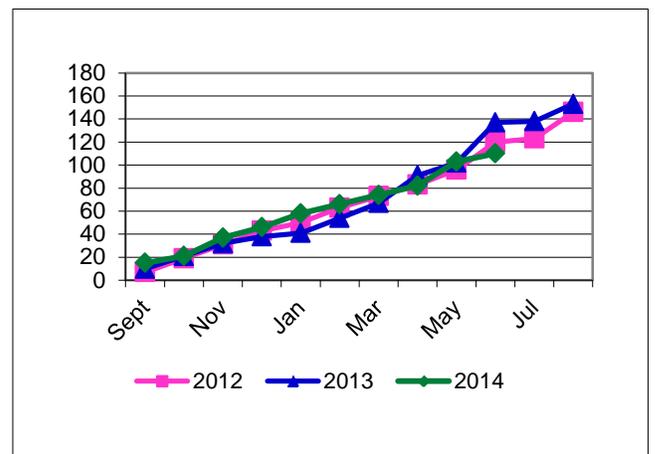


Figure 5: Number of Backlogged Orders

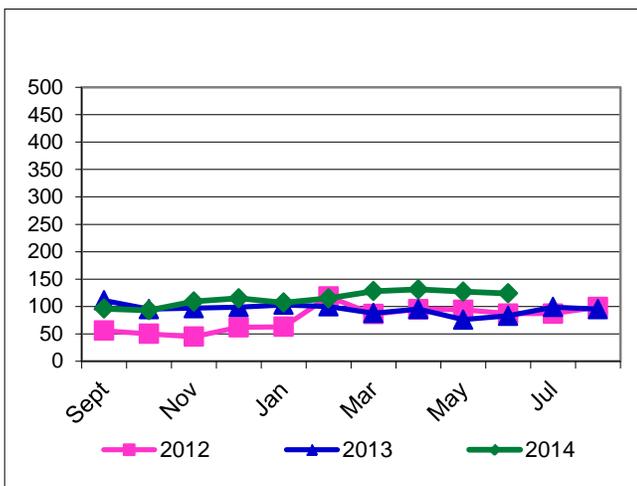


Figure 6: Summary

For fiscal year 2014 through **June**, TCEQ has:

- Issued **13,282** Notices of Violation
- Issued **1,439** Administrative Orders (see <http://www2.tceq.texas.gov/epic/eenf/>);
- Assessed **\$11,758,559** in administrative penalties; and
- Approved **110** Supplemental Environmental Projects.

Judgments have been received on **20** cases referred by TCEQ to the Attorney General and the AG has **283** 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>

**Enforcement Report to the Commission for June 2014
FY14 Year-to-Date Totals**

Programs Summary:

PROGRAMS	Notices of Violation	Effective Orders	Assessed Penalties
AGRICULTURE	59	3	\$12,866
AIR	977	189	\$3,901,224
DAM SAFETY	0	0	\$0
DRY CLEANERS	0	1	\$4,550
INDUSTRIAL & HAZARDOUS WASTE ¹	136	8	\$577,980
MUNICIPAL SOLID WASTE	225	28	\$201,939
OCCUPATIONAL CERTIFICATION	13	14	\$15,046
PETROLEUM STORAGE TANKS	682	627	\$4,002,604
PUBLIC WATER SUPPLY ²	9,703	293	\$375,401
WATER RIGHTS YTD Complaints = 117	90	20	\$26,170
WATER QUALITY ³	1,181	216	\$1,922,609
MULTI-MEDIA	216	40	\$718,170
YTD TOTALS	13,282	1,439	\$11,758,559
FY13 Total for Year	13,581	2,182	\$18,284,805
FY12 Total for Year	14,952	1,826	\$16,061,369

Year-to-Date Summary:

YTD Penalty Summary	
Total Deferred Penalties	\$1,543,775
Total Penalties to SEP	\$1,862,250
Total Payable Penalties	\$8,352,534
YTD Case Status Summary	
Attorney General (AG) Judgments	20
Pending AG Cases	283
Pending TCEQ Cases	1,347
Backlogged Cases	124
Resolved Cases	173
Orders Being Tracked	1,747

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, 2010 - June 30, 2014**



Orders By Referral Status

Status	Number of Orders	Referred Amount	Paid Amount	Remaining Balance
STILL REFERRED	370	\$ 927,602.95	\$ 43,059.21	\$ 884,543.74
BANKRUPTCY	17	\$ 43,770.92	\$ 412.85	\$ 43,358.07
REFERRING TO AG	54	\$ 133,487.70	\$ 971.95	\$ 132,515.75
PAID	323	\$ 352,608.12	\$ 352,608.12	\$ -
PAYMENT PLAN	43	\$ 58,782.93	\$ 7,574.62	\$ 51,208.31
UNCOLLECTIBLE	21	\$ 48,838.03	\$ 8,207.85	\$ 40,630.18
Total	828	\$ 1,565,090.65	\$412,834.60	\$1,152,256.05

Collection Rate By Order Type

Order Type	Number of Orders	Referred Amount	Paid Amount	Collection Rate
AFTERHE/TR	18	\$ 50,116.33	\$ 1,272.87	2.54%
AGRWDEN	516	\$ 735,378.13	\$ 263,178.23	35.79%
DEFAULT	294	\$ 779,596.19	\$ 148,383.50	19.03%
Total	828	\$1,565,090.65	\$412,834.60	26.38%