

ENFORCEMENT REPORT TO THE COMMISSION FOR SEPTEMBER 2003

December 5, 2003 Commission Work Session

PROGRAMS	FORMAL ACTIONS INITIATED BY EDPR/PETITION OR DRAFT ORDER		ADMINISTRATIVE ORDERS ISSUED BY THE COMMISSION		FISCAL YEAR 2004 YEAR-TO-DATE TOTAL ADMINISTRATIVE PENALTIES ASSESSED, DEFERRED, TOTAL PENALTY DUE GENERAL REVENUE, AND DOLLAR AMOUNT WHICH WILL BE SPENT ON SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs) IN ORDERS ISSUED BY THE TCEQ				
	Month	FY	Month	FY	ASSESSED	DEFERRED	TOTAL PENALTY DUE GENERAL REVENUE	SEP COST	SEP OFFSET
AGRICULTURE	0	0	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
AIR	1	1	7	7	\$43,980.00	\$5,056.00	\$37,874.00	\$1,050.00	\$1,050.00
INDUSTRIAL AND HAZARDOUS WASTE ¹	0	0	1	1	\$900.00	\$180.00	\$720.00	\$0.00	\$0.00
MUNICIPAL SOLID WASTE	1	1	0	0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
OCCUPATIONAL CERTIFICATION	1	1	4	4	\$2,750.00	\$50.00	\$2,700.00	\$0.00	\$0.00
PETROLEUM STORAGE TANKS	115	115	15	15	\$110,750.00	\$2,255.00	\$107,995.00	\$500.00	\$500.00
PUBLIC WATER SUPPLY ²	0	0	6	6	\$15,368.00	\$0.00	\$15,368.00	\$0.00	\$0.00
WATER QUALITY	1	1	6	6	\$122,325.00	\$320.00	\$73,030.00	\$48,975.00	\$48,975.00
MULTI-MEDIA	1	1	3	3	\$11,550.00	\$360.00	\$11,190.00	\$0.00	\$0.00
TOTALS	120	120	42	42	\$307,623.00	\$8,221.00	\$248,877.00	\$50,525.00	\$50,525.00

¹ Includes radioactive waste and underground injection control cases

² Includes water rights cases

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December 5, 2003 Commission Work Session

PROGRAMS	WRITTEN NOTICES OF VIOLATION (NOVS) ISSUED REGARDING TCEQ INVESTIGATIONS ³		NOVS ISSUED REGARDING SELF REPORTED DATA REQUIRED BY PUBLIC WATER SUPPLY AND WATER QUALITY FACILITIES		CASES RESOLVED INFORMALLY - COMPLIANCE ACHIEVED THRU CENTRAL OFFICE ACTION WITHOUT ISSUANCE OF AN AGENCY ORDER		CASES BEING DEVELOPED IN ENFORCEMENT PROGRAMS ⁴	CASES BEING TRACKED FOR COMPLIANCE ⁵
	Month	FY	Month	FY	Month	FY	Total	Total
AGRICULTURE	3	3	N/A	N/A	0	0	3	51
AIR	45	45	N/A	N/A	1	1	208	524
INDUSTRIAL AND HAZARDOUS WASTE	6	6	N/A	N/A	0	0	65	183
MUNICIPAL SOLID WASTE	19	19	N/A	N/A	0	0	48	126
OCCUPATIONAL CERTIFICATION	0	0	N/A	N/A	1	1	19	84
PETROLEUM STORAGE TANKS	37	37	N/A	N/A	5	5	425	457
PUBLIC WATER SUPPLY	39	39	295	295	0	0	149	498
WATER QUALITY	35	35	9	9	1	1	200	339
MULTI-MEDIA	3	3	N/A	N/A	3	3	59	146
TOTALS	187	187	304	304	11	11	1176	2408

³ Includes NOVs issued regarding investigations and enforcement cases. The investigations that these NOVs address could be either record reviews or onsite investigations.

⁴ Cases which the enforcement programs in Central Office are working on in which agency action has not been filed yet, unless the action is an AG referral for which the case will be considered to be under development until issuance of a Final Judgment. Agency action includes, orders issued, NOVs for those cases in which a formal action is not being pursued, corrective action directives, bilateral compliance agreements, or any other action which directs a facility to take action to achieve compliance within a specified period of time.

⁵ Includes all cases which the enforcement programs are tracking for compliance once an agency action (as defined in footnote 4) is finalized. The total number appears to be high in relation to previous reports, data quality assurance cleanup will correct this number in future reports.

ENFORCEMENT REPORT TO THE COMMISSION FOR SEPTEMBER 2003

December 5, 2003 Commission Work Session

PROGRAMS	PENDING FORMAL ENFORCEMENT ACTIONS FOR ADMINISTRATIVE ORDERS TO BE ISSUED BY THE TCEQ ⁶		CASES PENDING AT THE STATE OFFICE OF ADMIN. HEARINGS	CASES PENDING AT THE OFFICE OF THE ATTORNEY GENERAL ⁷	ATTORNEY GENERAL CASES RESULTING IN JUDGMENTS ⁸		NOTICE OF AUDIT LETTERS RECEIVED REGARDING VOLUNTARY ENVIRONMENTAL SELF AUDITS		DISCLOSURE OF VIOLATIONS LETTERS RECEIVED REGARDING VOLUNTARY ENVIRONMENTAL SELF AUDITS ⁹		CASES SCREENED AND APPROVED FOR ENFORCEMENT ACTION ¹⁰	
	Total	Backlog	Total	Total	Month	FY	Month	FY	Month	FY	Month	FY
AGRICULTURE	14	11	2	0	0	0	not avail	not avail	not avail	not avail	0	0
AIR	165	66	3	15	0	0	not avail	not avail	not avail	not avail	12	12
INDUSTRIAL AND HAZARDOUS WASTE	37	39	8	38	1	1	not avail	not avail	not avail	not avail	1	1
MUNICIPAL SOLID WASTE	58	34	5	30	1	1	not avail	not avail	not avail	not avail	1	1
OCCUPATIONAL CERTIFICATION	37	17	0	2	0	0	not avail	not avail	not avail	not avail	0	0
PETROLEUM STORAGE TANKS	421	109	22	15	0	0	not avail	not avail	not avail	not avail	264	264
PUBLIC WATER SUPPLY	105	66	6	47	1	1	not avail	not avail	not avail	not avail	1	1
WATER QUALITY	164	60	5	27	1	1	not avail	not avail	not avail	not avail	4	4
MULTI-MEDIA	44	32	6	8	0	0	not avail	not avail	not avail	not avail	4	4
TOTALS	1088	434	57	184	4	4	not avail	not avail	not avail	not avail	328	328

⁶ There are 43 pending Administrative Orders included in this total that do not have appropriate programs associated in the database at this time. This will be corrected for the next report.

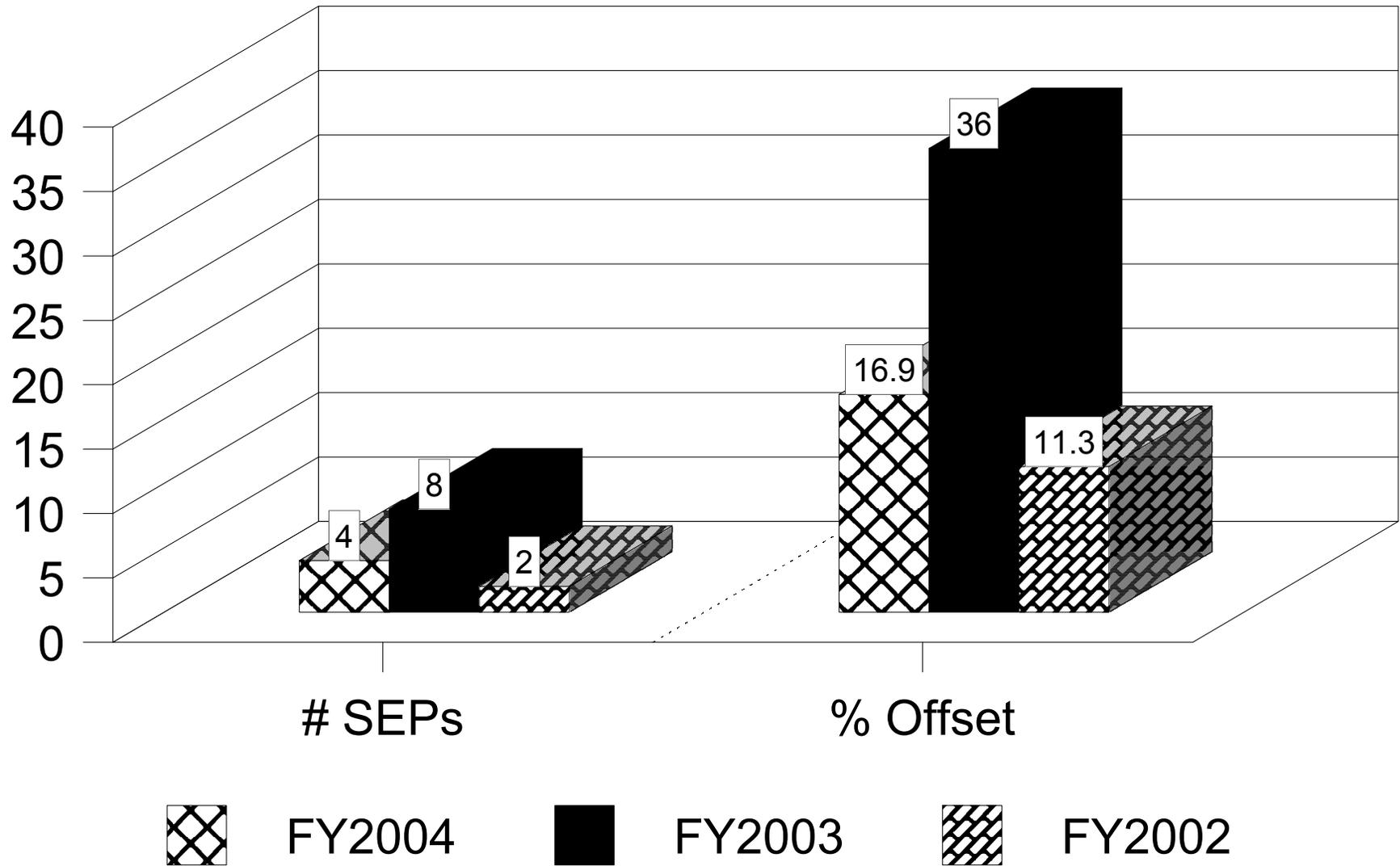
⁷ AG actions typically take from 6 months to 5 years from the date of referral to final judgment. There are 2 additional cases added to the total that do not have appropriate programs associated in the database at this time. This will be corrected in the next report.

⁸ These numbers are obtained from the Attorney General's Office

⁹ Data regarding Notices of Voluntary Self Audits and Disclosures of Violation are not available at this time.

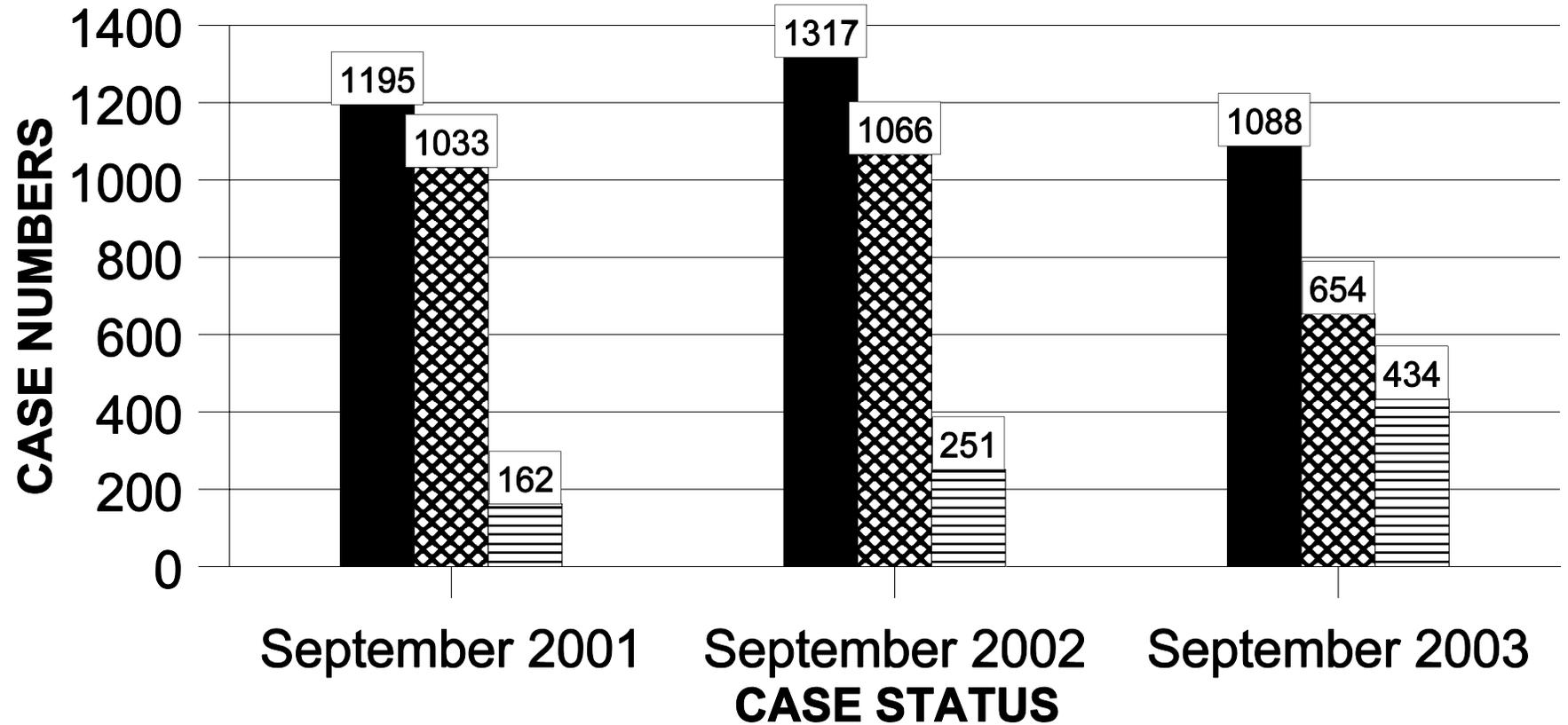
¹⁰ There are 41 cases screened and approved for enforcement action included in the total that do not have appropriate programs associated in the database at this time. This will be corrected for the next report.

Comparison of Supplemental Environmental Project (SEP) Data (through September)



AGENCY-WIDE BACKLOG DISTRIBUTION

SEPTEMBER 2001 - SEPTEMBER 2003



Pending

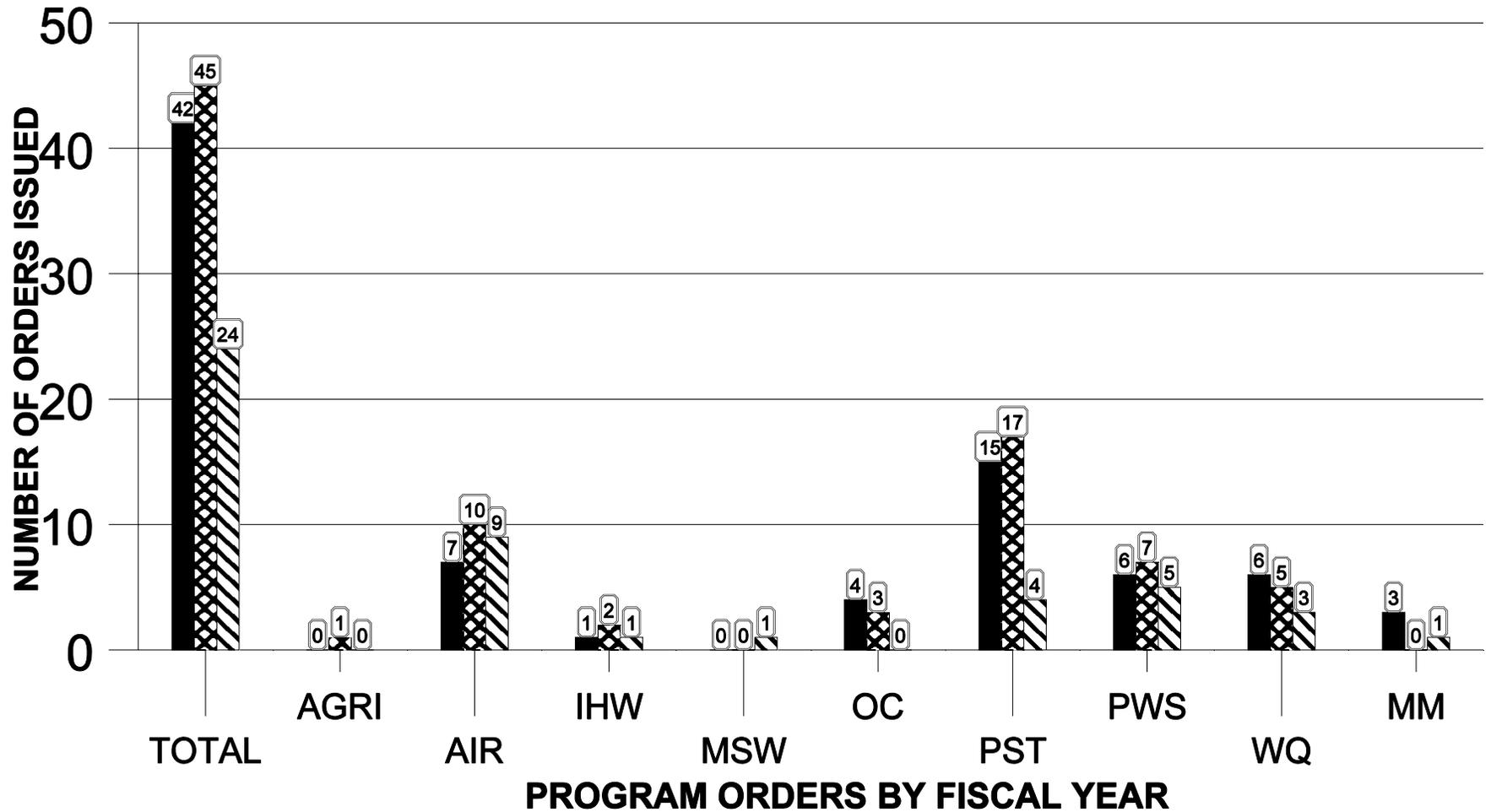


On Time



Backlogged

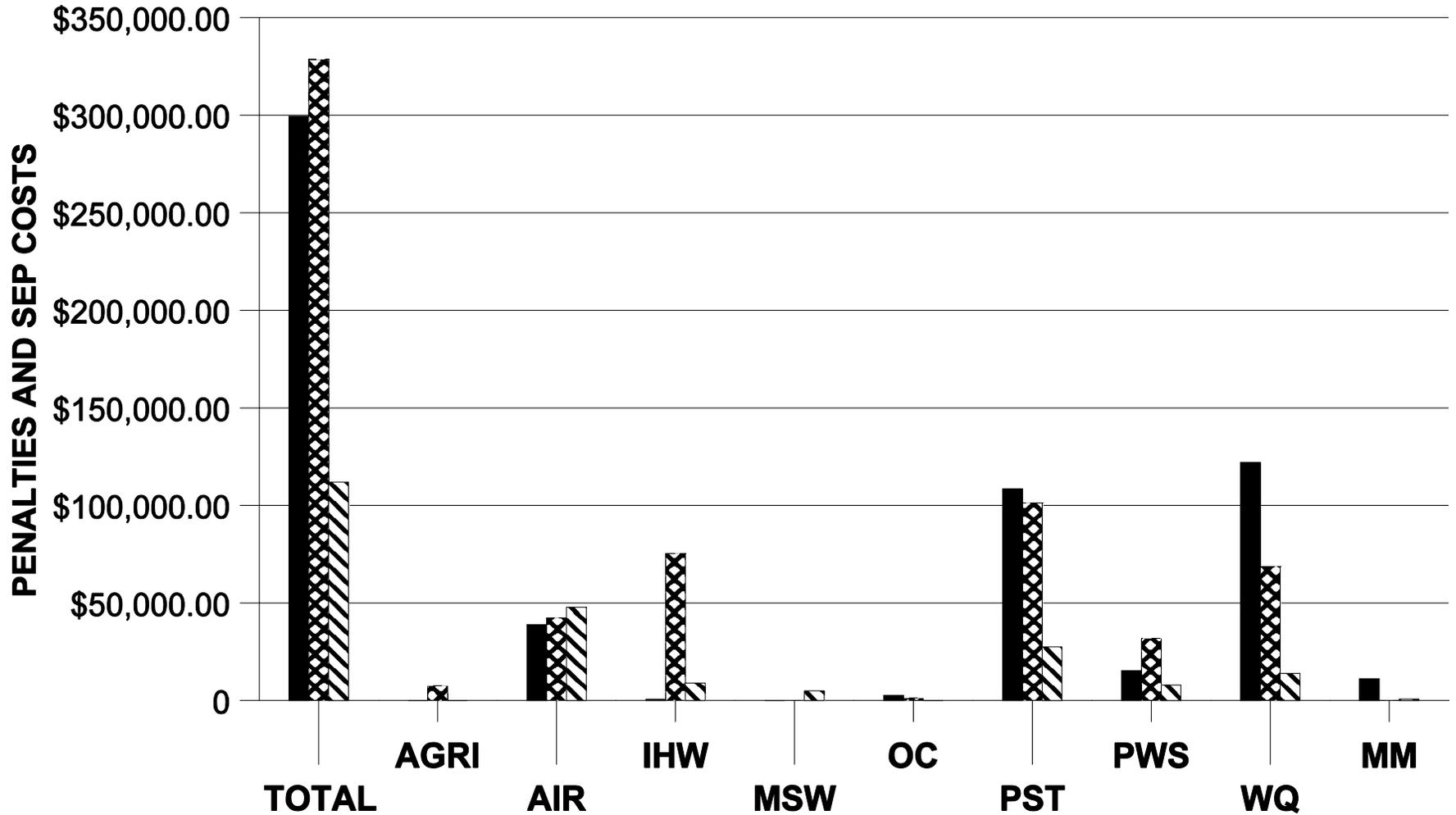
COMPARISON OF ORDERS ISSUED FY 2002 thru FY 2004



 Thru September 2003
 Thru September 2001

 Thru September 2002

COMPARISON OF ORDERS ISSUED FY 2002 thru FY 2004



 Thru September 2003
 Thru September 2001

 Thru September 2002

Information on how cases were settled between the Enforcement and Litigation Divisions and the State Office of Administrative Hearings is not available at this time. This information will be updated as soon as it is available.

Administrative Orders Issued

Singles Programs

Date Range Selected : 09/01/2003 - 09/30/2003

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
AQ	7364	Drilling Specialties Company, LLC	1803	MONTGOMERY	9/25/03	6,350.00	0.00	6,350.00	0.00	0.00
AQ	5928	U.S. Clay, L.P.	4049	CAMERON	9/25/03	2,100.00	0.00	1,050.00	1,050.00	1,050.00
AQ	6004	Firestone Polymers, LLC	292	ORANGE	9/25/03	10,220.00	2,044.00	8,176.00	0.00	0.00
AQ	7361	Atofina Petrochemicals, Inc.	1267	JEFFERSON	9/25/03	7,560.00	1,512.00	6,048.00	0.00	0.00
AQ	5330	IRONHORSE MFG INC	JE0913J	JEFFERSON	9/25/03	9,200.00	0.00	9,200.00	0.00	0.00
AQ	5363	COMPASS OPERATING LLC	53003	KARNES	9/25/03	7,500.00	1,500.00	6,000.00	0.00	0.00
AQ	5971	Mason County Feeders, LTD.	BG1309J	BEXAR	9/25/03	1,050.00	0.00	1,050.00	0.00	0.00
Subtotal for AQ : 7						43,980.00	5,056.00	37,874.00	1,050.00	1,050.00
IHW	165	PERMENTER, DENNIS G *	F1530	SHELBY	9/25/03	900.00	180.00	720.00	0.00	0.00
Subtotal for IHW : 1						900.00	180.00	720.00	0.00	0.00
OL	5836	PROSE, GEOFFREY A	OS0005006	DENTON	9/25/03	250.00	50.00	200.00	0.00	0.00
OL	8887	FARR, DUDLEY E	HJDHLIHKK	WILLIAMSON	9/25/03	0.00	0.00	0.00	0.00	0.00
OL	7270	PHILLIPS, FRANCIS X	OS0004760	PARKER	9/25/03	750.00	0.00	750.00	0.00	0.00
OL	6055	MUSICK, MELVIN K	OS0007939	BROWN	9/25/03	1,750.00	0.00	1,750.00	0.00	0.00
Subtotal for OL : 4						2,750.00	50.00	2,700.00	0.00	0.00
PST	8026	STUART, JEFFREY	2350	CROCKETT	9/25/03	8,500.00	0.00	8,500.00	0.00	0.00
PST	2256	BEAVERS, BARRY DON	10719	MITCHELL	9/25/03	15,500.00	0.00	15,500.00	0.00	0.00
PST	357	C & W Enterprises, Inc.	25830	TOM GREEN	9/25/03	2,000.00	0.00	2,000.00	0.00	0.00
PST	5543	West Texas Gas, Inc.	NONE	MIDLAND	9/25/03	1,000.00	0.00	500.00	500.00	500.00
PST	2742	MAHNOOR INC	28570	AUSTIN	9/25/03	1,875.00	375.00	1,500.00	0.00	0.00
PST	2781	S. K. Associates, Inc.	35210	HARRIS	9/25/03	1,050.00	0.00	1,050.00	0.00	0.00
PST	2107	AMIN, JOGESH	12640	TARRANT	9/25/03	4,500.00	0.00	4,500.00	0.00	0.00
PST	2399	LUMMAS BILLY D	4666	LEON	9/25/03	15,300.00	0.00	15,300.00	0.00	0.00
PST	2745	FFP Operating Partners LP	0018564	TARRANT	9/25/03	2,425.00	0.00	2,425.00	0.00	0.00
PST	2787	Nolan Oil Company, Inc.	NONE	ORANGE	9/25/03	1,400.00	280.00	1,120.00	0.00	0.00
PST	2195	Maral International, Inc., dba One Stop Food Mart	39704	HARRIS	9/25/03	2,500.00	0.00	2,500.00	0.00	0.00
PST	5890	ULLAH BROTHERS INCORPORATED	24161	SAN PATRICIO	9/25/03	8,000.00	1,600.00	6,400.00	0.00	0.00
PST	3064	Petro-Chemical Transport, Inc.	NONE	HARRIS	9/25/03	2,000.00	0.00	2,000.00	0.00	0.00
PST	1502	Addison Enterprises Inc.	0042963	DALLAS	9/25/03	29,700.00	0.00	29,700.00	0.00	0.00
PST	2547	PATRIOT PETROLEUM INC	26493	JEFFERSON	9/25/03	15,000.00	0.00	15,000.00	0.00	0.00
Subtotal for PST : 15						110,750.00	2,255.00	107,995.00	500.00	500.00
PWS	5766	SOUTHWESTERN HOLDINGS INC	1890015	PRESIDIO	9/25/03	1,500.00	0.00	1,500.00	0.00	0.00
PWS	5963	City of Crowell	0780001	FOARD	9/25/03	1,400.00	0.00	1,400.00	0.00	0.00
PWS	3729	BELLEWOOD WSC	1011945	HARRIS	9/25/03	1,250.00	0.00	1,250.00	0.00	0.00
PWS	5967	LILBERT LOONEYVILLE WSC	1740013	NACOGDOCHE	9/25/03	2,430.00	0.00	2,430.00	0.00	0.00

Singles Programs

Administrative Orders Issued

Date Range Selected : 09/01/2003 - 09/30/2003

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
PWS	5548	Terra Southwest, Inc.	0610161	DENTON	9/25/03	975.00	0.00	975.00	0.00	0.00
PWS	5486	JACKSON, H S *	0610086	DENTON	9/25/03	7,813.00	0.00	7,813.00	0.00	0.00
Subtotal for PWS : 6						15,368.00	0.00	15,368.00	0.00	0.00
WQ	2551	Pilgrims Pride Corporation	TXR05O410	NACOGDOCHE	9/25/03	5,425.00	0.00	5,425.00	0.00	0.00
WQ	797	CITY OF MISSION	TPDES0070017	HIDALGO	9/25/03	29,500.00	0.00	0.00	29,500.00	29,500.00
WQ	1002	DICKSON WEATHERPROOF NAIL COMPANY	TPDES0093513	HARRIS	9/25/03	65,450.00	0.00	65,450.00	0.00	0.00
WQ	2836	THE SPANOS CORPORATION	11-02022201	TRAVIS	9/25/03	1,600.00	320.00	1,280.00	0.00	0.00
WQ	8344	BARRERA, CLAUDIO	NONE	JIM WELLS	9/25/03	875.00	0.00	875.00	0.00	0.00
WQ	1192	Luce Bayou Pud	TPDES0074870	HARRIS	9/25/03	19,475.00	0.00	0.00	19,475.00	19,475.00
Subtotal for WQ : 6						122,325.00	320.00	73,030.00	48,975.00	48,975.00
Total for Singles Programs : 39						296,073.00	7,861.00	237,687.00	50,525.00	50,525.00

Multi-Media Programs

Administrative Orders Issued

Date Range Selected : 09/01/2003 - 09/30/2003

PGM	Case No.	Respondent Name	TCEQ ID	County	Order Date	Penalty Assessed	Penalty Deferred	Payable Amount	SEP Cost	SEP Offset
MM	8033	KEY, CLIFFORD GLEN	NONE	NEWTON	9/25/03	6,000.00	0.00	6,000.00	0.00	0.00
MM	6023	PRICE, WILLARD	SC0013P	SAN JACINTO	9/25/03	1,800.00	360.00	1,440.00	0.00	0.00
MM	8543	Century Trucking, Inc.	NONE	HARDIN	9/25/03	3,750.00	0.00	3,750.00	0.00	0.00
Total for Multi-Media Programs : 3						11,550.00	360.00	11,190.00	0.00	0.00
Total for all Programs : 42						307,623.00	8,221.00	248,877.00	50,525.00	50,525.00

Summary of SEPs:

Total Orders : 42
Orders with SEPs : 4
Orders with SEPs % : 9.5
Orders with SEP Offset % : 16.9

* There are Multiple Respondent Names associated to this Case No.