

TCEQ Interoffice Memorandum

To: Commissioners

Thru: ✓ Ramiro Garcia, Jr., Deputy Director, Office of Compliance and Enforcement

From: Bryan Sinclair, Director, Enforcement Division

Date: June 7, 2019

Docket No.: 2019-0012-MIS

Subject: Monthly Enforcement Report for April

Background and Current Practices

At the Texas Commission on Environmental Quality, formal 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, a summary compiling each program's data is prepared for each month and is presented at a meeting of the Commission for which public notice is given. This report is required by Texas Water Code §7.003 - Enforcement Report.

Information for Fiscal Year 2019 through the end of April is attached. In addition, a summary of OCE investigative activities is included.

Commission Action on this issue is not required.

Attachments

Enforcement Report to the Commission for April FY19 Year-to-Date Totals

FY19 LBB Performance Measures OCE Investigative Activities

Enforcement Report to the Commission for April 2019 FY19 Year-to-Date Totals

Figure 1: Number of Notices of Violation

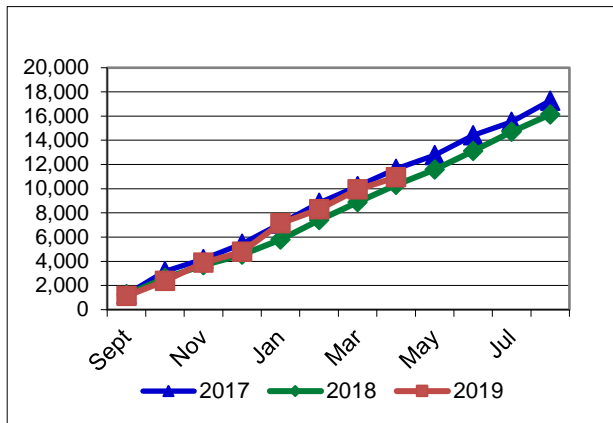


Figure 2: Number of Enforcement Action Referrals

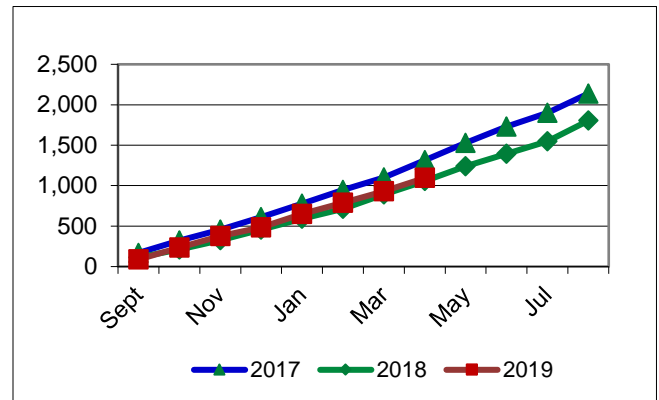


Figure 3: Number of Effective Orders

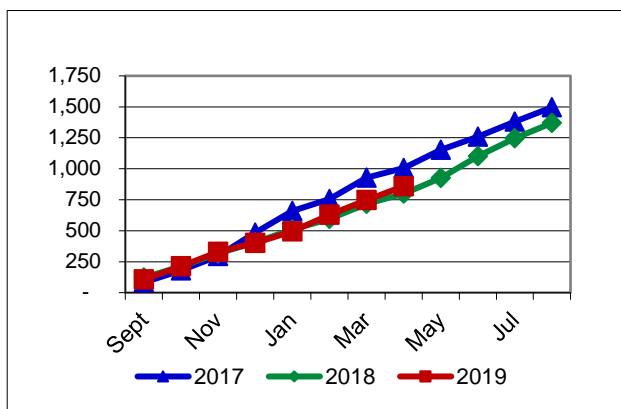


Figure 4: Assessed Penalties

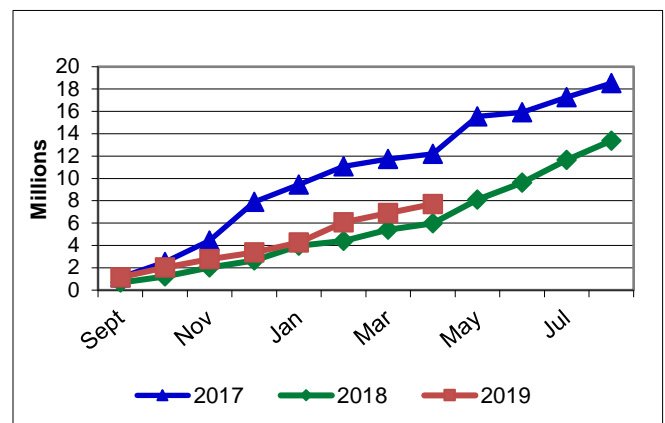


Figure 5: Supplemental Environmental Projects

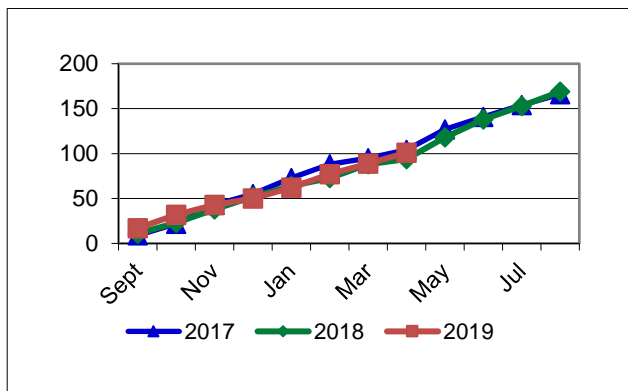


Figure 6: Number of Backlogged Orders

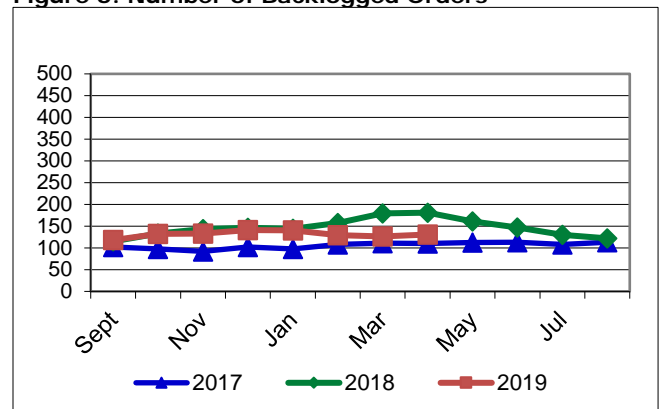


Figure 7: Summary

For fiscal year 2019 through **April**, TCEQ has issued: **10,941** Notices of Violation, **1,095** Enforcement Action Referrals, **859** Effective Orders (see <http://www2.tceq.texas.gov/epic/eenf/>); assessed **\$7,708,423** in administrative penalties; and approved **101** Supplemental Environmental Projects.

**Enforcement Report to the Commission for April 2019
FY19 Year-to-Date Totals**

Programs Summary:

| PROGRAMS | Notices of Violation¹ | Effective Orders | Assessed Penalties |
|--|---|-------------------------|---------------------------|
| AGRICULTURE | 33 | 5 | \$21,315 |
| AIR | 623 | 132 | \$2,935,772 |
| DAM SAFETY | 0 | 0 | \$0 |
| DRY CLEANERS | 24 | 1 | \$5,000 |
| INDUSTRIAL & HAZARDOUS WASTE ² | 130 | 11 | \$181,295 |
| MUNICIPAL SOLID WASTE | 199 | 27 | \$279,430 |
| OCCUPATIONAL CERTIFICATION | 11 | 9 | \$5,752 |
| PETROLEUM STORAGE TANKS | 478 | 231 | \$1,796,252 |
| PUBLIC WATER SUPPLY ³ | 8,335 | 226 | \$284,515 |
| WATER RIGHTS YTD Complaints = 55 | 7 | 18 | \$12,740 |
| WATER QUALITY ⁴ | 1,061 | 162 | \$1,758,707 |
| MULTI-MEDIA | 105 | 37 | \$427,645 |
| YTD TOTALS | 10,941 | 859 | \$7,708,423 |
| FY18 Total for Year | 16,132 | 1,370 | \$13,379,545 |
| FY17 Total for Year | 17,274 | 1,496 | \$18,528,937 |

Year-to-Date Summary:

| | |
|---------------------------------|-------------|
| YTD Penalty Summary | |
| Total Deferred Penalties | \$1,257,017 |
| Total Penalties to SEPs | \$1,718,807 |
| Total Payable Penalties | \$4,732,599 |
| YTD Case Status Summary | |
| Attorney General (AG) Judgments | 19 |
| Pending AG Cases ⁵ | 206 |
| Pending TCEQ Cases | 1,575 |
| Backlogged Cases | 131 |
| Resolved Cases | 78 |
| Orders Being Tracked | 2,053 |

¹ The YTD Total represents NOV letters issued for all programs. Each NOV letter may include violations from more than one program (i.e. Aggregate Production Operation and Water Quality violations may appear in the same NOV letter).

² Includes radioactive waste and underground injection control cases

³ Includes Notices of Violation based on self-reported data

⁴ Includes Notices of Violation based on self-reported data

⁵ Active TCEQ AG Enforcement Cases attached

Active TCEQ AG Enforcement Cases as of 4-30-2019 (206)

| Case No. | Respondent | Projected Resolution FY19 |
|----------|--|---------------------------|
| 616 | Allied Motor Oils & Don Navarro | >1 Year |
| 2880 | City of Port Arthur (contempt) | >1 Year |
| 5692 | Pulak Barua | >1 Year |
| 5864 | Kathie Bryant/Buena Vista Water System | <1 Year |
| 6394 | San Jacinto Utility Incorporated | >1 Year |
| 6991 | On Site Water Works | >1 Year |
| 7844 | ISO-TEX INC (Friendswood)/Thomas J. Maloney | >1 Year |
| 10945 | Shred Tech Inc | >1 Year |
| 24528 | English, Don L | >1 Year |
| 25187 | David Priess & Randy Priess | >1 Year |
| 25207 | Thunderbird Bay Water Services Inc + Charles Schram and American Central Land Corp | <1 Year |
| 26902 | Van Der Horst U S A Corporation | >1 Year |
| 29047 | Kimbrell Garland | >1 Year |
| 31305 | Villarreal, Juan Martin (appeal) | >1 Year |
| 31746 | WSWS Company | >1 Year |
| 31942 | Zambrano, George | >1 Year |
| 33475 | Manasseh, Philip | >1 Year |
| 35166 | Moore, Larry G | >1 Year |
| 35366 | Parrish, Charlie | >1 Year |
| 35730 | Larry A Webb | >1 Year |
| 36130 | Novosad, Mattie | <1 year |
| 36204 | Nelson, Patricia Ramsey and McPike, Ruby | >1 Year |
| 36265 | Vasquez, Mark A | >1 Year |
| 36768 | Crow Sr, Richard D | >1 Year |
| 36828 | Betts, Ira | >1 Year |
| 36893 | Bullard, Ryan and Parker, David | >1 Year |
| 36993 | Saucier, Lester A Jr | >1 Year |
| 37492 | Bob King's Truck Beds LLC | >1 Year |
| 37628 | Daniel L. Mauldin/Yuko Mauldin, Trustee | >1 Year |
| 37828 | Espinosa, Gilberto Robles | <1 year |
| 37837 | Pleasure Point HOA et al | >1 Year |
| 37842 | Kaufman, James | >1 Year |
| 37906 | Z.A.O., Inc./Thunderbird Oil/Ray Bell & Eugene Bell | >1 Year |
| 38136 | Virginia Franklin Fuller dba Franklin Water System 1 and Franklin Water System 3 | >1 Year |
| 38317 | B & H Group, Inc. and Asif Hemani | >1 Year |
| 38681 | Walia, Surjit Singh | >1 Year |
| 38751 | Templeton, William | > 1 Year |
| 38811 | French, Michael Eugene | >1 Year |
| 38954 | Orange Co. v. Randy Romero, Tina Wallace, & Karen Stevens | >1 Year |
| 39125 | Mostafa Soliman & Nawal Soliman | >1 Year |
| 39142 | Esparza, Rodolfo | <1 Year |
| 39183 | Kuipers, George | >1 Year |
| 39489 | Barcenas, Santos | >1 Year |
| 39532 | Romo, Fernando Javier dba Sellers Estates | >1 Year |
| 39972 | Ratliff, Edward | <1 Year |
| 40110 | Grimes, Otila Tillie | >1 Year |

Active TCEQ AG Enforcement Cases as of 4-30-2019 (206)

| Case No. | Respondent | Projected Resolution FY19 |
|----------|--|---------------------------|
| 40200 | Syll Holt, Kimberly Branson and Michael Branson dba Walnut Bend Water System | >1 Year |
| 40378 | Cathey, Larry | >1 Year |
| 40439 | Beverlin, Terry | >1 Year |
| 40452 | J&S Water Company, L.L.C. | >1 Year |
| 41070 | Chatarpal, Thakoor | >1 Year |
| 41667 | Stone Hedge Utility Co Inc | >1 Year |
| 41707 | David Fenoglio / Sunset Water | >1 Year |
| 41906 | Jackson, George W | >1 Year |
| 41982 | Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply | <1 year |
| 42001 | Essex, Dorothy A | >1 Year |
| 42079 | Harris, Kelly | > 1 Year |
| 42419 | State of Texas v. Bulldog Tire Recycling, Inc. and Theodore M. Theil | >1 Year |
| 42802 | Harris Co. v. PMSV River Oaks | >1 Year |
| 43458 | Shawn M. Horvath/Aero Valley Water Service | >1 Year |
| 43966 | CASTLE WATER, INC. | >1 Year |
| 44339 | Community Utility Company | >1 Year |
| 44610 | Graves, Leo | >1 Year |
| 45272 | Duncan, William Bartley | > 1 Year |
| 45503 | Austin Equipment Company, LC | >1 Year |
| 45890 | Suburban Utility Co | >1 Year |
| 45955 | Brown, Doris | >1 Year |
| 46117 | Jerry & Diane Baker/Ashley Martin (Baker Dam) | >1 Year |
| 46172 | Ector Co. v. Quell Petroluem | >1 Year |
| 46237 | Grayson Co. v. Tim Sommers, James Glendening, Touche International, Inc., Trident Environmental (contempt) | >1 Year |
| 46270 | Ector Co. v. Plant Maintenance Svcs, et al | >1 Year |
| 46319 | Tanner Mahan, Tyler & Hedy Wright | >1 Year |
| 46558 | Danny Ginez dba Jesse's Radiator & Muffler Shop | > 1 Year |
| 46658 | Haz-Pak Inc | >1 Year |
| 46886 | Jose Flores Cabazos aka Jose Flores Cavazos dba Cabazos Homes | <1 Year |
| 46947 | Hill Top Café | >1 year |
| 47146 | Karen Reeves, Pleasant Ridge, Timber Creek | >1 Year |
| 47189 | WEIR BROS, INC. dba Weir Brothers Sand Pit | >1 Year |
| 47264 | Ector Co. v. Javelina Env'tl, Enrique Villanueva, and Thomas Contreras | >1 Year |
| 47725 | Falcons Lair Utility & Reclamation District | >1 Year |
| 47726 | Denton County Road Utility District 1 | >1 Year |
| 47750 | Ector Co. v. Ruiz Enterprises & Aaron Ruiz | >1 Year |
| 47779 | Ector Co. v. A. Bartlett Group & Andrew Bartlett | >1 Year |
| 47914 | Ector Co. v. Freedom Tank Rentals & Mfg. | >1 Year |
| 47937 | Ector Co. v. Martin Muniz | >1 Year |
| 47983 | LGI Land LLC | >1 Year |
| 48071 | Ector Co. v. Audie Meade dba Aaa Septic Tank Svcs | >1 Year |
| 48178 | Moore, John L. and John C. | >1 Year |
| 48444 | Motal, Thomas and Motal, Connie H. | >1 Year |
| 48482 | Robert Harold Payne | >1 Year |
| 48559 | Ector Co. v. Roywell Svcs | >1 Year |

Active TCEQ AG Enforcement Cases as of 4-30-2019 (206)

| Case No. | Respondent | Projected Resolution FY19 |
|----------|---|---------------------------|
| 48690 | Travis Co. v. Mohammad Khurshid | >1 Year |
| 49325 | Consumers Water Inc | >1 Year |
| 49457 | Limas, Leroy Leonard | >1 Year |
| 49463 | Alamo Commercial Properties, Ltd. | >1 Year |
| 49595 | Ector Co. v. Fishing Tool Repair & Manufacturing | >1 Year |
| 49824 | Harris Co. v. Irfan Sheikh dba Texas Farm Fresh Halal Meat | <1 year |
| 49826 | Ector Co. v. Gary Don Horrell And Cody Grant Logan | >1 Year |
| 50001 | Ector Co. v. Ramon Levario | >1 Year |
| 50114 | Vanover, Rhonda | >1 Year |
| 50238 | Yarbrough, Shawn Mark / Walnut Ridge Estates | >1 Year |
| 50293 | Moody, Leroy | >1 Year |
| 50654 | Mitesh C-Store, S A Patel and K V Patel | >1 Year |
| 51221 | Ector Co. v. ATC West Texas, LLC et al | >1 Year |
| 51226 | Garcia, Francisco R, Garcia, Maria Mayela and Parrillando SA, L.L.C. | <1 Year |
| 51269 | Kennard's Thomas Corner, LLC | >1 year |
| 51455 | Village Of Surfside Beach | >1 Year |
| 51514 | Tom Green County FWSD 2 | >1 year |
| 51637 | Texas Architectural Aggregate, Inc. v. TCEQ | >1 Year |
| 51736 | Las Palomas Water Services Company (52379 & 53739 merged w/this case) | > 1 Year |
| 51919 | Harris Co. v. Epifacio Gomez | >1 Year |
| 52084 | Travis Co. v. John Schleis | >1 Year |
| 52184 | Corey Steven Abel | >1 Year |
| 52324 | Lass Water Company, Inc. (15 water systems/4 regions) | >1 Year |
| 52773 | Fort Bend Co. v. Volkswagen/Audi et al | >1 Year |
| 52774 | Dallas Co. v. Volkswagen/Robert Bosch, LLC et al | >1 Year |
| 52775 | Montgomery Co. v. Volkswagen et al | >1 Year |
| 52776 | Victoria Co. v. Volkswagen et al | >1 Year |
| 52777 | Harris Co. v. Volkswagen et al | >1 Year |
| 52778 | Webb Co. v. Volkswagen et al | >1 Year |
| 52779 | State of Texas & Travis Co. v. Volkswagen et al | >1 Year |
| 52780 | Bexar Co. v. Volkswagen et al | >1 Year |
| 52781 | Ector Co. v. Volkswagen et al | >1 Year |
| 52782 | El Paso Co. v. Volkswagen et al | >1 Year |
| 52783 | Hunt Co. v. Volkswagen et al | >1 Year |
| 52784 | Tarrant Co. v. Volkswagen, et al | >1 Year |
| 52785 | Nueces Co. v. Volkswagen et al | >1 Year |
| 52786 | Hidalgo Co. v. Volkswagen et al | >1 Year |
| 52842 | Pasadena Refining System, Inc. | <1 year |
| 52870 | Travis Co. v. Jesse Alba | >1 Year |
| 53064 | William P. Easley / We Recycle Texas (contempt) | >1 Year |
| 53134 | Edwin L. Carlisle dba Crafton Mobile Home Park | >1 Year |
| 53431 | James L. Oxford dba Country Villa MHP | >1 Year |
| 53666 | Barnett, Norman | >1 Year |
| 53679 | TEXAS RAIN HOLDING, Wallace Hardie, Tawakoni Waste | >1 Year |
| 53703 | Angelina County WCID 4 | <1 Year |
| 53757 | Petro-Tech Environmental, LLC | >1 Year |
| 53797 | VISTA INTERNATIONAL TECHNOLOGIES, INC. | > 1 Year |

Active TCEQ AG Enforcement Cases as of 4-30-2019 (206)

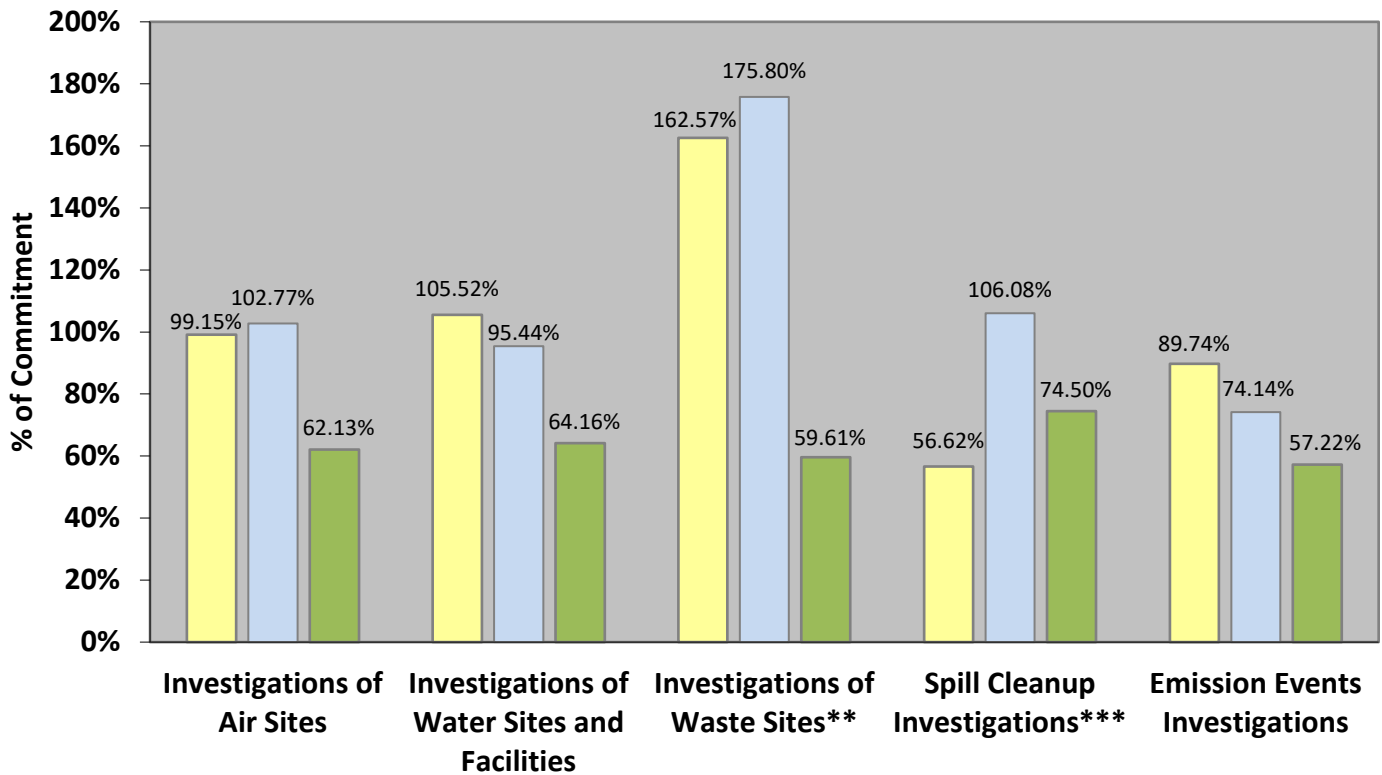
| Case No. | Respondent | Projected Resolution FY19 |
|----------|---|---------------------------|
| 53810 | Frank Sparks dba MOUNTAIN RIVER WATER COMPANY | >1 Year |
| 53842 | Delhi Services, LLC and JML Energy Resources, LLC | >1 Year |
| 54180 | INU USA INC dba Little Elm Gas & More (appeal) | >1 Year |
| 54247 | THE PREMCOR REFINING GROUP INC. | >1 Year |
| 54292 | B, C & C MANAGEMENT, INC., SUR VALLEY TRANSPORT CO., and J. L. BARTH CO. (39004, 53351 cases merged and submitted to OAG) | >1 Year |
| 54572 | Walker Co. v. Volkswagon et al | >1 Year |
| 54573 | Taylor Co. v. Volkswagon et al | >1 Year |
| 54574 | Lubbock Co. v. Volkswagon et al | >1 Year |
| 54575 | Denton Co. v. Volkswagen/Robert Bosch, LLC et al | >1 Year |
| 54576 | Jefferson Co. v. Volkswagon et al | >1 Year |
| 54577 | Parker Co. v. Volkswagon et al | >1 Year |
| 54578 | Brazos Co. v. Volkswagon et al | >1 Year |
| 54920 | Felipe Posada dba Key Road Subdivision | >1 Year |
| 54926 | Tire Recycling & Processing LLC dba Santa Anita Reclamation | >1 Year |
| 54937 | Sha-Ada Group LLC | >1 Year |
| 55154 | Harris Co. v. Joel Burkholder | >1 Year |
| 55270 | Harris Co. v. David Duarte Individually and dba Eagle Prentice, Hilaria Duarte Individually and dba Eagle Prentice, and Eagle Prentice, LLC | >1 Year |
| 55294 | Harris Co. v. Webb & Webb Construction, LLC | >1 Year |
| 55324 | The Dow Chemical Company | >1 Year |
| 55388 | Hunt Co. v. Fiat-Chrysler | >1 Year |
| 55388 | Harris Co. v. Fiat-Chrysler | >1 Year |
| 55388 | Bee Co. v. Fiat-Chrysler | >1 Year |
| 55388 | Tarrant Co. v. Fiat-Chrysler | >1 Year |
| 55388 | Dallas Co. v. Fiat-Chrysler | >1 Year |
| 55388 | Cameron Co. v. Fiat-Chrysler | >1 Year |
| 55388 | El Paso v. Fiat-Chrysler | >1 Year |
| 55388 | Randall Co. v. Fiat-Chrysler | >1 Year |
| 55388 | Montgomery Co. v. Fiat-Chrysler | >1 Year |
| 55388 | Bowie Co. v. Fiat-Chrysler | >1 Year |
| 55403 | City of Carrizo Springs v. DHW Well Service | >1 Year |
| 55442 | Shell Oil Company | <1 Year |
| 55443 | Harris Co. v. Zak Brothers, Inc. | >1 Year |
| 55531 | Huntsman Petrochemical LLC | >1 Year |
| 55657 | Total Petrochemicals & Refining USA Inc. | >1 Year |
| 55674 | Perrin Water Systems, Inc. & Texas Rain Holdings (contempt) | >1 Year |
| 55830 | ExxonMobil Oil Corporation | >1 Year |
| 55860 | Nuvira Hospitality, Inc./Ramesh Raj/Rohit Kumar dba Anchor Motel | >1 Year |
| 55902 | Valero Energy Partners LP | >1 Year |
| 56001 | Harris Co. v. Jose A. Flores & Nohemy A. Granados-Flores | >1 Year |
| 56007 | Fazio Family Investments, Inc. | >1 Year |
| 56035 | Travis Co. V. Robert Grote Jr. and Diamond G Ventures, Inc. | >1 Year |
| 56117 | Harris Co. v. Quala Wash Holdings, LLC and Quala Systems, Inc. | >1 Year |
| 56439 | Harris Co. v. Arkema, Inc. | >1 Year |
| 56498 | Wichita Co. v. Wells Fargo Bank | >1 Year |

Active TCEQ AG Enforcement Cases as of 4-30-2019 (206)

| Case No. | Respondent | Projected Resolution FY19 |
|----------|---|---------------------------|
| 56529 | Harris Co. v. Wright Containers, L.L.C. | >1 Year |
| 56759 | Harris Co. v. BCH Gallery at Champions, LLC, et al. | >1 Year |
| 56763 | Harris Co. v. Affordable Land Services, LLC | >1 Year |
| 56777 | Harris Co. v. Edwin Dean Heil and Tara L. Heil | >1 Year |
| 56946 | H P Gas, LLC and/or John Fansler | >1 Year |
| 57092 | Harris Co. v. TRC Waste Services, LLC, Winston A. Norman and Estate of Alton Bridges | >1 Year |
| 57450 | EM Biogas LLC dba Huckabay Ridge | >1 Year |
| TBD | Bowie Co. v. Volkswagen et al | >1 Year |
| TBD | Randall Co. v. Volkswagen et al | >1 Year |
| TBD | Leon Co. v. Volkswagen et al | >1 Year |
| TBD | Harrison Co. v. Volkswagen et al | >1 Year |
| TBD | Burnet Co. v. Volkswagen et al | >1 Year |
| TBD | Liberty Co. v. Arkema Inc. | >1 Year |
| TBD | Harris Co. v. Josefina Salgado Gonzalez | >1 Year |
| TBD | Harris Co. v. Aloysius Ikwuezunma | >1 Year |
| TBD | Harris Co. v. Calleja Transportation, Inc. | >1 Year |
| TBD | City of West Lake Hills vs. Yaupon Partners, L.L.C. & Ray McMackin | >1 Year |
| TBD | Harris Co. va. Kuraray America, Inc. | >1 Year |
| TBD | Galal, Mahesh (Buddin Dam) | >1 Year |
| TBD | Harris Co. v. Intercontinental Terminals Company LLC (NIP) | >1 Year |
| TBD | J.T. and Linda Horn | >1 Year |
| TBD | Intercontinental Terminals Company LLC | >1 Year |
| TBD | KMCO, LLC | >1 Year |
| TBD | Inland Recycling, LLC, Inland Environmental and Remediation, Inc. David Polson, Altair Recycling Facility | >1 Year |

FY19 LBB Performance Measures*
OCE Investigative Activities

■ FY2017
 ■ FY2018
 ■ FY2019 Through April 30, 2019



| Performance Measure * | FY2017 Annual Commitment | FY2017 Investigations Completed | FY2018 Annual Commitment | FY2018 Investigations Completed | FY2019 Annual Commitment | Total Investigations Completed (through 4/30/19) |
|--|--------------------------|---------------------------------|--------------------------|---------------------------------|--------------------------|--|
| Investigations of Air Sites | 11,177 | 11,082 | 11,177 | 11,487 | 11,177 | 6,944 |
| Investigations of Water Sites and Facilities | 12,865 | 13,575 | 13,144 | 12,545 | 13,144 | 8,433 |
| Investigations of Waste Sites** | 6,760 | 10,990 | 6,760 | 11,884 | 10,000 | 5,961 |
| Spill Cleanup Investigations*** | 650 | 368 | 1,200 | 1,273 | 1,200 | 894 |
| Emission Events Investigations | 5,000 | 4,487 | 5,000 | 3,707 | 5,000 | 2,861 |

* Please note that the reporting of monthly investigations for the purpose of State Performance Measures is based on the approved definitions through the Legislative Budget Board (LBB). TCEQ's Annual Enforcement Report provides end of fiscal year totals of investigations and other similar evaluations that are part of an expanded universe beyond LBB definitions. Following are the numbers of "Total Investigations" reported in the TCEQ Annual Enforcement Report: FY2017: 104,146; FY2018: 103,525.

** The LBB increased the target for this performance measure in FY19.

*** The definition for this performance measure changed in FY18 to include follow-up investigations and file reviews that were not previously captured under this measure, resulting in an increase in the target.