


TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: ^{MBC} Melissa Cordell, Assistant Deputy Director
Enforcement Division

From:  Michael Parrish, Team Leader
Special Functions Team

Date: January 4, 2022

Subject: **Backup Revision**
January 12, 2022 Commission Agenda
Draft Item No. 13 – Kenneth Patrick Whittlesey
Docket No. 2019-1036-MLM-E

Enclosed please find the following:

Executive Summary:

- Page 1, Penalty Information – Corrected Total Due to General Revenue

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Vic McWherter, Public Interest Counsel
Julie Albrecht, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Harley Hobson, Water Section, Enforcement Division
Melissa Cordell, Assistant Deputy Director, Enforcement Division
Kristy Deaver, Manager, Water Section, Enforcement Division
Susan M. Jablonski, P.E., Deputy Director, Enforcement Division
Rebecca Margain-Nunez, Executive Assistant, Enforcement Division

**Executive Summary – Enforcement Matter – Case No. 58019
Kenneth Patrick Whittlesey
RN109240887
Docket No. 2019-1036-MLM-E**

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM - EAQ, WQ

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Austin Landscape Supplies Wholesale, located at 5501 Ranch-to-Market Road 2243, Georgetown, Williamson County

Type of Operation:

Landscape supply business

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 20, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,301

Amount Deferred for Expedited Settlement: \$2,659

Total Paid to General Revenue: \$317

Total Due to General Revenue: \$10,325

Payment Plan: 35 payments of \$295 each

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): April 25, 2019, April 26, 2019, and August 30, 2019

Complaint Information: Alleged stormwater pond continually full of water after rain events and during rain events run-off occurs. Also alleges off-site stockpiling of mulch outside of the approved Water Pollution Abatement Plan ("WPAP").

Date(s) of Investigation: May 16, 2019 through May 23, 2019 and September 27, 2019

Date(s) of NOE(s): July 1, 2019 and November 21, 2019