TCEQ Interoffice Memorandum

To: Commissioners

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

From: Bryan Sinclair, Director, Enforcement Division

Date: April 3, 2020

Docket No.: 2020-0146-MIS

Subject: Monthly Enforcement Report for February

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 2020 through the end of February 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 February FY20 Year-to-Date Totals

FY20 LBB Performance Measures OCE Investigative Activities

Enforcement Report to the Commission for February 2020
FY20 Year-to-Date Totals

Figure 1: Number of Notices of Violation

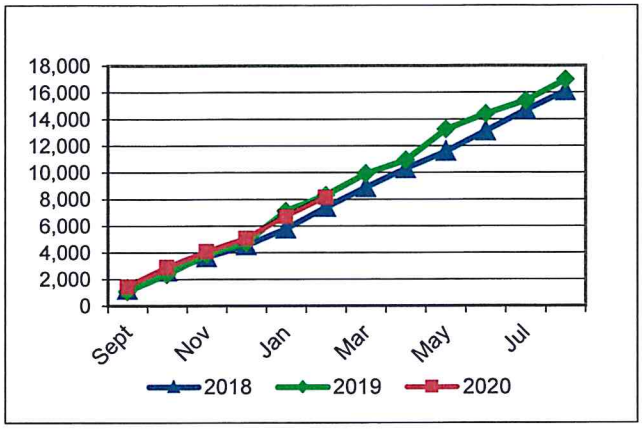


Figure 2: Number of Enforcement Action Referrals

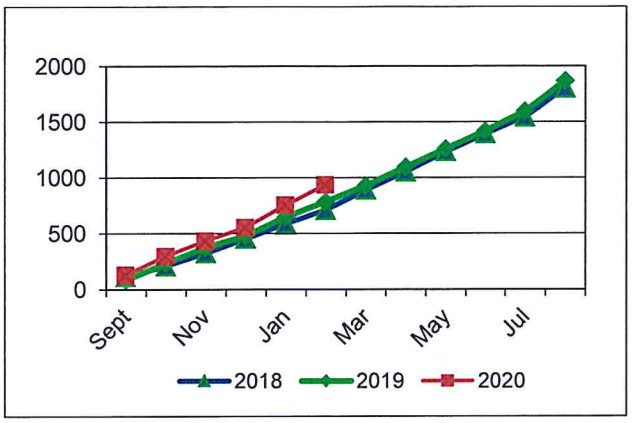


Figure 3: Number of Effective Orders

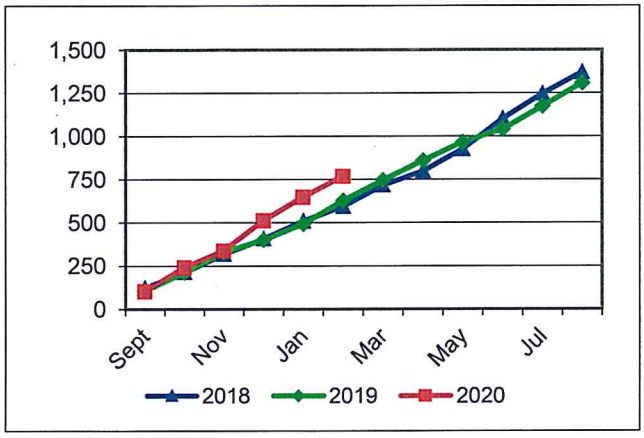


Figure 4: Assessed Penalties

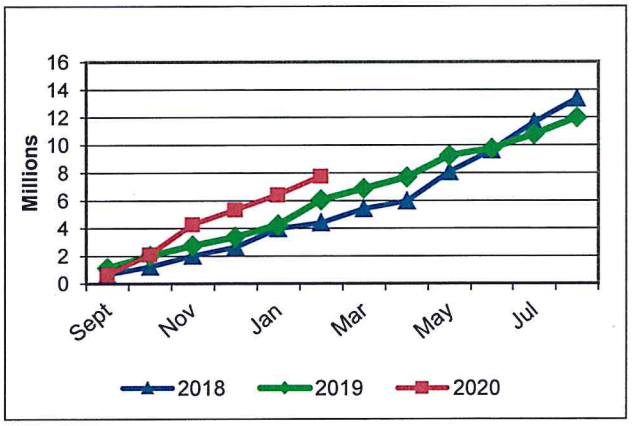


Figure 5: Supplemental Environmental Projects

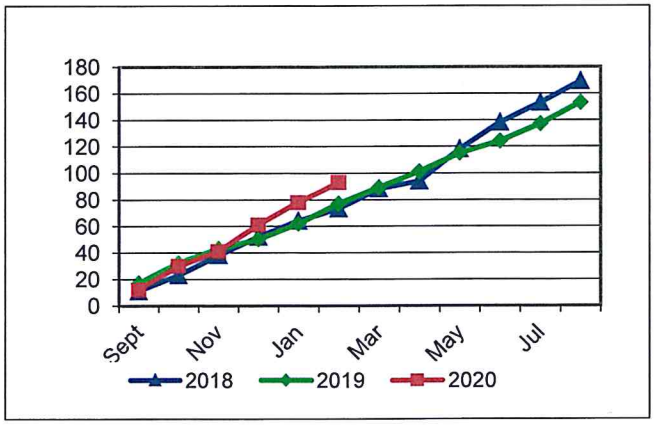


Figure 6: Number of Backlogged Orders

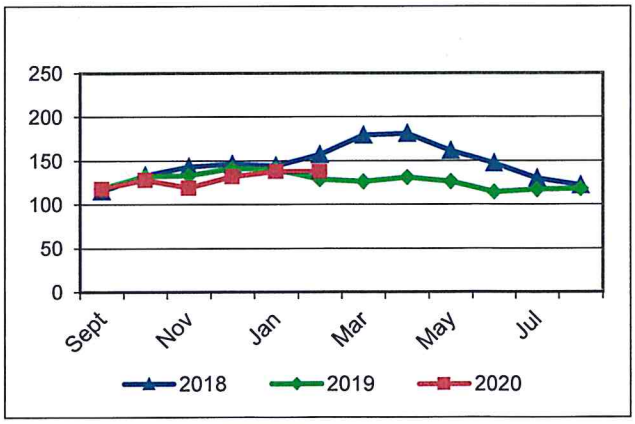


Figure 7: Summary

For fiscal year 2020 through February, TCEQ has issued: 8,168 Notices of Violation, 937 Enforcement Action Referrals, 768 Effective Orders (see http://www2.tceq.texas.gov/epic/eenf/);

assessed $7,763,814 in administrative penalties; and approved 93 Supplemental Environmental Projects.

Enforcement Report to the Commission for February 2020
FY20 Year-to-Date Totals

Programs Summary:

PROGRAMS	Notices of Violation[1]	Effective Orders	Assessed Penalties
AGRICULTURE	23	3	$8,814
AIR	550	152	$3,681,395
DAM SAFETY	0	0	$0
DRY CLEANERS	212	1	$2,228
INDUSTRIAL & HAZARDOUS WASTE[2]	98	5	$261,700
MUNICIPAL SOLID WASTE	158	20	$282,886
OCCUPATIONAL CERTIFICATION	5	6	$7,855
PETROLEUM STORAGE TANKS	297	202	$1,580,769
PUBLIC WATER SUPPLY[3]	6,063	218	$228,245
WATER RIGHTS **YTD Complaints = 58**	1	8	$10,550
WATER QUALITY[4]	704	122	$1,308,421
MULTI-MEDIA	85	31	$390,951
YTD TOTALS	**8,168**	**768**	**$7,763,814**
FY19 Total for Year	**16,967**	**1,307**	**$12,015,143**
FY18 Total for Year	**16,132**	**1,370**	**$13,379,545**

Year-to-Date Summary:

YTD Penalty Summary	
Total Deferred Penalties	$1,241,189
Total Penalties to SEPs	$1,832,028
Total Payable Penalties	$4,690,597
YTD Case Status Summary	
Attorney General (AG) Judgments	7
Pending AG Cases[5]	196
Pending TCEQ Cases	1,619
Backlogged Cases	138
Resolved Cases	64
Orders Being Tracked	2,015

[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 2/29/20 (196)

Case No.	Respondent	Projected Resolution FY20
5692	Pulak Barua	>1 Year
5864	Kathie Bryant/Buena Vista Water System (receivership)	<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
31305	Villarreal, Juan Martin (appeal)	>1 Year
31746	WSWS Company	>1 Year
31942	Zambrano, George	>1 Year
33475	Manasseh, Philip	>1 Year
35366	Parrish, Charlie	>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
37828	Espinosa, Gilberto Robles	<1 Year
37837	Pleasure Point HOA et al (receivership)	>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
39142	Esparza, Rodolfo	<1 Year
39489	Barcenas, Santos	>1 Year
40110	Grimes, Otila Tillie (contempt)	>1 Year
40200	Syll Holt, Kimberly Branson and Michael Branson dba Walnut Bend Water System	>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
42283	EOLA Water Supply Corporation (includes case 48179)	>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

Active TCEQ AG Enforcement Cases as of 2/29/20 (196)

Case No.	Respondent	Projected Resolution FY20
43966	CASTLE WATER, INC., Boone Bennett and Lauren Bennett	>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
46367	Natividad Hernandez (contempt)	>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 Envtl, 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
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
48482	Robert Harold Payne	>1 Year
48690	Travis Co. v. Mohammad Khurshid	>1 Year
49325	Consumers Water Inc	<1 Year
49463	Alamo Commercial Properties, Ltd.	>1 Year
49595	Ector Co. v. Fishing Tool Repair & Manufacturing	>1 Year
50069	John M. Brown	>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
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
51736	Las Palomas Water Services Company (52379 & 53739 merged w/this case)	> 1 Year
51914	Alamo Recycle of San Antonio and 6112	>1 Year
51919	Harris Co. v. Epitacio Gomez	>1 Year
52084	Travis Co. v. John Schleis	>1 Year
52184	Corey Steven Abel	>1 Year
52272	Michelle Tyson	>1 Year
52324	Lass Water Company, Inc. (15 water systems/5 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

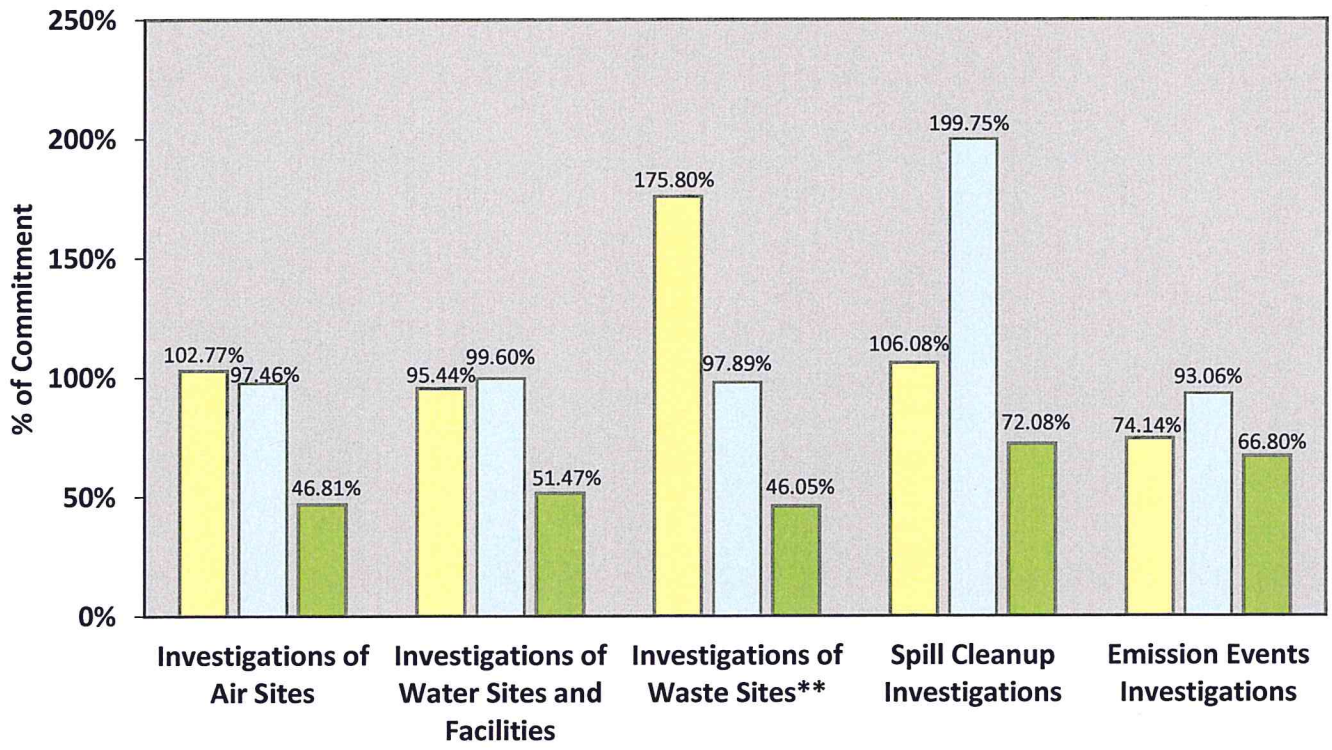
Active TCEQ AG Enforcement Cases as of 2/29/20 (196)

Case No.	Respondent	Projected Resolution FY20
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 dba We Recycle Texas (contempt) and Edward J. Rifenbury and Alma Van Nest as Executrix of Marie Celia Rifenbury	>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
54247	THE PREMCOR REFINING GROUP INC. et al	>1 Year
54292	B, C & C MANAGEMENT, INC., SUR VALLEY TRANSPORT CO., and J. L. BARTH CO. (39004, 53351cases 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
54783	Bertha Gutierrez dba BG Tire Disposal	>1 Year
54920	Felipe Posada dba Key Road Subdivision (contempt)	>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
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
55531	Huntsman Petrochemical LLC	>1 Year
55657	Total Petrochemicals & Refining USA Inc.	>1 Year

Active TCEQ AG Enforcement Cases as of 2/29/20 (196)

Case No.	Respondent	Projected Resolution FY20
55674	Perrin Water Systems, Inc.,Texas Rain Holdings, Robert/David Fenoglio, Wallace ("Butch") Hardie (receivership)	>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
56284	Liberty Co. v. Arkema Inc.	>1 Year
56347	Harris Co. v. Ted Johnson and Gary Johnson	>1 Year
56439	Harris Co. v. Arkema, Inc.	>1 Year
56498	Wichita Co. v. Wells Fargo Bank	>1 Year
56511	TPC Group, LLC	>1 Year
56529	Harris Co. v. Wright Containers, L.L.C.	>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
57006	Harris Co. v. Aloysius Ikwuezunma	>1 Year
57092	Harris Co. v. TRC Waste Services, LLC, Winston A. Norman and Estate of Alton Bridges	>1 Year
57160	Oakhollow MH Park	>1 Year
57447	J.T. and Linda Horn	>1 Year
57450	EM Biogas LLC dba Huckabay Ridge	>1 Year
57465	Blue Star Recycling, LLC, CCR Equity Holdings One, LLC, Almira Industrial and Trading Corporation and Chris Ganter	>1 Year
57620	Craft-Turney Water Supply Corporation & Arrington Lumber & Pallet Company, Inc.	>1 Year
57703	KMCO, LLC	>1 Year
57981	Triple P.G. Sand Development, L.L.C. and/or Prabhakar Guniganti	>1 Year
58718	LIBERTY MATERIALS, INC.	>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	City of Port Arthur (contempt)	>1 Year
TBD	City of West Lake Hills vs. Yaupon Partners, L.L.C. & Ray McMackin	>1 Year
TBD	Intercontinental Terminals Company LLC	>1 Year
TBD	Inland Recycling, LLC, Inland Environmental and Remediation, Inc. David Polson, Altair Recycling Facility	>1 Year
TBD	Harris Co. v. Valero Refining-Texas, L.P.	>1 Year
TBD	Harris Co. v. Exxon Mobil Corporation	>1 Year
TBD	Harris Co. v. Princess, Inc.	>1 Year
TBD	Kendall Co. v. Worldwide Canine, Inc.	>1 Year
TBD	Harris Co. v. ExxonMobil Chemical Company	>1 Year
TBD	ExxonMobil Baytown Olefins Plant (explosion)	>1 Year
TBD	Harris Co. v. KM Liquid Terminals LLC	>1 Year
TBD	Ector Co. v. Road Ranger LLC	>1 Year
TBD	Harris Co. v. Houston Refining, LP	>1 Year
TBD	Harris Co. v. J&S Water Company, L.L.C.	>1 Year
TBD	Harris Co. v. Watson Grinding and Manufacturing Co.	>1 Year
TBD	Harris Co. v. Sesco Cement, Corp.	>1 Year

FY20 LBB Performance Measures*
OCE Investigative Activities



Performance Measure*	FY2018 Annual Commitment	FY2018 Investigations Completed	FY2019 Annual Commitment	FY2019 Investigations Completed	FY2020 Annual Commitment	Total Investigations Completed (through 2/29/20)
Investigations of Air Sites	11,177	11,487	11,177	10,893	11,177	5,232
Investigations of Water Sites and Facilities	13,144	12,545	13,144	13,092	13,144	6,765
Investigations of Waste Sites**	6,760	11,884	10,000	9,789	10,200	4,697
Spill Cleanup Investigations	1,200	1,273	1,200	2,397	1,200	865
Emission Events Investigations	5,000	3,707	5,000	4,653	5,000	3,340

* 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: FY2018: 103,525; FY2019: 107,660.

** The LBB increased the target for this performance measure in FY19 and again in FY20.