TCEQ Interoffice Memorandum

To: Commissioners

Thru: CP Craig Pritzlaff, Director, Office of Compliance and Enforcement

From: AS Amy Settemeyer, Deputy Director, Enforcement Division

Date: February 3, 2023

Docket No.: 2022-0045-MIS

Subject: Monthly Enforcement Report for December

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 2023 through the end of December 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 December FY23 Year-to-Date Totals

FY23 LBB Performance Measures OCE Investigative Activities

Enforcement Report to the Commission for December 2022
FY23 Year-to-Date Totals

Figure 1: Number of Notices of Violation

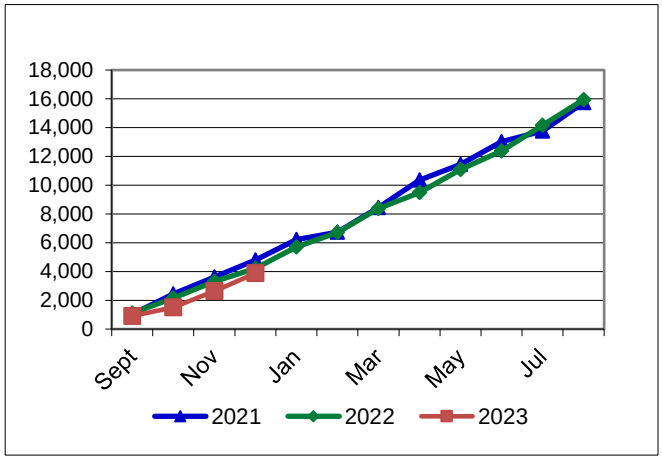


Figure 2: Number of Enforcement Action Referrals

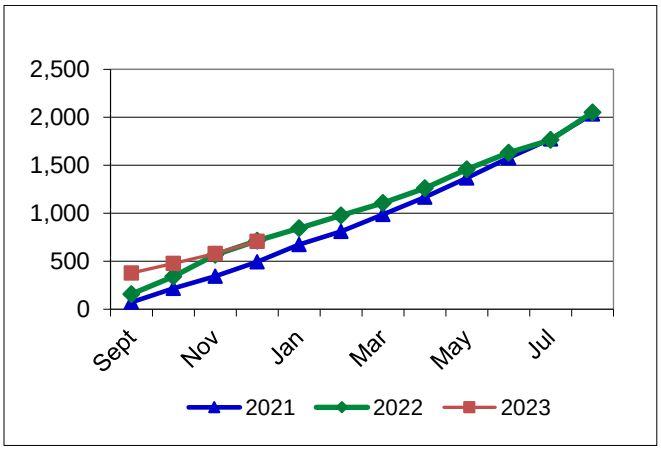


Figure 3: Number of Effective Orders

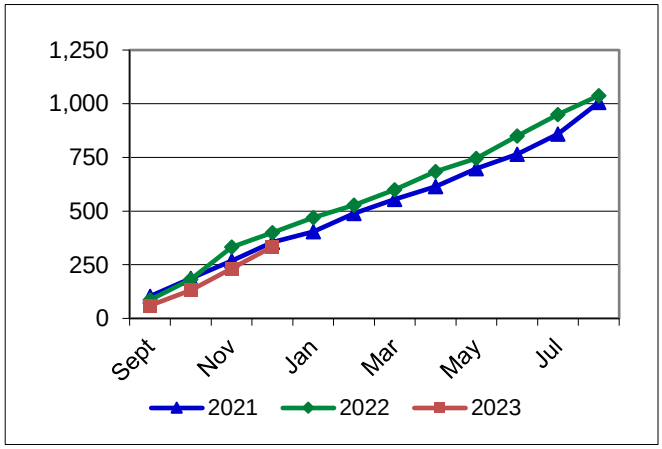


Figure 4: Assessed Penalties

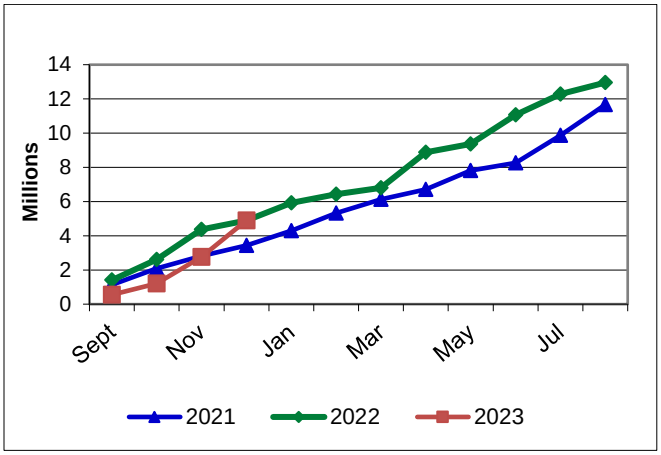


Figure 5: Supplemental Environmental Projects

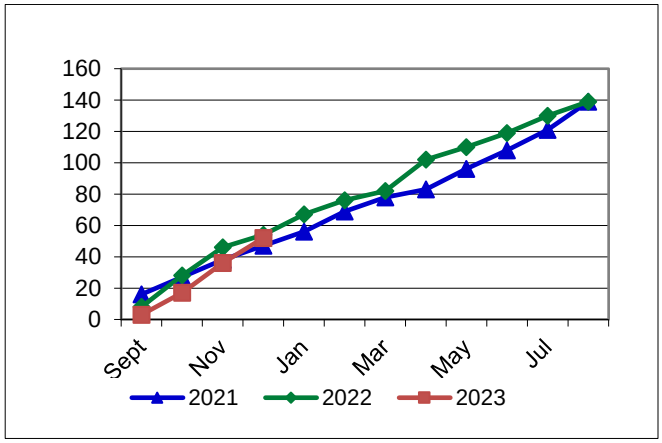


Figure 6: Number of Backlogged Orders

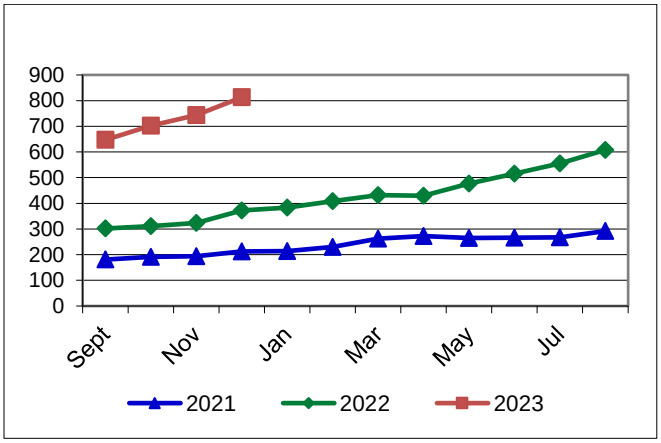


Figure 7: Summary

For fiscal year 2023 through December, TCEQ has issued: 3,873 Notices of Violation, 708 Enforcement Action Referrals, 334 Effective Orders (see https://www14.tceq.texas.gov/epic/CIO/);

assessed $4,897,311 in administrative penalties; and approved 52 Supplemental Environmental Projects.

Enforcement Report to the Commission for December 2022
FY23 Year-to-Date Totals

Programs Summary:

PROGRAMS	Notices of Violation[1]	Effective Orders	Assessed Penalties
AGGREGATE PRODUCTION OPERATIONS	12	1	$5,000
AGRICULTURE	4	1	$9,125
AIR	231	54	$2,663,384
DRY CLEANERS	0	0	$0
INDUSTRIAL & HAZARDOUS WASTE[2]	24	2	$39,085
MUNICIPAL SOLID WASTE	62	9	$94,104
OCCUPATIONAL CERTIFICATION	1	4	$1,804
PETROLEUM STORAGE TANKS	204	75	$444,948
PUBLIC WATER SUPPLY[3]	2,925	98	$521,405
WATER RIGHTS **YTD Complaints = 61**	2	3	$1,725
WATER QUALITY[4]	372	71	$956,390
MULTI-MEDIA	36	16	$160,341
YTD TOTALS	**3,873**	**334**	**$4,897,311**
FY22 Total for Year	**15,946**	**1,038**	**$12,952,805**
FY21 Total for Year	**15,745**	**1,006**	**$11,662,395**

Year-to-Date Summary:

YTD Penalty Summary	
Total Deferred Penalties	$626,442
Total Penalties to SEPs	$1,395,903
Total Payable Penalties	$2,874,966
YTD Case Status Summary	
Attorney General (AG) Judgments	3
Pending AG Cases[5]	188
Pending TCEQ Cases	2,217
Backlogged Cases	813
Resolved Cases	18
Orders Being Tracked	2,165

[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 12/31/2022 (188)

Case No.	Respondent	Projected Resolution FY23
2880	City of Port Arthur	>1 Year
3040	Sam R. Dillon (receivership)	>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
31305	Juna Martin Villarreal	>1 Year
31746	WSWS Company	>1 Year
31942	Zambrano, George	>1 Year
33475	BIG BIRD TREE SERVICE, INC	>1 Year
36204	Nelson, Patricia Ramsey and McPike, Ruby	>1 Year
36768	Crow Sr, Richard D	>1 Year
36828	Betts, Ira	>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
38667	8 Mile Park, L.P.	<1 Year
38751	Templeton, William (contempt)	> 1 Year
38811	French, Michael Eugene	>1 Year
38954	Wallace, Tina	>1 Year
39142	Esparza, Rodolfo	<1 Year
39489	Barcenas, Santos	>1 Year
39757	RANGER UTILITY COMPANY	>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
41982	Ramon C. Gonzales, Jr. dba Warren Road Subdivision Water Supply	<1 Year
42001	Essex, Dorothy A	>1 Year
42006	Duda, Richard J.	>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 (contempt)	>1 Year
45103	Gonzales, Ramon C. Jr.	>1 Year
45272	Duncan, William Bartley	> 1 Year
45955	Brown, Doris	>1 Year
46117	Jerry M. Baker, Diana L. Baker & Ashley Martin	>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
46367	Natividad Hernandez (contempt)	>1 Year
46421	MUSGROVE, WILLIAM LAFON	>1 Year
46658	Haz-Pak Inc	>1 Year
46947	Hill Top Café	>1 Year
47066	Martinez, Reyna A.	>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
47871	Wayne Lee and Paula Lee	>1 Year
47914	Ector Co. v. Freedom Tank Rentals & Mfg.	>1 Year
47937	Ector Co. v. Martin Muniz	>1 Year
47940	James Travis Lowman	>1 Year
47983	State of Texas v. 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. (contempt)	>1 Year

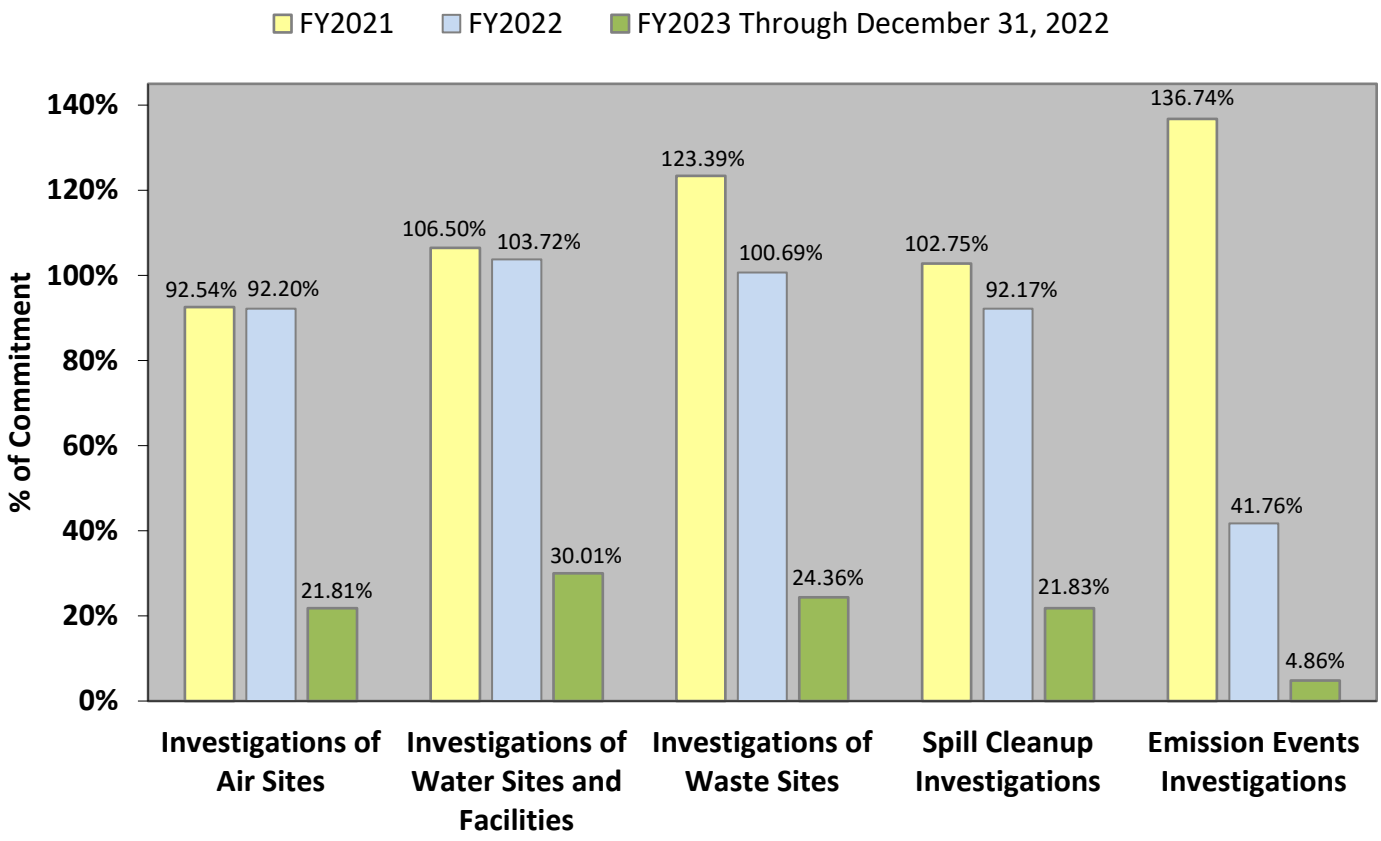
Active TCEQ AG Enforcement Cases as of 12/31/2022 (188)

Case No.	Respondent	Projected Resolution FY23
48482	Robert Harold Payne	>1 Year
48690	Travis Co. v. Mohammad Khurshid	>1 Year
49457	Leroy Leonard Limas	>1 Year
49463	Alamo Commercial Properties, Ltd.	>1 Year
49567	Catalpa Water Supply Corporation	>1 Year
49595	Ector Co. v. Fishing Tool Repair & Manufacturing	>1 Year
50002	Ector Co. v. Fishing Tool Repair & Manufacturing	>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
51455	Village Of Surfside Beach	<1 Year
51736	Las Palomas Water Services Company (52379 & 53739 merged w/this case)	> 1 Year
51907	Saeed A. Ally FKA Jeffco Reclamation & Storage, LLC	>1 Year
52084	Travis Co. v. John Schleis	>1 Year
52184	Corey Steven Abel	>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
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 & Travis Co. v. Volkswagen et al	>1 Year
52780	Bexar Co. v. Volkswagen et al	>1 Year
52781	Ector Co. v. Volkswagen at 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
52870	Travis Co. v. Jesse Alba	<1 Year
53256	BVS Construction Inc.	<1 Year
53703	Angelina County WCID 4	<1 Year
53757	Petro-Tech Environmental, LLC	>1 Year
53821	Ann Robinson	>1 Year
53932	Joe Martinez Sr	>1 Year
54219	David Lee Bronw	>1 Year
54247	THE PREMCOR REFINING GROUP INC. et al	>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
54683	R&K FABRICATING INC	>1 Year
54863	Raitz Enterprized Inc.	>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
55389	RESEARCH LABORATORIES, INC. dba Custom Packaging and Joe Yarbrough	>1 Year

Active TCEQ AG Enforcement Cases as of 12/31/2022 (188)

Case No.	Respondent	Projected Resolution FY23
55531	Huntsman Petrochemical LLC	>1 Year
55657	Total Petrochemicals & Refining USA Inc.	>1 Year
55659	ExxonMobil Oil Corporation	>1 Year
55729	Devine Convenience LLC	>1 Year
55935	Buchanan Lake Village Inc.	>1 Year
56001	Harris Co. v. Jose A. Flores & Nohemy A. Granados-Flores	>1 Year
56035	Travis Co. V. Robert Grote Jr. and Diamond G Ventures, Inc.	>1 Year
56284	Liberty Co. v. Arkema Inc.	>1 Year
56429	Barbara Burch	>1 Year
56439	Harris Co. v. Arkema, Inc.	>1 Year
56511	TPC Group, LLC	>1 Year
56763	Harris Co. v. Affordable Land Services, LLC	>1 Year
56807	EE-TDF Cleveland LLC	>1 Year
56843	KMCO, LLC	>1 Year
57121	Richard Billings / Oak Hills Ranch Water (also case #s 47244 & 49950)	>1 Year
57145	Allen Lee Click, Travis County & TCEQ	>1 Year
57160	Oakhollow MH Park	>1 Year
57317	Seng Phet Souimaniphanah	>1 Year
57620	Craft-Turney Water Supply Corporation & Arrington Lumber & Pallet Company, Inc.	>1 Year
57771	Equistar Chemicals, LP	>1 Year
57942	Blue Ridge Landfill TX, LP	>1 Year
58052	Harris Co. v. Houston Refining, LP	>1 Year
58077	HFOTCO LLC	>1 Year
58332	Exxon Mobil Corporation (previously Case Nos. 57996 and 60880)	>1 Year
58498	KM Liquid Terminals LLC	>1 Year
58540	Triple P.G. Sand Development, L.L.C.; Guniganti Family Property Holdings, L.L.C.; Prabhakar R. Guniganti; and Guniganti Children's 1999 Trust	<1 Year
58822	Dale W. Haggard	>1 Year
58838	Mountain River Water Co., Frank Sparks	>1 Year
59091	Antonial (Tony) Q. Butler	>1 Year
59536	Intercontinental Terminals Company LLC	>1 Year
59574	ExxonMobil Baytown Olefins Plant (explosion (July fire)	>1 Year
59627	Chevron Phillips Chemical Co LP (Cedar Bayou Plant)	>1 Year
59656	Inland Recycling, LLC, Inland Environmental and Remediation, Inc., David Polson, Boundary Ventures, and Kenneth Owens	<1 Year
60093	HDZ Swift Construction LLC	>1 Year
60337	Intercontinental Terminals Company LLC	>1 Year
60504	Chevron Phillips Chemical Co LP	>1 Year
60536	Harris Co. v. Project Storm LLC	>1 Year
60567	TPC Group, LLC	>1 Year
60569	Harris Co. v. Osies, Inc.	>1 Year
60578	Harris Co. v. Patricia McKinney	>1 Year
60579	Harris Co. v. Watson Grinding and Manufacturing Co.	>1 Year
60610	Montgomery Co. v. Ector Barrera, Justin R. Hasara, J & H Joint Land Ventures, Hasara Land Services, and Ash-Gram Materials	>1 Year
60626	Harris Co. v. Felix Escobedo	>1 Year
60643	Blackhorn Environmental Services, LLC	>1 Year
60730	Harris Co. v. Wesley Gene Zarsky	>1 Year
60734	Exxon Mobil Corporation	>1 Year
60781	Formosa Plastics Corporation	>1 Year
60828	Harris Co. v. Mario Perez and Teresa Perez	>1 Year
60926	Harris County, Texas and Harris County Flood Control District v. Ricardo F. Romero & Laura Romero & R & L Building Group, Inc.	>1 Year
60973	Magellan Termianls Holdings LP	>1 Year
61441	LyondellBasell Acetyls, LLC	<1 Year
62076	Pasadena Refining System, Inc.	>1 Year
62600	City of Morgan's Point v. Frontier Logistics, L.P. & Barbours Cut Whse, LP (Investigation Nos. 1812389 and 1812399)	>1 Year
TBD	Bowie Co. v. Volkswagen et al Investigation No. 1439612	>1 Year
TBD	Randall Co. v. Volkswagen et al Investigation No. 1854468	>1 Year
TBD	Leon Co. v. Volkswagen et al Investiation No. 1853278	>1 Year
TBD	Harrison Co. v. Volkswagen et al Investigation No. 1847264	>1 Year
TBD	Burnet Co. v. Volkswagen et al Investigation No. 1854491	>1 Year

FY23 LBB Performance Measures*
OCE Investigative Activities



Performance Measure*	FY2021 Annual Commitment	FY2021 Investigations Completed	FY2022 Annual Commitment	FY2022 Investigations Completed	FY2023 Annual Commitment	Total Investigations Completed (through 12/31/22)
Investigations of Air Sites	11,177	10,343	11,177	10,305	11,177	2,438
Investigations of Water Sites and Facilities	13,144	13,998	13,144	13,633	13,144	3,945
Investigations of Waste Sites	10,200	12,586	10,200	10,270	10,200	2,485
Spill Cleanup Investigations	1,200	1,233	1,200	1,106	1,200	262
Emission Events Investigations	5,000	6,837	5,000	2,088	5,000	243

* 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: FY2021: 117,297; FY2022: 106,856.