Corrected Copy

# Enforcement Report to the Commission for December 2018
# FY19 Year-to-Date Totals

**Figure 1: Number of Notices of Violation**

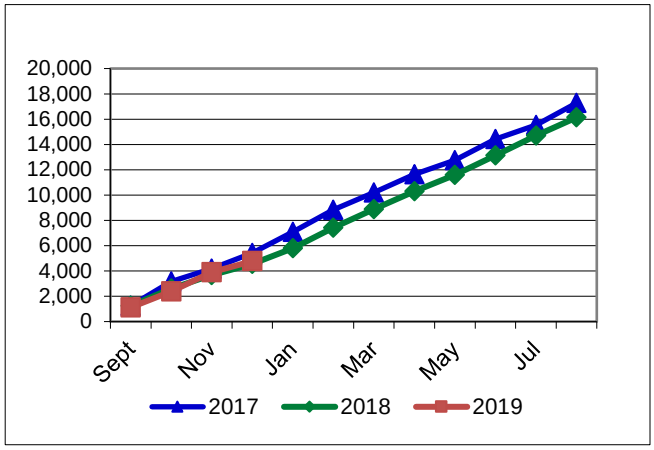



**Figure 2: Number of Enforcement Action Referrals**

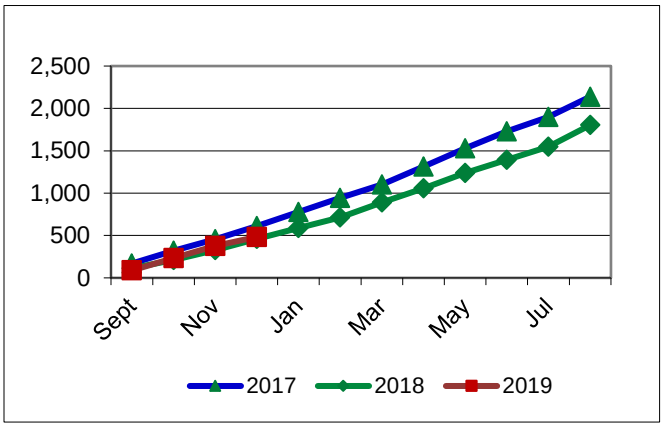



**Figure 3: Number of Effective Orders**

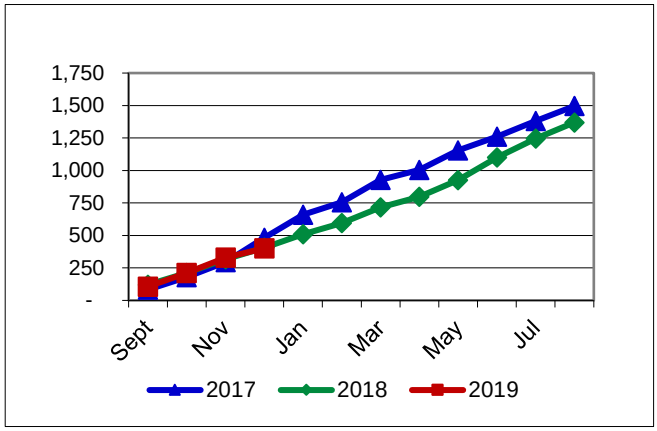



**Figure 4: Assessed Penalties**

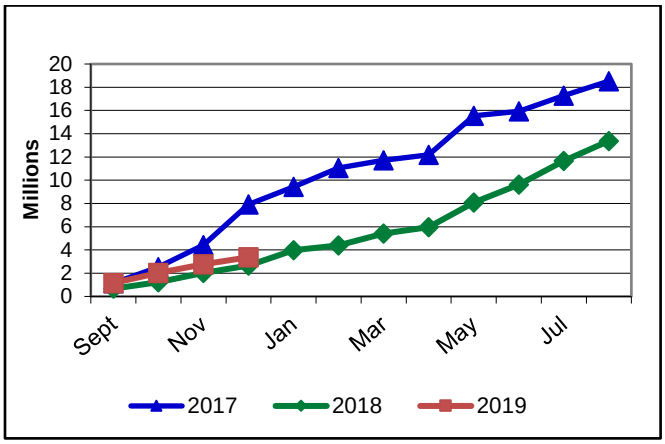



**Figure 5: Supplemental Environmental Projects**

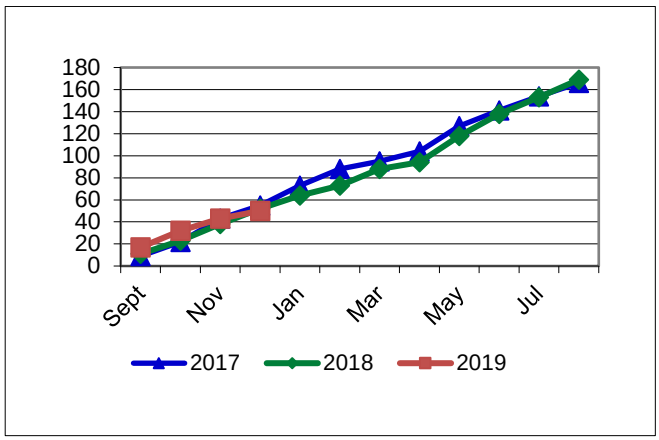



**Figure 6: Number of Backlogged Orders**

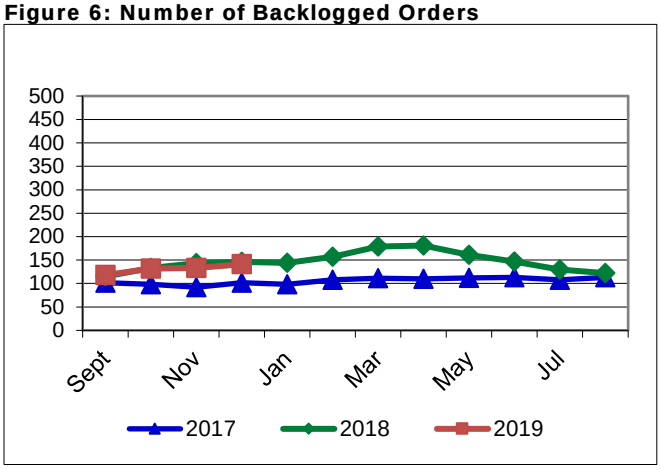



**Figure 7: Summary**

**For fiscal year 2019 through December, TCEQ has issued: 4,775 Notices of Violation, 483 Enforcement Action Referrals, 401 Effective Orders (see http://www2.tceq.texas.gov/epic/eenf/);**

**assessed $3,370,000 in administrative penalties; and approved 50 Supplemental Environmental Projects.**

# Enforcement Report to the Commission for December 2018
# FY19 Year-to-Date Totals

**Programs Summary:**

| PROGRAMS | Notices of Violation[1] | Effective Orders | Assessed Penalties |
|---|---|---|---|
| AGRICULTURE | 4 | 3 | $16,363 |
| AIR | 288 | 55 | $1,251,862 |
| DAM SAFETY | 0 | 0 | $0 |
| DRY CLEANERS | 0 | 1 | $5,000 |
| INDUSTRIAL & HAZARDOUS WASTE[2] | 48 | 4 | $43,323 |
| MUNICIPAL SOLID WASTE | 92 | 14 | $190,342 |
| OCCUPATIONAL CERTIFICATION | 7 | 5 | $1,810 |
| PETROLEUM STORAGE TANKS | 179 | 105 | $844,775 |
| PUBLIC WATER SUPPLY[3] | 3,616 | 109 | $104,369 |
| WATER RIGHTS **YTD Complaints = 31** | 4 | 10 | $6,667 |
| WATER QUALITY[4] | 509 | 76 | $756,200 |
| MULTI-MEDIA | 37 | 19 | $149,289 |
| **YTD TOTALS** | **4,775** | **401** | **$3,370,000** |
| **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 | $611,837 |
| Total Penalties to SEPs | $736,740 |
| Total Payable Penalties | $2,021,423 |
| **YTD Case Status Summary** | |
| Attorney General (AG) Judgments | 4 |
| Pending AG Cases[5] | 216 |
| Pending TCEQ Cases | 1,554 |
| Backlogged Cases | 141 |
| Resolved Cases | 42 |
| Orders Being Tracked | 2,159 |

[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 12/31/2018 (216)

| 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 |
| 31746 | WSWS Company | >1 Year |
| 31942 | Zambrano, George | >1 Year |
| 33361 | Luke, Dolores A | >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 12/31/2018 (216)

| 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 |
| 41070 | Chatarpal, Thakoor | >1 Year |
| 41667 | Stone Hedge Utility Co Inc | >1 Year |
| 41717 | David Fenoglio / Sunset Water & Texas Rain Holdings | >1 Year |
| 41906 | Jackson, George W | >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 |
| 42823 | Crystal International, Inc. | >1 Year |
| 43458 | Shawn M. Horvath/Aero Valley Water Service | >1 Year |
| 43966 | CASTLE WATER, INC. | >1 Year |
| 44157 | Karishma Properties Inc | >1 Year |
| 44339 | Community Utility Company | >1 Year |
| 44610 | Graves, Leo | >1 Year |
| 45272 | Duncan, William Bartley | > 1 Year |
| 45477 | Ector Co. v. Alberto Garcia | >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 | >1 Year |
| 46264 | Ector Co. v. Juan Carlos Deras/CD Transport LLC | >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 Envtl, Enrique Villanueva, and Thomas Contreras | >1 Year |
| 47725 | Falcons Lair Utility & Reclamation District | >1 Year |
| 47750 | Ector Co. v. Ruiz Enterprises & Aaron Ruiz | >1 Year |
| 47766 | Ector Co. v. Chad Al Wright & Damn Wright Oilfield Svcs. | >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 |
| 47940 | Lowman, James Travis | >1 Year |
| 47983 | LGI Land LLC | >1 Year |
| 48068 | Riviera Club Inc. dba Stop N Bye | >1 Year |
| 48071 | Ector Co. v. Audie Meade dba Aaa Septic Tank Svcs | >1 Year |

# Active TCEQ AG Enforcement Cases as of 12/31/2018 (216)

| Case No. | Respondent | Projected Resolution FY19 |
|---|---|---|
| 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 |
| 48663 | Travis Co. v. Frank Hernandez | >1 Year |
| 48687 | Travis Co. v. Damaso Rojo | >1 Year |
| 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 |
| 50019 | Crystal International Inc | >1 Year |
| 50114 | Rhonda Vanover | >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. Epitacio Gomez | >1 Year |
| 52059 | Ector Co. v. Hydro-Con, 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/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 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 |
| 52842 | Pasadena Refining System, Inc. | >1 Year |
| 52868 | Brazoria Co. v. Daniel Infante, et al | >1 Year |

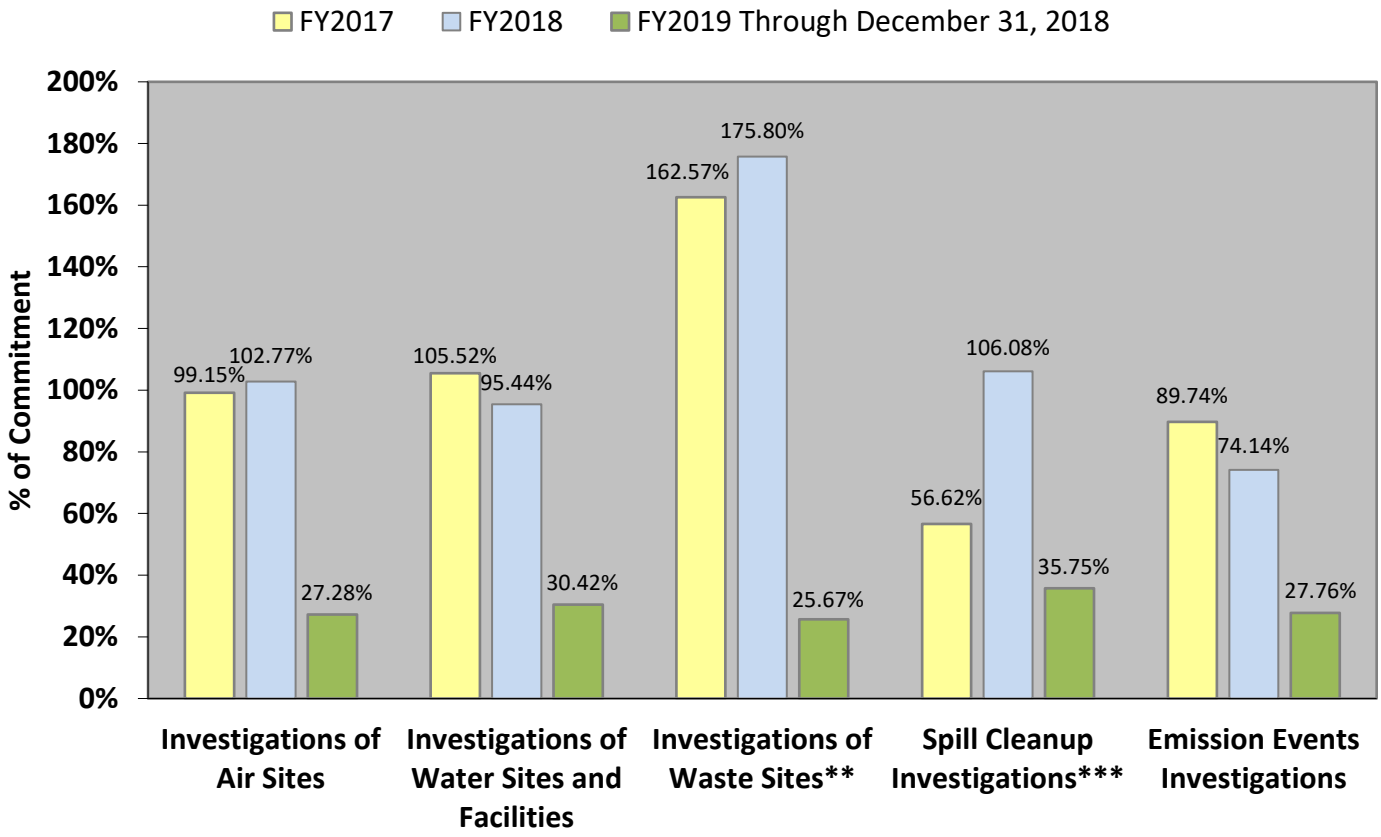
# Active TCEQ AG Enforcement Cases as of 12/31/2018 (216)

| Case No. | Respondent | Projected Resolution FY19 |
|---|---|---|
| 52870 | Travis Co. v. Jesse Alba | >1 Year |
| 52931 | Travis Co. v. Proof & Cooper, LLC & Double Barrell Holdings, LLC | >1 Year |
| 52996 | Travis Co. v. Carolina Jakob and Esparanza Martinez | >1 Year |
| 53064 | Edward J. Rifenbury & William P. Easley / We Recycle Texas | >1 Year |
| 53134 | Edwin L. Carlisle dba Crafton Mobile Home Park | >1 Year |
| 53206 | Great Southern Realty Company | <1 year |
| 53431 | James L. Oxford dba Country Villa MHP | >1 Year |
| 53666 | Norman Barnett | >1 Year |
| 53679 | TEXAS RAIN HOLDING, Wallace Hardie, Tawakoni Waste | >1 Year |
| 53702 | Fort Bend County Municipal Utility District 168 | >1 Year |
| 53703 | Angelina County WCID 4 | <1 Year |
| 53757 | Petro-Tech Environmental, LLC | >1 Year |
| 53797 | VISTA INTERNATIONAL TECHNOLOGIES, INC. | > 1 Year |
| 53810 | Frank Sparks dba MOUNTAIN RIVER WATER COMPANY | >1 Year |
| 53842 | Delhi Services, LLC and JML Energy Resources, LLC | >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, 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 |
| 54920 | Felipe Posada dba Key Road Subdivision | >1 Year |
| 54926 | Tire Recycling & Processing LLC dba Santa Anita Reclamation | >1 Year |
| 55112 | City of Pearland v. Blue Ridge Landfill TX, LP | >1Year |
| 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 |
| 55325 | Harris Co. v. KMCO, LLC | >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 |
| 55657 | Total Petrochemicals & Refining USA Inc. | >1 Year |
| 55674 | Perrin Water Systems, Inc. & Texas Rain Holdings | >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 |
| 55965 | 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 |
| 56205 | Travis Co. v. Stephanie Ashley | >1 Year |

# Active TCEQ AG Enforcement Cases as of 12/31/2018 (216)

| Case No. | Respondent | Projected Resolution FY19 |
|---|---|---|
| 56439 | Harris Co. v. Arkema, Inc. | >1 Year |
| 56498 | Wichita Co. v. Wells Fargo Bank | >1 Year |
| 56529 | Harris Co. v. Wright Containers, L.L.C. | >1 Year |
| 56587 | Harris Co. v. Juan Mendo & Mahara Mendo | >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 |
| 57092 | Harris Co. v. TRC Waste Services, LLC, Winston A. Norman and Estate of Alton Bridges | >1 Year |
| TBD | State of Texas v. Chemical Recovery Technologies, Inc. | >1 Year |
| TBD | Hunt Co. v. Fiat-Chrysler | >1 Year |
| TBD | Harris Co. v. Fiat-Chrysler | >1 Year |
| TBD | Bee Co. v. Fiat-Chrysler | >1 Year |
| TBD | Tarrant Co. v. Fiat-Chrysler | >1 Year |
| TBD | Dallas Co. v. Fiat-Chrysler | >1 Year |
| TBD | Cameron Co. v. Fiat-Chrysler | >1 Year |
| TBD | El Paso v. Fiat-Chrysler | >1 Year |
| TBD | Randall Co. v. Fiat-Chrysler | >1 Year |
| TBD | Montgomery Co. v. Fiat-Chrysler | >1 Year |
| TBD | Bowie Co. v. Fiat-Chrysler | >1 Year |
| TBD | Bowie Co. v. Volkswagen et al | >1 Year |
| TBD | Harris Co. ESD No. 60 v. Sara Morales and Rebecca Morales | >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 | Harris Co. v. Labarge Coating, LLC | >1 Year |
| TBD | Larry Polinard v. TCEQ | >1 Year |
| TBD | H P Gas, LLC and/or John Fansler | >1 Year |
| TBD | City of West Lake Hills vs. Yaupon Parterns, L.L.C. & Ray McMackin | >1 Year |

**FY19 LBB Performance Measures***
**OCE Investigative Activities**




| Performance Measure * | FY2017 Annual Commitment | FY2017 Investigations Completed | FY2018 Annual Commitment | FY2018 Investigations Completed | FY2019 Annual Commitment | Total Investigations Completed (through 12/31/18) |
|---|---|---|---|---|---|---|
| **Investigations of Air Sites** | 11,177 | 11,082 | 11,177 | 11,487 | 11,177 | 3,049 |
| **Investigations of Water Sites and Facilities** | 12,865 | 13,575 | 13,144 | 12,545 | 13,144 | 3,999 |
| **Investigations of Waste Sites**** | 6,760 | 10,990 | 6,760 | 11,884 | 10,000 | 2,567 |
| **Spill Cleanup Investigations**** | 650 | 368 | 1,200 | 1,273 | 1,200 | 429 |
| **Emission Events Investigations** | 5,000 | 4,487 | 5,000 | 3,707 | 5,000 | 1,388 |

* 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.