# Enforcement Report to the Commission for February 2023
# FY23 Year-to-Date Totals

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

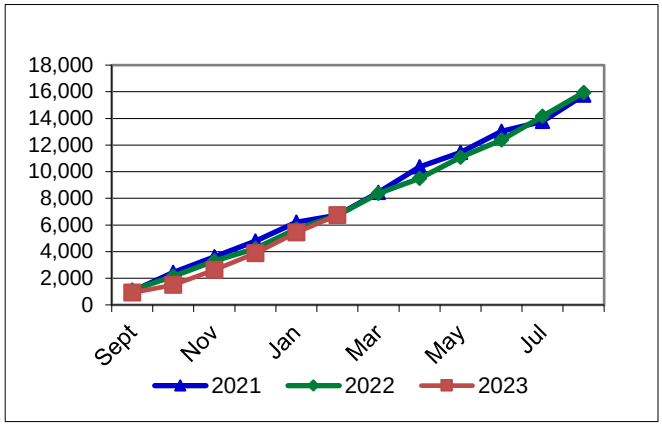



**Figure 2: Number of Enforcement Action Referrals**

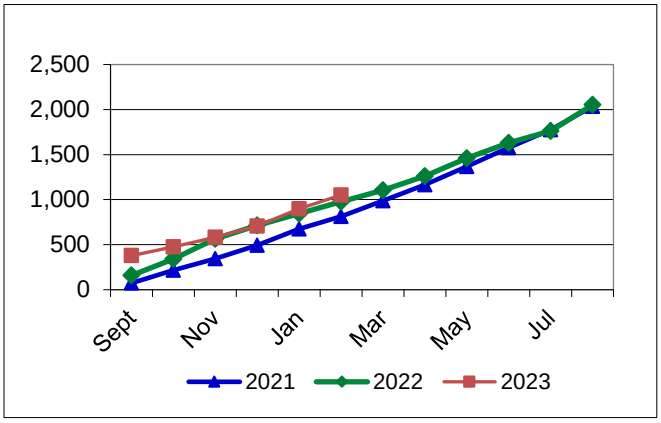



**Figure 3: Number of Effective Orders**

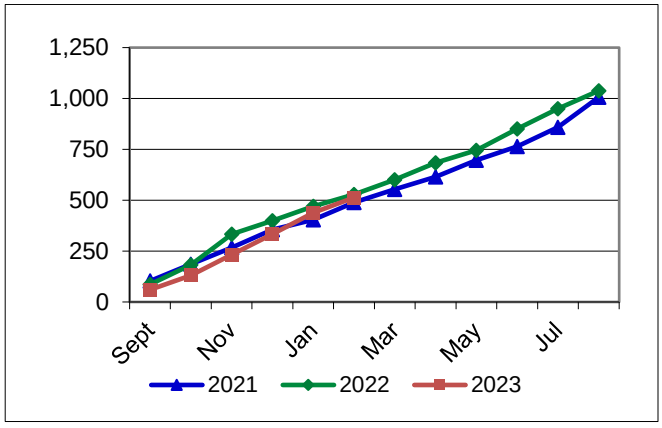



**Figure 4: Assessed Penalties**

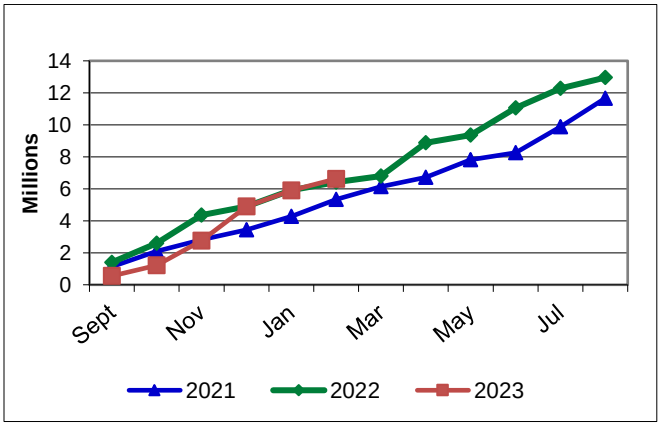



**Figure 5: Supplemental Environmental Projects**

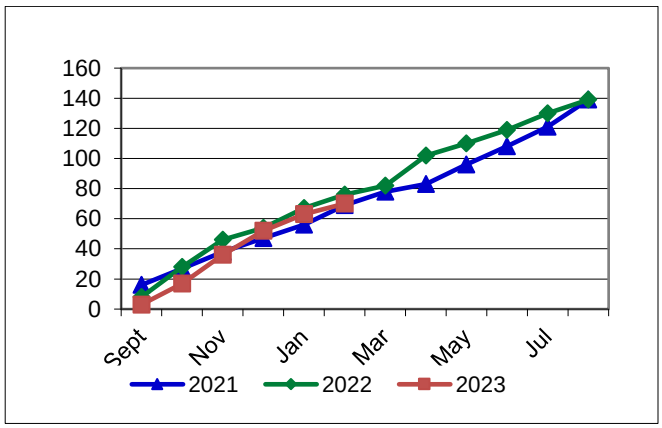



**Figure 6: Number of Backlogged Orders**

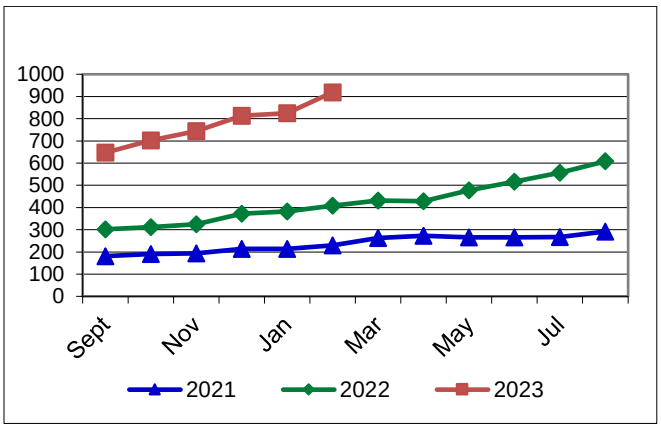



**Figure 7: Summary**

**For fiscal year 2023 through February, TCEQ has issued: 6,730 Notices of Violation, 1,051 Enforcement Action Referrals, 513 Effective Orders (see https://www14.tceq.texas.gov/epic/CIO/);**

**assessed $6,626,015 in administrative penalties; and approved 70 Supplemental Environmental Projects.**

# Enforcement Report to the Commission for February 2023
# FY23 Year-to-Date Totals

**Programs Summary:**

| PROGRAMS | Notices of Violation[1] | Effective Orders | Assessed Penalties |
|---|---|---|---|
| AGGREGATE PRODUCTION OPERATIONS | 23 | 2 | $5,875 |
| AGRICULTURE | 5 | 3 | $63,713 |
| AIR | 416 | 79 | $3,118,048 |
| DRY CLEANERS | 0 | 0 | $0 |
| INDUSTRIAL & HAZARDOUS WASTE[2] | 45 | 2 | $39,085 |
| MUNICIPAL SOLID WASTE | 108 | 13 | $100,956 |
| OCCUPATIONAL CERTIFICATION | 2 | 4 | $1,804 |
| PETROLEUM STORAGE TANKS | 387 | 109 | $718,658 |
| PUBLIC WATER SUPPLY[3] | 5,069 | 169 | $650,593 |
| WATER RIGHTS **YTD Complaints = 104** | 2 | 4 | $2,075 |
| WATER QUALITY[4] | 600 | 99 | $1,633,951 |
| MULTI-MEDIA | 73 | 29 | $291,257 |
| **YTD TOTALS** | **6,730** | **513** | **$6,626,015** |
| **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 | $808,071 |
| Total Penalties to SEPs | $1,810,067 |
| Total Payable Penalties | $4,007,877 |
| **YTD Case Status Summary** | |
| Attorney General (AG) Judgments | 5 |
| Pending AG Cases[5] | 188 |
| Pending TCEQ Cases | 2,217 |
| Backlogged Cases | 919 |
| Resolved Cases | 57 |
| Orders Being Tracked | 2,225 |

[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 2/28/2023 (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 |
| 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 |

# Active TCEQ AG Enforcement Cases as of 2/28/2023 (188)

| Case No. | Respondent | Projected Resolution FY23 |
|---|---|---|
| 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 |
| 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 |

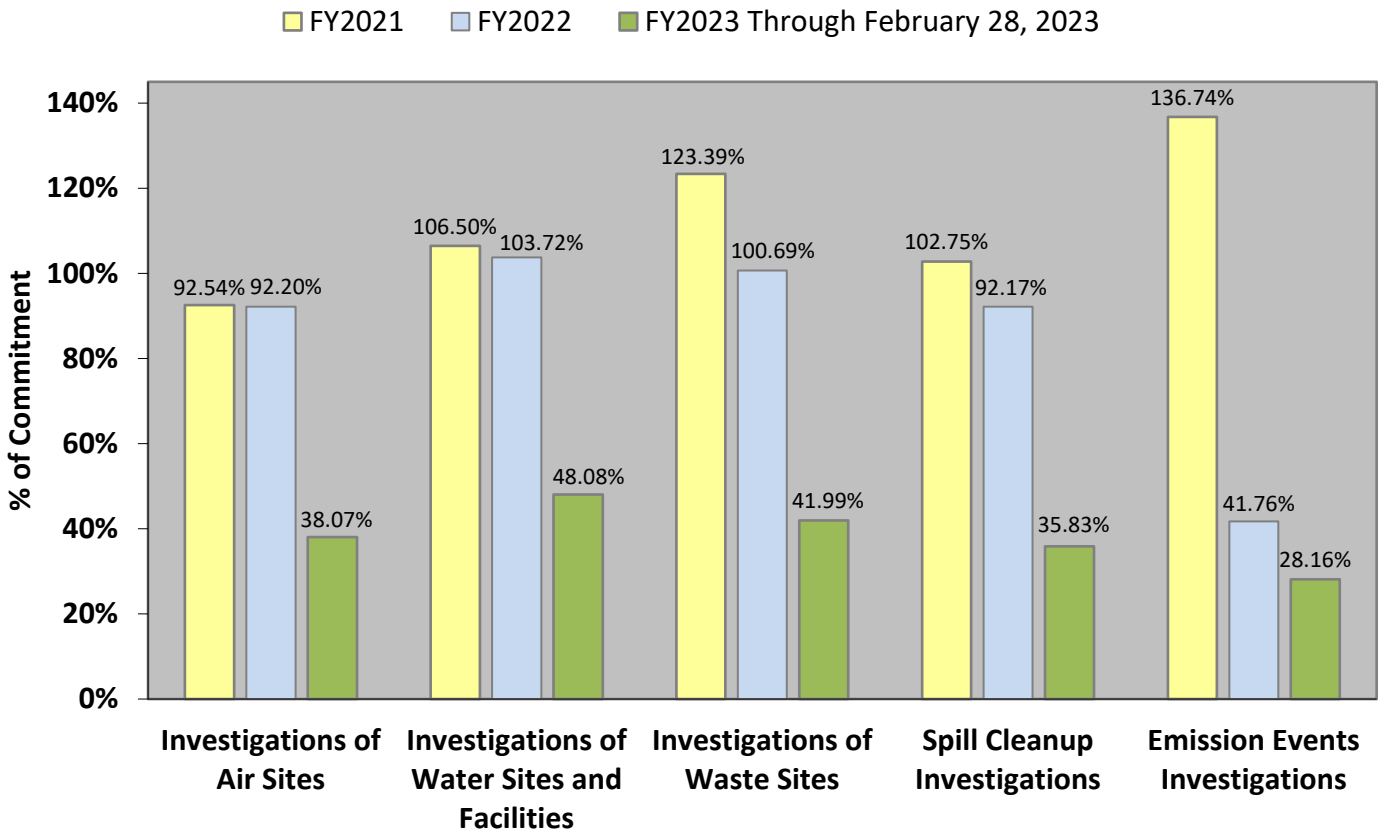
# Active TCEQ AG Enforcement Cases as of 2/28/2023 (188)

| Case No. | Respondent | Projected Resolution FY23 |
|---|---|---|
| 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 |
| 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 |

# Active TCEQ AG Enforcement Cases as of 2/28/2023 (188)

| Case No. | Respondent | Projected Resolution FY23 |
|---|---|---|
| 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 |
| 61330 | Circle "R" Ranchettes Recreation and Community Corporation | >1 Year |
| 61441 | LyondellBasell Acetyls, LLC | <1 Year |
| 61563 | Harris County (Rohm and Haas Chemicals Bayport Plant) | >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 2/28/23) |
|---|---|---|---|---|---|---|
| **Investigations of Air Sites** | 11,177 | 10,343 | 11,177 | 10,305 | 11,177 | 4,255 |
| **Investigations of Water Sites and Facilities** | 13,144 | 13,998 | 13,144 | 13,633 | 13,144 | 6,320 |
| **Investigations of Waste Sites** | 10,200 | 12,586 | 10,200 | 10,270 | 10,200 | 4,283 |
| **Spill Cleanup Investigations** | 1,200 | 1,233 | 1,200 | 1,106 | 1,200 | 430 |
| **Emission Events Investigations** | 5,000 | 6,837 | 5,000 | 2,088 | 5,000 | 1,408 |

* 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.