

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2003-1144-PST-E TCEQ ID: RN102375557 CASE NO.: 9501**  
**RESPONDENT NAME: MBE, INC. DBA BRYANS 2**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATIONS OCCURRED:** 901 E. Main, San Augustine, San Augustine County

**TYPE OF OPERATION:** convenience store with retail sales of gasoline

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired July 20, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Jacquelyn Boutwell, Litigation Division, MC 175, (512) 239-5846  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Ms. Miriam Hall, Air Enforcement Section, MC 128, (512) 239-1044

**TCEQ Regional Contact:** Ms. Neadra Johnson, Beaumont Regional Office, MC R-10, (409) 898-3838

**Respondent:** Mr. Charles M. Bryan, President, MBE, Inc., P.O. Box 655, San Augustine, Texas 75972

Mr. Charles M. Bryan, President, MBE, Inc., Route 3, Box 574, San Augustine, Texas 75972

**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> March 5, 2003</p> <p><b>Date of NOE Relating to this Case:</b> May 1, 2003.</p> <p><b>Background Facts:</b> The EDRP was filed April 6, 2004. The Respondent filed an answer and the case was referred to SOAH. The preliminary hearing was waived and the parties engaged in discovery. The Respondent filed three Motions for Continuance and Requests for Extension of Discovery Deadlines and requested a financial ability-to-pay analysis. The Respondent's attorney withdrew from the case on February 25, 2009. The Respondent signed an Agreed Order on June 2, 2009.</p> <p><b>Current Compliance Status:</b> The Respondent no longer owns or operates the facility.</p> <p><b>PST:</b> Failed to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel [30 TEX. ADMIN. CODE § 334.48(c)].</p>	<p><b>Total Assessed:</b> \$5,100</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$235/\$4,865</p> <p>The Respondent paid \$235 of the administrative penalty. The remaining amount of \$4,865 shall be payable in 35 monthly payments of \$139 each.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p>The ED recognizes that the Respondent no longer owns or operates the facility as of July 1, 2008.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02)

PCW Revision 6/12/2003

<b>DATES</b>		PCW 1-Jun-2009	Screening 1-Oct-2003	Priority Due 29-Jan-2004	EPA Due
<b>RESPONDENT INFORMATION</b>					
Respondent MBE, inc. dba Bryans 2					
Respondent/Site ID No(s) Petroleum Storage Tank Facility ID No. 0048868					
Facility/Site Region 10 - Beaumont			Major/Minor Source Minor		
<b>CASE INFORMATION</b>					
Enf./Case ID No(s) 9501		Docket No. 2003-1144-PST-E		No. Violations 1	
Case Priority 3		Enf. Coordinator Miriam Hall		Order Type 1660 without deferral	
Media Program(s) Petroleum Storage Tank		EC's Team Team 4			
Admin. Penalty \$ Limit		Minimum \$0	Maximum \$10,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY</b> (Sum of violation base penalties)		<b>Subtotal 1</b>	\$5,000
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
<b>Compliance History</b>	2% Enhancement	<b>Subtotals 2, 3 &amp; 7</b>	\$100
Notes	The Respondent is an average performer with one prior NOV which is not for the same or similar violations.		+
<b>Culpability</b>	0% Enhancement	<b>Subtotal 4</b>	\$0
Notes	The culpability criteria was not met.		+
<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
Extraordinary	Before NOV	NOV to EDPRP/Settlement Offer	
Ordinary			
None of the above	X	(mark with small x)	+
Notes	The Respondent does not meet the good faith criteria.		
<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	\$0
\$525	Total EB Amounts	*Capped at the Total EB \$ Amount	=
\$500	Approx. Cost of Compliance		=
<b>SUM OF SUBTOTALS 1-7</b>		<b>Final Subtotal</b>	\$5,100
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		0%	<b>Adjustment</b>
Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%)			
Notes			=
		<b>Final Penalty Amount</b>	\$5,100
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b>	\$5,100
<b>DEFERRAL</b>		0% Reduction	<b>Adjustment</b>
Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction)			
Notes	Deferral not offered for non-expedited settlement. □□□□		=
<b>PAYABLE PENALTY</b>			\$5,100

Screening Date 1-Oct-2003

Docket Number 2003-1144-PST-E

PCW

Respondent MBE, Inc. dba Bryans 2

Policy Revision 2 (09/02)

Case ID No. 9501

PCW Revision 6/12/2003

Respondent/Site ID No. Petroleum Storage Tank Facility ID No. 0048868

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Miriam Hall

Site Address 901 East Main, San Augustine, San Augustine County

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

Compliance History Summary

Compliance History Notes

The Respondent is an average performer with one prior NOV which is not for the same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 2%

Screening Date 01-Oct-03

Docket Number 2003-1144-PST-E

PCW

Respondent MBE, Inc. dba Bryans 2

Policy Revision 2 (09/02)

Case ID No. 9501

PCW Revision 6/12/2003

Respondent/Site ID No. Petroleum Storage Tank Facility ID No. 0048868

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Miriam Hall

Violation Number 1

Primary Rule Cite 30 Tex. Admin. Code § 334.48(c)

Secondary Cite(s)

Violation Description Failure to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel. No inventory control and reconciliation was being conducted.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

» Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 2

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	X
annual	
single event	

Violation Base Penalty \$5,000

Events Notes

Two semi-annual events are recommended for the period between the March 5, 2003, investigation date and the November 19, 2003, compliance date to make the penalty commensurate with the situation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$525

Violation Final Penalty total \$5,100

This Violation Final Assessed Penalty (adjusted for limits) \$5,100

## Economic Benefit Worksheet

**Respondent** MBE, Inc. dba Bryans 2  
**ID Number(s)** 9501  
**Media [Statute]** Petroleum Storage Tank  
**Violation Number** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$500	5-Mar-2003	19-Nov-2003	1.0	\$25	\$500	\$525

Notes for AVOIDED costs

Estimated avoided costs; date required is investigation date; final date is estimated date of compliance.

Approx Cost of Compliance \$500

**TOTAL** \$525

## Compliance History

Customer/Respondent/Owner-Operator:	CN601241722 MBE, Inc.	Classification: AVERAGE	Rating: 3.37
Regulated Entity:	RN102375557 BRYANS 2	Classification: AVERAGE	Site Rating: 6.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	48868
Location:	901 E MAIN ST, SAN AUGUSTINE, TX, 75972	Rating Date: 9/1/03	Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	October 01, 2003		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 01, 1998 to October 01, 2003		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: John Barry Phone: 409-899-8781

### Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

#### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The dates of investigations.

1 06/17/2000

E. Written notices of violations (NOV).

Date: 06/21/2000

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.45(c)(3)(A)

Description: FAILURE TO COMPLY

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.49(c)(2)(C)

Description: FAILURE TO COMPLY

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(ii)

Description: FAILURE TO COMPLY

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description: FAILURE TO COMPLY

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

STATE OF TEXAS  
COUNTY OF TRAVIS

I hereby certify this is a true and correct copy of a Texas Commission on Environmental Quality (TCEQ) document, which is filed in the Records of the Commission Given under my hand and the seal of office.

*Rick Thomas*

JUN 02 2009

Rick Thomas, Custodian of Records

I. Participatlon in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MBE, INC. DBA BRYANS 2  
RN102375557

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**

**DOCKET NO. 2003-1144-PST-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding MBE, Inc. dba Bryans 2 ("MBE") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and MBE, appear before the Commission and together stipulate that:

1. MBE owned and operated a convenience store with retail sales of gasoline at 901 E. Main, San Augustine, San Augustine County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and MBE agree that the Commission has jurisdiction to enter this Agreed Order, and that MBE is subject to the Commission's jurisdiction.
4. MBE received notice of the violations alleged in Section II ("Allegations") on or about May 6, 2003.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by MBE of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of five thousand and one hundred dollars (\$5,100.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). MBE paid two hundred thirty-five dollars (\$235.00) of the administrative penalty. The remaining amount of four thousand eight hundred sixty-five dollars (\$4,865.00) of the administrative penalty shall be payable in 35 monthly payments of one hundred thirty-nine dollars (\$139.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If MBE fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, MBE's failure to meet the payment schedule of this Agreed Order constitutes the failure by MBE to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and MBE have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that MBE no longer owns or operates the Facility.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that MBE has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

During an investigation conducted on March 5, 2003, a TCEQ Beaumont Regional Office Investigator documented that MBE violated 30 TEX. ADMIN. CODE § 334.48(c) by failing to conduct

inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel. Specifically, no inventory control and reconciliation was being conducted.

### III. DENIALS

MBE generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that MBE pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and MBE's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: MBE, Inc, dba Bryan's 2, Docket No. 2003-1144-PST" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon MBE.
3. If MBE fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, MBE's failure to comply is not a violation of this Agreed Order. MBE shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. MBE shall notify the Executive Director within seven days after MBE becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by MBE shall be made in writing to the Executive Director. Extensions are not effective until MBE receives written

approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against MBE in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to MBE, or three days after the date on which the Commission mails notice of the Order to MBE, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

MBE, Inc. dba Bryans ?  
DOCKET NO. 2003-1144-TST-E  
Page 5

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

For the Commission

*Bryson Perdue*

For the Executive Director

6/12/2009

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or MBE's failure to timely pay the penalty amount, may result in:

- A negative impact on MBE's compliance history;
- Greater scrutiny of any permit applications submitted by MBE, INC.;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against MBE, INC.;
- Automatic referral to the Attorney General's Office of any future enforcement actions against MBE, INC.; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution

*Charles Bryson*  
Signature

6/2/09  
Date

Charles Bryson  
Name (Printed or typed)  
Authorized representative of MBE, INC.

Pres  
Title