

EXECUTIVE SUMMARY – ENFORCEMENT MATTER
Ramesh Raj d/b/a Anchor Motel and RV Park, and
Rohit Kumar d/b/a Anchor Motel and RV Park
RN108168220
Docket No. 2015-0401-OSS-E

Order Type:

Emergency Order

Media:

OSS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1302 Blue Water Highway, Surfside Beach, Brazoria County

Type of Operation:

unpermitted on-site sewage facility

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third-Parties: None

Texas Register Publication Date: N/A

Comments Received: None

Penalty Information

Total Penalty Assessed: N/A

Total Paid to General Revenue: N/A

Total Due to General Revenue: N/A

Compliance History Classifications:

Person/CN –N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: N/A

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Docket No. 2015-0401-OSS-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: March 13, 2015
Date(s) of NOV(s): N/A
Date(s) of NOE(s): N/A

Violation Information

1. Failed to prevent the discharge of sewage into or adjacent to any water in the state [TEX. WATER CODE § 26.121(a)].
2. Failed to take adequate measures as soon as practicable to abate an immediate health hazard [30 TEX. ADMIN. CODE § 366.017(b)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

Immediately cease operating the Site's OSSF until it is brought into compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Green Card(s) Signed: N/A
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Joel Cordero, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Vic McWherter, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: N/A

TCEQ Regional Contact: Bryan Eastham, Houston Regional Office, 713-767-3500

Respondent Contact: Rohit Kumar, 1302 Bluewater Highway, Village of Surfside Beach, Texas 77541; (832) 724-0455; Ramesh Raj, 1302 Bluewater Highway, Village of Surfside Beach, Texas 77541; (347) 610-1213

Respondent's Attorney: N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF	§	BEFORE THE
AN ENFORCEMENT ACTION	§	
CONCERNING RAMESH RAJ DBA	§	
ANCHOR MOTEL AND RV PARK AND	§	TEXAS COMMISSION ON
ROHIT KUMAR DBA ANCHOR MOTEL	§	
AND RV PARK;	§	
RN108168220	§	ENVIRONMENTAL QUALITY

ORDER AFFIRMING EMERGENCY ORDER DOCKET NO. 2015-0401-OSS-E

On April 1, 2015, the Texas Commission on Environmental Quality ("TCEQ" or "Commission") considered whether to affirm, modify, or set aside an Emergency Order in the matter regarding Ramesh Raj d/b/a Anchor Motel and RV Park and Rohit Kumar d/b/a Anchor Motel and RV Park ("Anchor Motel"). The Emergency Order was issued by the Executive Director without a hearing on March 13, 2015. The Emergency Order and the notice of the April 1, 2015, agenda hearing to affirm, modify, or set aside the Emergency Order were sent by certified mail return receipt requested, and sent by first class mail, postage prepaid to the last known address of Mr. Raj and Mr. Kumar on March 14, 2015. The Emergency Order was also hand delivered to Mr. Kumar on March 14, 2015. The Commission finds that the Executive Director appropriately issued the Emergency Order and that the requirements for an emergency order found in TEX. WATER CODE ch. 5 and 30 TEX. ADMIN. CODE ch. 35 were satisfied.

THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS THAT:

The April 1, 2015, Emergency Order, attached hereto as Exhibit A and incorporated into this Order by reference, is affirmed.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

EXHIBIT A

TCEQ DOCKET NO. 2015-0401-OSS-E

IN THE MATTER OF	§	BEFORE THE
AN ENFORCEMENT ACTION AGAINST	§	
RAMESH RAJ DBA ANCHOR MOTEL	§	
AND RV PARK AND	§	TEXAS COMMISSION ON
ROHIT KUMAR DBA ANCHOR MOTEL	§	
AND RV PARK;	§	
RN108168220	§	ENVIRONMENTAL QUALITY

**EMERGENCY ORDER
REQUIRING CESSATION OF OPERATION
OF AN ON-SITE SEWAGE FACILITY**

On March 13, 2015, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued this Emergency Order pursuant to TEX. WATER CODE chs. 5 and 26, TEX. HEALTH & SAFETY CODE ch. 366, and 30 TEX. ADMIN. CODE chs. 35 and 285. The parties subject to this order are Ramesh Raj d/b/a Anchor Motel and RV Park and Rohit Kumar d/b/a Anchor Motel and RV Park (jointly referred to as "Anchor Motel").

**I.
FINDINGS OF FACT**

1. Anchor Motel owns and operates an unpermitted On-site Sewage Facility ("OSSF") located at 1302 Bluewater Highway, Surfside Beach, Brazoria County, Texas ("Site").
2. Anchor Motel released sewage that presents an imminent and substantial endangerment to public health and safety.
3. On March 3, 2015, a TCEQ investigator collected water samples, which indicated elevated levels of enterococcus above the limit for contact recreation and were indicative of wastewater.
4. During an investigation conducted on March 13, 2015, a TCEQ investigator observed that Anchor Motel's OSSF endangers public health and safety by:
 - a. Failing to prevent the discharge of sewage into or adjacent to any water in the state. Specifically, sewage was observed flowing from the Site's OSSF and collecting on the ground.
 - b. Failing to take adequate measures as soon as practicable to abate an immediate health hazard. Specifically, Anchor Motel failed to repair the leaking OSSF at the Facility.
5. Public health and safety is endangered because the Site's OSSF has been releasing sewage for several months and further operation of the Site's OSSF would generate additional sewage and deposition of that sewage onto the

ground which has been determined to be above the limits for contact recreation. Consequently, the OSSF in its current condition, presents an imminent and substantial threat to the public health and safety of the environment.

6. This Order is necessary to ensure public health and safety.
7. Commission records document the Site's address as 1302 Bluewater Highway, Surfside Beach, Texas, 77541.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Anchor Motel owns the OSSF as defined in 30 TEX. ADMIN. CODE § 285.2(45) and is subject to TCEQ jurisdiction pursuant to TEX. WATER CODE ch. 26 and TEX. HEALTH & SAFETY CODE § 366.011.
2. As evidenced by Finding of Fact No. 4.a., Anchor Motel failed to prevent the discharge of sewage into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a).
3. As evidenced by Finding of Fact No. 4.b., Anchor Motel failed to take adequate measures as soon as practicable to abate an immediate health hazard, in violation of 30 TEX. ADMIN. CODE § 366.017(b).
4. Findings of Fact Nos. 2 through 5 demonstrate that the public health and safety is endangered due to the operation of the Site's OSSF and this Order is justified under 30 TEX. ADMIN. CODE § 35.901.
5. 30 TEX. ADMIN. CODE § 35.901 authorizes the Commission to issue an emergency order requiring cessation of operation of an OSSF when an emergency exists and the public health and safety is endangered because the construction or operation of an OSSF does not comply with TEX. HEALTH & SAFETY CODE ch. 366 or 30 TEX. ADMIN. CODE ch. 285.
6. This Emergency Order may be issued without notice or hearing pursuant to TEX. WATER CODE § 5.513.
7. TEX. WATER CODE § 5.513 and 30 TEX. ADMIN. CODE § 35.901 authorize the TCEQ Executive Director to issue this Emergency Order.

III. ORDER

1. This Order shall be effective on the date it is executed by the TCEQ Executive Director, i.e. March 13, 2015.
2. Immediately upon the effective date of this Emergency Order, Anchor Motel shall cease operating the Site's OSSF until it is brought into compliance with TEX. HEALTH & SAFETY CODE ch. 366 and 30 TEX. ADMIN. CODE ch. 285.

3. Pursuant to TEX. WATER CODE § 5.504, the Commission will consider whether to affirm, modify or set aside this Order at its regular Agenda meeting on April 1, 2015, at 9:30 a.m., at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas. **At the April 1, 2015 Agenda meeting, Anchor Motel may request an evidentiary hearing pursuant to 30 TEX. ADMIN. CODE § 35.25(c) for the purpose of presenting evidence and cross-examining witnesses regarding whether to affirm, modify, or set aside this Emergency Order. An Administrative Law Judge will be present at the Agenda to immediately hear the matter should a hearing be requested.**
4. The Chief Clerk shall provide a copy of this Order to each of the parties.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

A handwritten signature in black ink, appearing to read "Richard A. Hyde". The signature is written in a cursive, flowing style.

Richard A. Hyde, P.E.,
Executive Director

AFFIDAVIT OF BRYAN EASTHAM

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

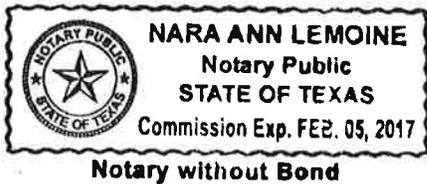
My name is Bryan Eastham. I am the Water Section Manager for the Houston Regional office of the Texas Commission on Environmental Quality. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On March 14, 2015, at 10:35 a.m, on behalf of the Executive Director of the Texas Commission on Environmental Quality, I personally hand delivered to Rohit Kumar at Anchor Motel, 1302 Bluewater Highway, Village of Surfside Beach, TX, Emergency Order TCEQ Docket No. 2015-0401-OSS-E, which is set for the April 1, 2015 Commission Agenda.


Bryan Eastham
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day appeared Bryan Eastham, personally known to me to be the person whose name is subscribed to the foregoing instrument and upon his oath acknowledged to me that the facts herein are true and correct.

Given under my hand and seal of office this 16th day of March, A.D., 2015.




Notary Signature

Notary Stamp

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

March 13, 2015

Via Hand Delivery
Via Certified Mail Return Receipt Requested
Article No. 7013 3020 0001 1906 5523

Ramesh Raj
Anchor Motel
1302 Bluewater Highway
Village of Surfside Beach, TX 77541

Re: Ramesh Raj d/b/a Anchor Motel and Rohit Kumar d/b/a Anchor Motel
Docket No. 2015-0401-OSS-E
Notice of Emergency Order and of Hearing to Modify, Affirm, or Set Aside

Dear Mr. Raj:

On March 13, 2015, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 366, and 30 TEX. ADMIN. CODE chs. 35 and 285. The parties subject to this order are Ramesh Raj d/b/a Anchor Motel and RV Park and Rohit Kumar d/b/a Anchor Motel and RV Park (jointly referred to as "Anchor Motel"). The Emergency Order requires Anchor Motel to immediately cease operating the Site's OSSF until it is brought into compliance with TEX. HEALTH & SAFETY CODE ch. 366 and 30 TEX. ADMIN. CODE ch. 285

Pursuant to TEX. WATER CODE § 5.504 the Commission will consider whether to affirm, modify, or set aside the Emergency Order issued on March 13, 2015. Therefore, the Executive Director scheduled this matter to be presented at the Commission's regular Agenda meeting on **April 1, 2015**. The Agenda begins at **9:30 a.m.** and will be held at **TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201 S, Austin, Texas**. The enclosed documentation is provided to you as a record of the materials that have been submitted to the Chief Clerk's Office and will be used in the Commission's Agenda process.

Additionally, please be advised that, pursuant to 30 TEX. ADMIN. CODE § 35.25(c), **you may request at the time of the Agenda an evidentiary hearing on issuance of the Emergency Order**. An Administrative Law Judge will be available to conduct a hearing at Agenda on April 1, 2015, should you so request. Should you have any questions, please contact the TCEQ Litigation Division at (512) 239-0672.

Ramesh Raj d/b/a Anchor Motel and RV Park and Rohit Kumar d/b/a Anchor Motel and RV Park
Docket No. 2015-0401-OSS-E
March 13, 2015
Page 2

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cordero', written in a cursive style.

Joel Cordero, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality
Joel.Cordero@tceq.texas.gov

Enclosure

cc: Mr. Bryan Eastham, Water Section Manager, Houston Regional Office
Mr. Vic McWherter, Office of Public Interest Counsel

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

March 13, 2015

Via Hand Delivery
Via Certified Mail Return Receipt Requested
Article No. 7013 3020 0001 1906 5530

Rohit Kumar
Anchor Motel
1302 Bluewater Highway
Village of Surfside Beach, TX 77541

Re: Ramesh Raj d/b/a Anchor Motel and Rohit Kumar d/b/a Anchor Motel
Docket No. 2015-0401-OSS-E
Notice of Emergency Order and of Hearing to Modify, Affirm, or Set Aside

Dear Mr. Kumar:

On March 13, 2015, the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") issued an Emergency Order pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 366, and 30 TEX. ADMIN. CODE chs. 35 and 285. The parties subject to this order are Ramesh Raj d/b/a Anchor Motel and RV Park and Rohit Kumar d/b/a Anchor Motel and RV Park (jointly referred to as "Anchor Motel"). The Emergency Order requires Anchor Motel immediately cease operating the Site's OSSF until it is brought into compliance with TEX. HEALTH & SAFETY CODE ch. 366 and 30 TEX. ADMIN. CODE ch. 285

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Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cordero', with a stylized flourish at the end.

Joel Cordero, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality
Joel.Cordero@tceq.texas.gov

Enclosure

cc: Mr. Bryan Eastham, Water Section Manager, Houston Regional Office
Mr. Vic McWherter, Office of Public Interest Counsel