

**Executive Summary – Enforcement Matter – Case No. 47737  
Robert F. Bryer dba Bentwood Estates Mobile Home Park  
RN102079126  
Docket No. 2013-1876-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Bentwood Estates MHP, located at 2719 Third Street, approximately 4,000 feet northeast of the intersection of Farm-to-Market Road 1960 and Farm-to-Market Road 2100, northeast of Huffman, Harris County

**Type of Operation:**

Mobile home park with a wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** April 4, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$16,100

**Amount Deferred for Expedited Settlement:** \$3,220

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$12,880

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** July 18, 2013

**Date(s) of NOE(s):** September 4, 2013

**Executive Summary – Enforcement Matter – Case No. 47737  
Robert F. Bryer dba Bentwood Estates Mobile Home Park  
RN102079126  
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***Violation Information***

Failed to obtain authorization prior to treating and discharging wastewater from the Facility. Specifically, on May 4, 2011, the Respondent began treating and discharging wastewater from the wastewater treatment plant without transferring Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0012612001 [30 TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE § 305.64(b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent has implemented the following corrective measures:

- a. On June 17, 2013, submitted a permit transfer application for TPDES Permit No. WQ0012612001; and
- b. On February 6, 2014, received approval of the permit transfer application for TPDES Permit No. WQ0012612001.

**Technical Requirements:**

N/A

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

**TCEQ SEP Coordinator:** N/A

**Respondent:** Robert F. Bryer, Owner, Bentwood Estates Mobile Home Park, 4609 North Interstate 27, Lubbock, Texas 79403

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	9-Sep-2013	<b>Screening</b>	24-Sep-2013	<b>EPA Due</b>	
	<b>PCW</b>	12-Dec-2014				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Robert F. Bryer dba Bentwood Estates Mobile Home Park
<b>Reg. Ent. Ref. No.</b>	RN102079126
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	47737	<b>No. of Violations</b>	1
<b>Docket No.</b>	2013-1876-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Cheryl Thompson
		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$10,000**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **61.0%** Enhancement **Subtotals 2, 3, & 7** **\$6,100**

Notes: Enhancement for one order without denial of liability, two orders with a denial of liability, and three NOVs for dissimilar violations. Reduction for high performer classification.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts **\$35**  
 Approx. Cost of Compliance **\$250**  
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$16,100**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$16,100**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$16,100**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$3,220**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$12,880**

Screening Date 24-Sep-2013

Docket No. 2013-1876-MWD-E

PCW

Respondent Robert F. Bryer dba Bentwood Estates Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 47737

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102079126

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	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	1	25%
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 ( <i>number of judgements or consent decrees meeting criteria</i> )	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 ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	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 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%

Please Enter Yes or No

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) 71%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order without denial of liability, two orders with a denial of liability, and three NOVs for dissimilar violations. Reduction for high performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 61%

Screening Date 24-Sep-2013

Docket No. 2013-1876-MWD-E

PCW

Respondent Robert F. Bryer dba Bentwood Estates Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 47737

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102079126

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1) and 30 Tex. Admin. Code § 305.64(b)

Violation Description Failed to obtain authorization prior to treating and discharging wastewater from the Facility. Specifically, on May 4, 2011, the Respondent began treating and discharging wastewater from the wastewater treatment plant without transferring Texas Pollutant Discharge Elimination System Permit No. WQ0012612001.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (10%).

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 10 Number of violation days 874

Table for event frequency: daily, weekly, monthly, quarterly (marked with x), semiannual, annual, single event.

Violation Base Penalty \$10,000

Ten quarterly events are recommended from May 4, 2011 (date of ownership change) to September 24, 2013 (screening date).

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

Notes The Respondent achieved compliance on February 6, 2014.

Violation Subtotal \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$35

Violation Final Penalty Total \$16,100

This violation Final Assessed Penalty (adjusted for limits) \$16,100

## Economic Benefit Worksheet

**Respondent** Robert F. Bryer dba Bentwood Estates Mobile Home Park  
**Case ID No.** 47737  
**Reg. Ent. Reference No.** RN102079126  
**Media** Water Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$250	4-May-2011	6-Feb-2014	2.76	\$35	n/a	\$35
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit a request to transfer the permit, calculated from the change of ownership date to the date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

**TOTAL** \$35



# Compliance History Report

**PENDING** Compliance History Report for CN603975665, RN102079126, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

<b>Customer, Respondent, or Owner/Operator:</b>	CN603975665, Robert F. Bryer	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Regulated Entity:</b>	RN102079126, BENTWOOD ESTATES MHP	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	5	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	LOCATED AT 2719 THIRD STREET, APPROXIMATELY 4,000 FEET NORTHEAST OF THE INTERSECTION OF FARM-TO-MARKET ROAD 1960 AND FARM-TO-MARKET ROAD 2100, NORTHEAST OF HUFFMAN IN HARRIS COUNTY		
<b>TCEQ Region:</b>	TEXAS REGION 12 - HOUSTON		
<b>ID Number(s):</b>			
<b>WASTEWATER PERMIT</b> WQ0012612001	<b>WASTEWATER EPA ID</b> TX0091693		
<b>PUBLIC WATER SYSTEM/SUPPLY REGISTRATION</b> 1011828	<b>WATER QUALITY NON PERMITTED ID NUMBER</b> R12102079123		
<b>Compliance History Period:</b>	September 01, 2008 to August 31, 2013	<b>Rating Year:</b> 2013	<b>Rating Date:</b> 09/01/2013
<b>Date Compliance History Report Prepared:</b>	October 31, 2013		
<b>Agency Decision Requiring Compliance History:</b>	Enforcement		
<b>Component Period Selected:</b>	October 31, 2008 to October 31, 2013		

## TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

**Name:** Cheryl Thompson

**Phone:** (817) 588-5886

## Site and Owner/Operator History:

- 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/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 02/20/2011 ADMINORDER 2010-1362-PWS-E (Findings Order-Agreed Order Without Denial)
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)
  - Description: TCR Routine Monitoring Violation 08/2009 - Failure to collect any routine monitoring sample(s).
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)  
5A THSC Chapter 341, SubChapter A 341.033(d)
  - Description: TCR PN Routine Monitoring Violation 08/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
5A THSC Chapter 341, SubChapter A 341.033(d)
  - Description: TCR Routine Monitoring Violation 09/2009 - Failure to collect any routine monitoring sample(s).
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)

5A THSC Chapter 341, SubChapter A 341.033(d)  
 Description: TCR PN Routine Monitoring Violation 09/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 10/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR PN Routine Monitoring Violation 10/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 11/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR PN Routine Monitoring Violation 11/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 12/2009 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR PN Routine Monitoring Violation 12/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 01/2010 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR PN Routine Monitoring Violation 01/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 02/2010 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR PN Routine Monitoring Violation 02/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 03/2010 - Failure to collect any routine monitoring sample(s).  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)  
 5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR PN Routine Monitoring Violation 03/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).

2 Effective Date: 03/01/2012 ADMINORDER 2011-0695-UTL-E (1660 Order-Agreed Order With Denial)  
 Classification: Moderate  
 Citation: 2B TWC Chapter 13, SubChapter A 13.1395(b)(2)  
 30 TAC Chapter 290, SubChapter D 290.39(o)(1)

30 TAC Chapter 291, SubChapter L 291.162(a)

30 TAC Chapter 291, SubChapter L 291.162(j)

Description: Failed to submit to the Executive Director for approval by the required deadline an adoptable Emergency Preparedness Plan that demonstrates the Facility's ability to provide emergency operations.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 21 21.4(a)

30 TAC Chapter 290, SubChapter E 290.51(a)(3)

Description: Failed to pay all annual and late Public Health Services ("PHS") and Consolidated Water Quality ("CWQ") fees for TCEQ Financial Administration Account Nos. 91011828 and Account No. 23003525 for Fiscal Year 2011.

3 Effective Date: 07/19/2013 ADMINORDER 2012-2047-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

Description: CCR 2009 - The system did not deliver the annual Consumer Confidence Report (CCR) for 2009 to its bill-paying customers.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2009 - The system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2009 CCR year to the TCEQ.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

Description: CCR 2010 - The system did not deliver the annual Consumer Confidence Report (CCR) for 2010 to its bill-paying customers.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2010 - The system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2010 CCR year to the TCEQ.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: TCR MCL Violation 08/2012 - System exceeded a maximum contaminant level.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: TCR MCL Violation 09/2012 - System exceeded a maximum contaminant level.

## B. Criminal convictions:

N/A

## C. Chronic excessive emissions events:

N/A

## D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 July 15, 2013 (1118517)

## E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	11/06/2012 (1052067)	CN603975665	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)		
	Description:	TCR Repeat Monitoring Violation 08/2012 Failure to collect all repeats following a coliform found result.		
2	Date:	12/06/2012 (1052067)	CN603975665	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)		
	Description:	TCR Increase Monitoring Violation 09/2012 Failure to collect all of the 5 distribution samples following a coliform found month.		
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)		
	Description:	TCR Repeat Monitoring Violation 09/2012 Failure to collect all repeats following a coliform found result.		
3	Date:	01/10/2012 (1058175)	CN603975665	
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)		
	Description:	TCR Increase Monitoring Violation 10/2012- Failure to collect all of the 5 distribution samples following a coliform found month.		

**2. Environmental audits:**

N/A

**3. Type of environmental management systems (EMSs):**

N/A

**4. Voluntary on site compliance assessment dates:**

N/A

**5. Participation in a voluntary pollution reduction program:**

N/A

**6. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>ROBERT F. BRYER DBA</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>BENTWOOD ESTATES MOBILE</b>	<b>§</b>	
<b>HOME PARK</b>	<b>§</b>	
<b>RN102079126</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**AGREED ORDER**  
**DOCKET NO. 2013-1876-MWD-E**

**I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Robert F. Bryer dba Bentwood Estates Mobile Home Park ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a mobile home park with a wastewater treatment facility located at 2719 Third Street, approximately 4,000 feet northeast of the intersection of Farm-to-Market Road 1960 and Farm-to-Market Road 2100, northeast of Huffman in Harris County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on September 11, 2013.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Sixteen Thousand One Hundred Dollars (\$16,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twelve Thousand Eight Hundred Eighty Dollars (\$12,880) of the administrative penalty and Three Thousand Two Hundred Twenty Dollars (\$3,220) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
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 and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent completed the following corrective actions:
  - a. Submitted a permit transfer application for Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012612001 on June 17, 2013; and
  - b. Received approval of permit transfer application for TPDES Permit No. WQ0012612001 on February 6, 2014.
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 the Respondent 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

As owner and operator of the Facility, the Respondent is alleged to have failed to obtain authorization prior to treating and discharging wastewater from the Facility, in violation of 30 TEX. WATER CODE § 26.121(a) and 30 TEX. ADMIN. CODE § 305.64(b), as documented during an investigation conducted on July 18, 2013. Specifically, on May 4, 2011, the Respondent began treating and discharging wastewater from the wastewater treatment plant without transferring TPDES Permit No. WQ0012612001.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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 requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Robert F. Bryer dba Bentwood Estates Mobile Home Park, Docket No. 2013-1876-MWD-E" to:

Financial Administration Division, Revenue Operations 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 the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

Robert F. Bryer dba Bentwood Estates Mobile Home Park  
DOCKET NO. 2013-1876-MWD-E  
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**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

Robert M. Moore  
For the Executive Director

4/7/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

RF Bryer  
Signature

1-27-2015  
Date

RF Bryer  
Name (Printed or typed)  
Authorized Representative of  
Robert F. Bryer dba Bentwood Estates Mobile Home Park

OWNER  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.