

# State Office of Administrative Hearings



TEXAS  
COMMISSION ON ENVIRONMENTAL  
QUALITY

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CHIEF CLERK'S OFFICE

Shelia Bailey Taylor  
Chief Administrative Law Judge

June 4, 2007

Derek Seal  
General Counsel  
Texas Commission on Environmental Quality  
PO Box 13087  
Austin Texas 78711-3087

Re: **SOAH Docket No. 582-06-1637; TCEQ Docket No. 2005-1042-OSS-E; In Re: Executive Director of The Texas Commission on Environmental Quality, Petitioner v. Doris Bullock d/b/a Bullock's Mobile Home Park, Respondent**

Dear Mr. Seal:

The above-referenced matter will be considered by the Texas Commission on Environmental Quality on a date and time to be determined by the Chief Clerk's Office in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas.

Enclosed are copies of the Proposal for Decision and Order that have been recommended to the Commission for approval. Any party may file exceptions or briefs by filing the original documents with the Chief Clerk of the Texas Commission on Environmental Quality no later than **June 25, 2007**. Any replies to exceptions or briefs must be filed in the same manner no later than **July 5, 2007**.

This matter has been designated **TCEQ Docket No. 2005-1042-OSS-E; SOAH Docket No. 582-06-1637**. All documents to be filed must clearly reference these assigned docket numbers. Copies of all exceptions, briefs and replies must be served promptly on the State Office of Administrative Hearings and all parties. Certification of service to the above parties and an **original and eleven copies** shall be furnished to the Chief Clerk of the Commission. Failure to provide copies may be grounds for withholding consideration of the pleadings.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Moalley for".

Catherine C. Egan  
Administrative Law Judge

CCE:nl  
Enclosures  
cc: Mailing List

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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Austin, Texas 78701

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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)  
STYLE/CASE: DORIS BULLOCK / BULLOCK'S MOBILE HOME PARK  
SOAH DOCKET NUMBER: 582-06-1637  
REFERRING AGENCY CASE: 2005-1042-OSS-E

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STATE OFFICE OF ADMINISTRATIVE  
HEARINGS

ADMINISTRATIVE LAW JUDGE  
ALJ CATHERINE C. EGAN

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REPRESENTATIVE / ADDRESS

PARTIES

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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SILSBEE, TX 77656  
(409) 385-5644 (PH)  
(409) 385-5644 (FAX)

D/B/A BULLOCKS MOBILE HOME PARK

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MARK A CURNUTT  
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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SOAH DOCKET NO. 582-06-1637  
TCEQ DOCKET NO. 2005-1042-OSS-E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
JAN 11 11 11 AM '05  
CHIEF OF STAFF'S OFFICE

EXECUTIVE DIRECTOR OF  
THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY,  
Petitioner,

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BEFORE THE STATE OFFICE

OF

VS.

DORIS BULLOCK D/B/A  
BULLOCK'S MOBILE HOME PARK,  
Respondent.

ADMINISTRATIVE HEARINGS

**PROPOSAL FOR DECISION**

**I. INTRODUCTION**

In this enforcement action, the Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) asserts that Doris Bullock d/b/a Bullock's Mobile Home Park (Respondent) violated TEX. WATER CODE (Water Code) § 26.121(a) (1) by discharging sewage into or adjacent to any water in the state. The Administrative Law Judge (ALJ) recommends that Respondent pay a total penalty of \$4,575 and take the corrective actions sought by the Executive Director (ED).

**II. BACKGROUND AND PROCEDURAL HISTORY**

Respondent owns and operates Bullock's Mobile Home Park (the Facility) located on Farm-to-Market Road 92 and Cole Lane, Silsbee, Hardin County, Texas. The Facility has an on-site sewage system. On January 20, 2005, after the TCEQ Beaumont Regional Office received a complaint, TCEQ Investigator Doug Robinson inspected the Facility and determined that Respondent had violated the Texas Water Code. The ED is pursuing this enforcement action because Respondent allegedly discharged "sewage, municipal waste, recreational waste, agricultural

waste, or industrial waste into or adjacent to any water in the state” in four different locations at the Facility.<sup>1</sup>

On December 13, 2005, the ED filed and served Respondent with a Preliminary Report and Petition (EDPRP), recommending that the Commission enter an enforcement order imposing a \$6,100 penalty and ordering Respondent to take corrective action by: (1) obtaining an engineering assessment of the treatment and disposal capabilities of all existing on-site sewage facilities at the Facility; (2) implementing the recommendations resulting from the engineering assessment; and (3) submitting documentation of compliance.<sup>2</sup>

Respondent responded to the EDPRP and requested a hearing. On February 28, 2006, the ED referred the matter to the State Office of Administrative Hearing (SOAH). SOAH set the matter for a contested hearing. SOAH ALJ William G. Newchurch convened a preliminary hearing on March 30, 2006. After the preliminary hearing, the case was reassigned to SOAH ALJ Catherine C. Egan. On April 5, 2007, SOAH ALJ Egan convened the hearing in Austin, Texas. Attorney Mark A. Curnutt with the Commission’s Litigation Division represented the ED. Respondent appeared *pro se*.<sup>3</sup> The record was closed on April 5, 2007.

Notice and jurisdiction were not contested and are addressed only in proposed findings of fact and conclusions of law, which are contained in the proposed order attached to this Proposal for Decision (PFD).

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<sup>1</sup> TEX WATER CODE § 26.121(a)(1).

<sup>2</sup> On April 5, 2004, the Executive Director filed a First Amended Report and Petition, which was substantially the same as the initial EDPRP and contained the same recommendations for a penalty and corrective action.

<sup>3</sup> Respondent's son, Kein Wilson, assisted Respondent through the hearing.

### III. DISCUSSION AND BASIS FOR PROPOSED DECISION

#### A. Did Respondent Discharge Sewage?

Respondent's Facility has a washateria and 25 rental trailers.<sup>4</sup> Respondent owns a number of the trailers, although some are individually owned. The Facility has a public water well and sewer septic system with low pressure dosing and conventional underground disposal methods. The sewage system was installed prior to state permitting requirements; consequently, the precise make-up and size of the septic system is unknown. Respondent as the owner of the Site is subject to the Commission's enforcement authority pursuant to Water Code §§ 5.013 and 7.002. The following is a discussion of the parties' positions and the evidence, and the ALJ's analysis and recommendation.

#### 1. Parties' Positions and Evidence

The ED contends that Respondent violated TEX. HEALTH & SAFETY CODE § 366.017<sup>5</sup> and Water Code § 26.121(a)(1)<sup>6</sup> by discharging sewage in four different locations on the Facility. On

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<sup>4</sup> The number of trailers fluctuates depending on the number of tenants.

<sup>5</sup> Section 366.017 provides that: "(a) The commission or authorized agent may require a property owner to repair a malfunctioning on-site sewage disposal system on the owner's property: (1) not later than the 30th day after the date on which the owner is notified by the commission or authorized agent of the malfunctioning system if the owner has not been notified of the malfunctioning system during the preceding 12 months; (2) not later than the 20th day after the date on which the owner is notified by the commission or authorized agent of the malfunctioning system if the owner has been notified of the malfunctioning system once during the preceding 12 months; or (3) not later than the 10th day after the date on which the owner is notified by the commission or authorized agent of the malfunctioning system if the owner has been notified of the malfunctioning system at least twice during the preceding 12 months. (b) The property owner must take adequate measures as soon as practicable to abate an immediate health hazard. (c) The property owner may be assessed an administrative or a civil penalty under Chapter 7, Water Code, for each day that the on-site sewage disposal system remains unrepaired."

<sup>6</sup> Section 26.121(a)(1) provides that, "(a) Except as authorized by a rule, permit, or order issued by the commission, no person may: (1) discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state."

January 20, 2005, Investigator Robinson conducted an inspection and took photographs of standing water containing sewage at the Facility. He documented the following conditions:

1. Standing water was present under two trailers, numbers 19 and 21, that tested positive for ammonia using a field test kit;
2. Standing water with a strong sewage odor was present at the shallow drainage ditch located behind the trailers, specifically numbers 29 and 20. The standing water tested positive for ammonia using the field test kit. A sewage disposal field line runs under this drainage ditch; and,
3. Standing water was present in the roadside ditch next to trailer number 29 that tested positive for ammonia using the field test kit.

Investigator Robinson explained that if ammonia is present when he tests a water sample with the field test kit, it is an indication that the water is contaminated with fecal material. Because the field test was positive for ammonia, Investigator Robinson collected a fecal coliform sample from each location and sent the samples to a laboratory for further testing. According to Investigator Robinson, if the sample did not have fecal contamination, the laboratory results would show zero to 50 colonies per 100 milliliter (ml) sample. The results showed that each of the locations had an unacceptable amount of fecal coliform, as set forth below:

1. Trailer number 19 had greater than 800,000 colonies of fecal coliform per 100 ml of sample.
2. Trailer number 21 had greater than 800,000 colonies of fecal coliform per 100 ml of sample.
3. The drainage ditch behind trailer numbers 20 and 29 had 80,000 colonies of fecal coliform per 100 ml of sample.
4. The roadside ditch alongside of trailer number 29 had 130 colonies of fecal coliform per 100 ml of sample.

Respondent argued that the Facility's sewage problems were caused by heavy, rainy weather conditions and by the tenant. Ms. Bullock testified that a tenant had flooded the sewer septic system,

which made it overflow. Respondent emphasized that she keeps a clean mobile trailer park and maintains the sewer system even though it is old. Each time she is notified of a problem with the sewer septic system, she arranges to have it fixed.

Ms. Bullock explained that a plug had been removed from the clean-out pipe underneath trailer number 19 and simply needed to be put back on to fix the problem. As for the water under trailer number 21, Ms. Bullock found that the connection for the bathtub drain had come undone and that had caused the pooling of water under the trailer. According to Ms. Bullock, a number of dogs roamed the Facility and could have caused the fecal matter in the water. She further testified that both trailers were properly attached to the sewer septic system.

## 2. ALJ's Analysis

The laboratory results and photographs in evidence demonstrate a considerable amount of standing water at the Facility that was contaminated with sewage. While Investigator Robinson acknowledged that the Facility's location near the roadway might have caused some fecal coliform to drain onto the Facility, the locations of the standing water and the amount of fecal coliform in the samples indicated it was human sewage from the trailers and the sewage septic system. Investigator Robinson also avoided taking samples near any animal feces. The ALJ is persuaded that the amount of fecal coliform found under trailer numbers 19 and 21 and in the drainage ditch, as shown in the photographs and the laboratory results, indicate that Respondent failed to take adequate steps to either prevent or address the sewage discharge at the Facility.

As for the violation sited for the sample taken at the roadway, the ALJ is not convinced by the evidence that the sewage contamination in the roadside ditch came from the Facility or was Respondent's responsibility. The sample taken from this area had the least amount of fecal coliform, 130 colonies per 100 ml sample, and was exposed to run-off water from the roadway. Investigator Robinson agreed that animal feces could have caused the contamination, although he did not see any

animal feces in the area. Due to the low content of colonies, the proximity to a roadway, and the failure to show that Respondent was responsible for the sewage in this area, the ALJ finds that the ED failed to prove this violation.

#### **IV. ADMINISTRATIVE PENALTY RECOMMENDATIONS**

Water Code § 26.121 prohibits the unauthorized discharge of sewage or waste into or adjacent to waters of the state and prohibits activities that could cause such a discharge. To insure compliance, the Commission may impose administrative penalties up to \$2,500 for each day of each violation pursuant to Sections 7.051 and 7.052 of the Water Code. To determine the amount of penalty to impose, the Commission is required to consider the factors set out in Section 7.053 of the Water Code.

##### **A. Parties' Arguments and Evidence**

The ED seeks a penalty of \$6,100 for the four violation events discussed above for discharging sewage in four separate locations at the Facility. The ED asserts that the Penalty Calculation Worksheet (PCW), attached to the EDPRP, is based on the statutory factors set out in Water Code § 7.053 and the ED's 2002 Penalty Policy in effect at the time of the violation.<sup>7</sup> TCEQ Enforcement Coordinator James C. Fleming testified that he applied the statutory factors identified by Water Code § 7.053 and used the Commission's Penalty Policy and PCW to calculate the proposed penalty. Mr. Fleming also testified that he considered the following specific matters:

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<sup>7</sup> ED Ex. 6.

**Type of Facility and Base Penalty:** Mr. Fleming classified the Facility as a minor source, since it discharged less than one million gallons of waste per day.<sup>8</sup> This classification entails significantly smaller potential penalties than would classification as a major facility. Although the base penalty could have been as high as \$2,500 for each violation, this amount was adjusted by 50 percent, to \$1,250 per violation.<sup>9</sup>

**Enhancement of Penalty for Compliance History.** Prior to the investigation that initiated the present case, Respondent received four similar Notices of Violation (NOVs) that informed Respondent that TCEQ staff had observed unauthorized sewage discharge violations in March 2001, January 2002, July 2004, and August 2004. In addition, Respondent was cited for one non-similar violation. According to Mr. Fleming, Respondent should have been fully aware of these conditions and should have anticipated that they would lead to TCEQ enforcement action if she did not address the unauthorized discharge violations by having the sewer septic system repaired to prevent future unauthorized discharges. As a result, Mr. Fleming concluded that Respondent's compliance history justified a 22-percent enhancement to the base-penalty amounts applicable to each violation. This enhancement increased the total proposed penalty from \$5,000 to \$6,100.

Respondent argues that the violations, if any occurred, were fixed immediately and do not justify such a significant penalty. Ms. Bullock pointed out that she does not have the financial ability to take the requested corrective action and pay such a large administrative penalty, and that she has always operated a clean, well-run Facility.

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<sup>8</sup> A wastewater treatment facility is classified as a Major facility if it discharges one million or more gallons per day. ED Ex. 6.

<sup>9</sup> ED Ex. A, PCW.

## 2. ALJ's Penalty Recommendations

The ED's Penalty Calculation Worksheet shows that the required factors were considered in calculating the proposed penalties. Pursuant to Water Code § 7.051, the Commission has authority to impose penalties of up to \$2,500 per day for violations of Water Code § 26.121(a)(1). The ED offered a proper rationale for enhancing the penalty in this case on the basis of Respondent's compliance history.

As noted in Mr. Fleming's testimony, Respondent has received several NOV's about sewage problems at her Facility. Although Respondent addressed the immediate violations, she failed to take the necessary action required to make sure that no other sewage discharges occurred at the Facility. Therefore, a 22-percent enhancement of the penalty for Respondent's violations of the Water Code is appropriate.

According to the PCW, the applicable base penalty for each violation event is \$1,250. The ALJ found that Respondent is responsible for three, not four, of the events cited. Enhancement of the base penalty by 22 percent for compliance history is appropriate, as noted above. The ALJ accordingly finds that Respondent should pay a penalty of \$4,575.

## V. CORRECTIVE ACTION

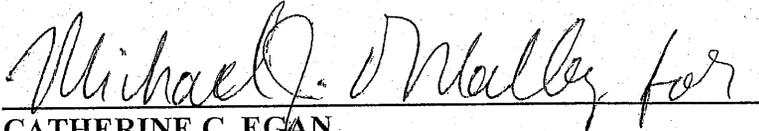
The ED recommends that Respondent do the following: (1) obtain an engineering assessment of the treatment and disposal capabilities of all the existing on-site sewage facilities by a Texas Registered Professional Engineer or a Texas Registered Professional Sanitarian that addresses the design capacity of the existing system; the current and projected hydraulic loading of the site; available alternatives to reduce and control hydraulic waste loads entering the system; and recommendations to resolve unauthorized sewage wastewater discharges at the Facility that may

include installing a permitted on-site sewage facility that meets the requirements in 30 TEX. ADMIN. CODE ch. 285; (2) implement the recommendations within 60 days; and (3) submit written certification within 75 days of the Commission Order that she has complied with the above provisions. The ALJ finds that the evidence establishes the necessity of these corrective measures.

## VI. CONCLUSION

After a review of the record and for the reasons given, the ALJ recommends that the Commission find Respondent liable for three events of violating Section 26.121(a)(1) of the Water Code, assess a penalty of \$4,575 for these violation events, and order Respondent to perform the corrective actions recommended by the ED. A draft order incorporating these recommendations is attached to this PFD.

**SIGNED June 4, 2007.**

  
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**CATHERINE C. EGAN**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**ORDER**

**Assessing Administrative Penalties Against and  
Ordering Corrective Action by  
Doris Bullock dba Bullock's Mobile Home Park  
TCEQ Docket No. 2005-1042-OSS-E  
SOAH Docket No. 582-06-1637**

On \_\_\_\_\_, the Texas Commission on Environmental Quality (Commission or TCEQ) considered the Executive Director's First Amended Report and Petition (Petition) recommending that the Commission enter an order assessing administrative penalties against and requiring corrective action by Doris Bullock d/b/a Bullock's Mobile Home Park (Respondent). A Proposal for Decision was presented by Catherine C. Egan, an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH), who conducted a hearing on April 5, 2007, in Austin, Texas.

The Executive Director, represented by Mark A. Curnutt, an attorney with the Commission's Litigation Division, appeared at the hearing. Respondent appeared at the hearing *pro se*.

After considering the ALJ's Proposal for Decision, the Texas Commission on Environmental Quality adopts the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. Doris Bullock d/b/a Bullock's Mobile Home Park (Respondent) owns and operates Bullock's Mobile Home Park (the Facility) located on Farm-to-Market Road 92 and Cole Lane, Silsbee, Hardin County, Texas.
2. The Facility has a public water-well and an on-site sewer septic system to treat and dispose of wastewater and sewage from a washateria and the 25 trailers parked on the Facility.
3. Respondent installed the sewer septic system prior to state permitting requirements so the precise make-up and size of the septic system is unknown.
4. On January 20, 2005, TCEQ Investigator Robinson conducted an inspection at the Facility, took photographs of standing water containing sewage at the Facility, and documented the statutory violation within the Commission's jurisdiction.
5. On December 13, 2005, TCEQ's Executive Director (ED) filed and served Respondent with a Preliminary Report and Petition (EDPRP) recommending that the Commission enter an enforcement order imposing a \$6,100 penalty and ordering Respondent to take corrective action.
6. On December 28, 2005, Respondent requested a hearing on the allegations and penalties proposed in the EDPRP.
7. On February 28, 2006, at the ED's request, the Commission's Chief Clerk referred this case to the State Office of Administrative Hearings (SOAH) for an evidentiary hearing.

8. On March 9, 2006, the ED served Respondent with a Notice of Hearing setting forth the nature of the alleged violations, the legal authority and jurisdiction for the hearing, the laws and rules that apply, and the date, time, and place of the hearing.
9. SOAH ALJ William Newchurch convened a preliminary hearing in this action on March 30, 2006.
10. SOAH ALJ Catherine Egan convened the evidentiary hearing in this action on April 5, 2007, in Austin, Texas; the ED appeared and was represented by counsel and Respondent appeared *pro se*.
11. At the time of the inspection on January 20, 2005, Investigator Robinson took samples of standing water in four separate locations on the Facility.
12. A water sample with more than 50 colonies of fecal coliform per ml in it has fecal contamination.
13. On January 20, 2005, the water underneath trailer number 19 had greater than 800,000 colonies of fecal coliform per 100 ml of sample.
14. On January 20, 2005, the water underneath trailer number 21 had greater than 800,000 colonies of fecal coliform per 100 ml of sample.
15. On January 20, 2005, the standing water in the drainage ditch behind trailer numbers 29 and 20 had greater than 80,000 colonies of fecal coliform per 100 ml of sample.
16. At the time of the inspection on January 20, 2005, Respondent was discharging sewage in three separate locations, specifically under trailer numbers 19 and 21 and in the drainage ditch located behind trailer numbers 29 and 20.

17. At the time of the inspection, Respondent's compliance history included four written notices of violation (NOVs) with the same or similar violations as noted on January 20, 2005, and one NOV for a non-similar violation.
18. Respondent received a NOV issued by TCEQ on May 16, 2005, informing Respondent that TCEQ staff had observed the unauthorized discharge of sewage at the Facility during the January 2005 inspection in violation of the Texas Water Code.

## II. CONCLUSIONS OF LAW

1. Under TEX. WATER CODE ANN. (Water Code) §§ 7.051 and 7.052, the Commission may assess an administrative penalty, not to exceed \$2,400 per day per violation, against any person who violates a provision of the TEX HEALTH & SAFETY CODE within the Commission's jurisdiction or of any rule, order, or permit adopted or issued thereunder.
2. Pursuant to TEX. GOV'T CODE ANN. (Gov't Code) ch. 2003, SOAH has jurisdiction over all matters relating to the hearing on the alleged violations, including the preparation of a proposal for decision with findings of fact and conclusions of law.
3. Based on the above Findings of Fact, Respondent was properly notified of the EDPRP and of the opportunity to request a hearing on the alleged violation or proposed penalties, in accordance with Water Code §§ 7.055 and 7.056 and TEX HEALTH & SAFETY CODE § 366.017.
4. Based on the above Findings of Fact and as required by Gov't Code § 2001.052; Water Code § 7.058; 1 TEX. ADMIN. CODE (TAC) § 155.27; and 30 TAC §§ 1.11, 1.12, 39.25, 70.104, and 80.6, Respondent was properly notified of the date, time, and location of the hearing on the alleged violations and the proposed penalties.

5. Based upon Findings of Fact Nos. 13 - 16, Respondent violated Water Code § 26.121(a)(1) in three separate locations.
6. The Commission adopted a Penalty Policy, effective September 2002, setting forth Commission policy regarding the computation and assessment of administrative penalties during the time period pertinent to this administrative action.
7. Based upon consideration of the above Findings of Fact, the factors set out in Water Code § 7.053, and the Commission's Penalty Policy, the ED correctly calculated a base penalty of \$1,250 for each of the three violation events.
8. Based upon the above Findings of Fact and Conclusions of Law, particularly Finding of Fact No. 17, the ED correctly found a history of noncompliance on Respondent's part with respect the unauthorized discharge of sewage and properly recommended enhancing the \$1,250 base penalty for the violation events by 22 percent.
9. A total administrative penalty of \$4,575 is justified and should be assessed against Respondent, based upon consideration of the above Findings of Fact and Conclusions of Law, the factors set out in Code § 7.053, and the Commission's Penalty Policy.
10. Based on the above Findings of Fact and Conclusions of Law, Respondent should be required to take the corrective action measures as set out in the Ordering Provisions

#### **ORDERING PROVISIONS**

**NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, IN ACCORDANCE WITH THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THAT:**

1. Within 30 days after the effective date of this Commission Order, Doris Bullock d/b/a Bullock's Mobile Home Park shall pay an administrative penalty in the amount of \$4,575 for violations of Water Code § 26.121(a)(1).
  
2. The imposition of this administrative penalty and compliance by Doris Bullock d/b/a Bullock's Mobile Home Park with all the terms and conditions set forth in this Order completely resolve the violation events in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Checks rendered to pay penalties imposed by this Order shall be made out to "TCEQ." Administrative penalty payments shall be sent with the notation, "Re: Doris Bullock d/b/a Bullock's Mobile Home Park, TCEQ Docket No. 2005-1042-OSS-E" 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

3. Within 30 days after the effective date of this Commission Order, Doris Bullock d/b/a Bullock's Mobile Home Park, shall obtain an engineering assessment of the treatment and disposal capabilities of all existing on-site sewage facilities located at the site. The assessment shall be prepared by either a Texas Registered Professional Engineer, or a Texas Registered Professional Sanitarian. The assessment shall include at a minimum:
  - i. The design capacity of the existing system;
  - ii. The current and projected hydraulic loading of the site;
  - iii. Available alternatives to reduce and control hydraulic waste loads entering the system; and
  - iv. Recommendations resulting from the above assessment to resolve unauthorized sewage wastewater discharges at the site which may include

installing a permitted on-site sewage facility that meets the construction requirements listed in 30 TEX. ADMIN. CODE ch. 285.

4. Within 60 days after the effective date of the Commission Order, Doris Bullock d/b/a Bullock's Mobile Home Park shall implement the recommendations resulting from the above assessment.
5. Within 75 days after the effective date of the Commission Order, Doris Bullock d/b/a Bullock's Mobile Home Park shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the above-described Ordering Provisions.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The certification shall be sent to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and

Mr. Keith Anderson, Waste Section Manager  
Texas Commission on Environmental Quality  
Beaumont Regional Office  
3870 Eastex Freeway  
Beaumont, Texas 77703-1982.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (OAG) for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Commission Order.
7. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied for want of merit.
8. The effective date of this Order is the date the Order is final, as provided by 30 TAC § 80.273 and TEX. GOV'T CODE ANN. § 2001.144.
9. As required by Code § 7.059, the Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to Doris Bullock d/b/a Bullock's Mobile Home Park.
10. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any provision shall not affect the validity of the remaining portions of this Order.

ISSUED:

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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**KATHLEEN HARTNETT WHITE, CHAIRMAN  
FOR THE COMMISSION**