

**Executive Summary – Enforcement Matter – Case No. 56954
Brighton Manor Apartments, L. P.
RN102698743
Docket No. 2018-1606-PWS-E**

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Oaks Mobile Home Park, 195 Peach Street near Blanco, Blanco County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: March 8, 2019

Comments Received: No

Penalty Information

Total Penalty Assessed: \$340

Total Paid to General Revenue: \$340

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: October 1, 2018 through October 26, 2018

Date(s) of NOE(s): October 26, 2018

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Violation Information

1. Failed to provide the results of asbestos sampling to the Executive Director ("ED") [30 TEX. ADMIN. CODE § 290.106(e)].
2. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the ED by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the ED within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first;
 - ii. Ensure that all delinquent drinking water chemical analysis results are provided to the ED or demonstrate that a compliance schedule has been established; and
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 90 days, begin submitting DLQORs to the ED each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon one quarter of compliant reporting.
- d. Within 195 days, submit written certification to demonstrate compliance with c.

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Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Michaelle Garza, Enforcement Division,
Enforcement Team 2, MC R-13, (210) 403-4076; Michael Parrish, Enforcement
Division, MC 219, (512) 239-2548

Respondent: Stanley E. Berkefelt, President, Brighton Manor Apartments, L. P., 1224
River Mountain Road, Wimberley, Texas 78676

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	12-Nov-2018	Screening	13-Nov-2018	EPA Due	31-Dec-2018
	PCW	14-Nov-2018				

RESPONDENT/FACILITY INFORMATION

Respondent	Brighton Manor Apartments, L. P.	
Reg. Ent. Ref. No.	RN102698743	
Facility/Site Region	11-Austin	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	56954	No. of Violations	2
Docket No.	2018-1606-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Soraya Bun
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Adjustment **Subtotals 2, 3, & 7**

Notes: Enhancement for four NOV's with the same/similar violations and eight NOV's with dissimilar violations.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
Estimated Cost of Compliance
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation No. 2.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 13-Nov-2018

Docket No. 2018-1606-PWS-E

PCW

Respondent Brighton Manor Apartments, L. P.

Policy Revision 4 (April 2014)

Case ID No. 56954

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102698743

Media Public Water Supply

Enf. Coordinator Soraya Bun

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	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>)	4	20%
	Other written NOVs	8	16%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgments 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%
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)

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3)

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

Enhancement for four NOVs with the same/similar violations and eight NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100%

Screening Date 13-Nov-2018

Docket No. 2018-1606-PWS-E

PCW

Respondent Brighton Manor Apartments, L. P.

Policy Revision 4 (April 2014)

Case ID No. 56954

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102698743

Media Public Water Supply

Enf. Coordinator Soraya Bun

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.106(e)

Violation Description Failed to provide the results of asbestos sampling to the Executive Director for the January 1, 2017 through December 31, 2017 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 Number of violation days 307

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/ Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12 Violation Final Penalty Total \$85

This violation Final Assessed Penalty (adjusted for limits) \$85

Economic Benefit Worksheet

Respondent Brighton Manor Apartments, L. P.
Case ID No. 56954
Reg. Ent. Reference No. RN102698743
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
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	\$100	1-Oct-2018	11-Jun-2019	0.69	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$130	10-Jan-2018	11-Jun-2019	1.42	\$9	n/a	\$9

Notes for DELAYED costs

The Training/Sampling cost includes the estimated cost to implement process procedures, training, and/or oversight to ensure that future drinking water sample results are released by the Facility's laboratories and reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

The Other (as needed) cost includes the estimated amount to pay any outstanding lab fees (\$130 for asbestos sampling) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the estimated date of compliance.

Avoided Costs **ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$230

TOTAL

\$12

Screening Date 13-Nov-2018

Docket No. 2018-1606-PWS-E

PCW

Respondent Brighton Manor Apartments, L. P.

Policy Revision 4 (April 2014)

Case ID No. 56954

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102698743

Media Public Water Supply

Enf. Coordinator Soraya Bun

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2017 through the second quarter of 2018.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		X			5.0%
100% of the rule requirements were not met.					

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3 Number of violation days 272

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$150

Three single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$74

Violation Final Penalty Total \$255

This violation Final Assessed Penalty (adjusted for limits) \$255

Economic Benefit Worksheet

Respondent Brighton Manor Apartments, L. P.
Case ID No. 56954
Reg. Ent. Reference No. RN102698743
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
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	\$145	1-Oct-2018	10-Aug-2019	0.86	\$6	n/a	\$6
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility's operational guidance, process procedures, and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, calculated from the record review date to the estimated date of compliance.

Avoided Costs **ANNUALIZE avoided costs before entering item (except for one-time avoided costs)**

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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$67	10-Jul-2018	1-Oct-2018	0.23	\$1	\$67	\$68
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x three missed reports + \$1 for interest that began accruing from the due date of the earliest monitoring period), calculated from the date the final report was due to the record review date.

Approx. Cost of Compliance \$212

TOTAL \$74

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TCEQ Compliance History Report

Compliance History Report for CN605429638, RN102698743, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, or Owner/Operator: CN605429638, Brighton Manor Apartments, L. P. **Classification:** UNCLASSIFIED **Rating:** -----
Regulated Entity: RN102698743, OAKS MOBILE HOME PARK **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: 195 PEACH STREET NEAR BLANCO, BLANCO COUNTY, TEXAS
TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0160007

Compliance History Period: September 01, 2013 to August 31, 2018 **Rating Year:** 2018 **Rating Date:** 09/01/2018

Date Compliance History Report Prepared: November 13, 2018

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 13, 2013 to November 13, 2018

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

Name: Soraya Bun

Phone: (512) 239-2695

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

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

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

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: 02/28/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)

- 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 12/2017 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 2 Date: 03/27/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2017 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2017 within the required timeline.
- 3 Date: 04/04/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(5)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: ASB MR YR2017 - The system failed to monitor and/or report asbestos levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.
- 4 Date: 04/11/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 01/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 5 Date: 05/18/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 02/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 6 Date: 06/20/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 03/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 7 Date: 06/25/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2018 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2018 within the required timeline.

8 Date: 06/28/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 04/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

9 Date: 07/24/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 05/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

10 Date: 08/21/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 06/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

11 Date: 09/27/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 07/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

12 Date: 10/02/2018 (1523549)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2018 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2018 within the required timeline.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 11/13/2013 and 11/13/2018

- 1* Date: 02/28/2018 (1523549) Classification: Moderate
- Self Report? NO **For Informational Purposes Only**
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
- Description: RTCR Routine MR Violation 12/2017 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 2* Date: 03/27/2018 (1523549) Classification: Moderate
- Self Report? NO **For Informational Purposes Only**
- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
- Description: DLQOR MR 4Q2017 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2017 within the required timeline.
- 3* Date: 04/04/2018 (1523549) Classification: Moderate
- Self Report? NO **For Informational Purposes Only**
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(5)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)
- Description: ASB MR YR2017 - The system failed to monitor and/or report asbestos levels to the TCEQ for the annual monitoring period from 01/01/2017 to 12/31/2017 within the required timeline.
- 4* Date: 04/11/2018 (1523549) Classification: Moderate
- Self Report? NO **For Informational Purposes Only**
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
- Description: RTCR Routine MR Violation 01/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 5* Date: 05/18/2018 (1523549) Classification: Moderate
- Self Report? NO **For Informational Purposes Only**
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
- Description: RTCR Routine MR Violation 02/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

6* Date: 06/20/2018 (1523549) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 03/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

7* Date: 06/25/2018 (1523549) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2018 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2018 within the required timeline.

8* Date: 06/28/2018 (1523549) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 04/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

9* Date: 07/24/2018 (1523549) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 05/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

10* Date: 08/21/2018 (1523549) Classification: Moderate
Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 06/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

11 Date: 09/27/2018 (1523549) Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 07/2018 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

12 Date: 10/02/2018 (1523549) Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2018 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2018 within the required timeline.

* NOVs applicable for the Compliance History rating period 9/1/2013 to 8/31/2018

Appendix B

All Investigations Conducted During Component Period November 13, 2013 and November 13, 2018

(1523549)
Item 1 October 15, 2018 For Informational Purposes Only

(1524208)
Item 2 November 09, 2018 For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2013 and 08/31/2018.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING BRIGHTON MANOR APARTMENTS, L. P. RN102698743	§ § § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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AGREED ORDER DOCKET NO. 2018-1606-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Brighton Manor Apartments, L. P. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 195 Peach Street near Blanco, Blanco County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 25 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on October 1, 2018 through October 26, 2018, an investigator documented that:
 - a. The Respondent did not provide the results of asbestos sampling to the Executive Director for the January 1, 2017 through December 31, 2017 monitoring period.
 - b. The Respondent did not submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2017 through the second quarter of 2018.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to provide the results of asbestos sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$340 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$340 penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Brighton Manor Apartments, L. P., Docket No. 2018-1606-PWS-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 Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:

- i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance with 30 TEX. ADMIN. CODE § 290.106;
 - ii. Ensure that all delinquent drinking water chemical analysis results are provided to the Executive director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE § 290.106; and
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii.
 - c. Within 90 days after the effective date of this Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon one quarter of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be signed by the Respondent and shall 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Drinking Water Special Functions Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. 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 in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This 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 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.

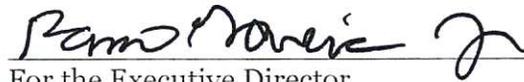
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this 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.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



1/6/20

For the Executive Director

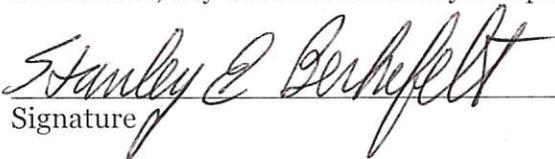
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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.



1-22-19

Signature

Date

STANLEY E. BERKEFELT

President of General Partner

Name (Printed or typed)

Title

Authorized Representative of
Brighton Manor Apartments, L. P.

If mailing address has changed, please check this box and provide the new address below:

Mailing address is correct but Public Water Supply address is not correct.

They should both be as follows:

1224 River Mountain Rd
Wimberley, TX 78676

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