

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49832  
Jeffrey H. Brennan dba P & B Water  
RN102953718  
Docket No. 2021-0629-PWS-E

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

PWS

**Small Business:**

Yes

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

14271 Natalie Street, Houston, Harris County

**Type of Operation:**

public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$2,316.25
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** August 25, 2023

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$2,625

**Total Paid to General Revenue:** \$125

**Total Due to General Revenue:** \$2,500

Payment Plan: 25 payments of \$100 each

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

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

**Date(s) of Investigation:** May 12, 2021; May 24, 2021

**Date(s) of NOV(s):** May 30, 2019; October 16, 2020; March 31, 2021

**Date(s) of NOE(s):** June 4, 2021

**Jeffrey H. Brennan dba P & B Water**

RN102953718

Docket No. 2021-0629-PWS-E

**Violation Information**

1. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity (“CCN”) No. 12021 for calendar years 2018 through 2020 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76].
2. Failed to pay annual Public Health Service fees and any associated late fees for TCEQ Financial Administration Account No. 91010681 for Fiscal Year 2021 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].
3. Failed to provide the results of nitrate, volatile organic chemical (“VOC”) contaminants, and Stage 2 Disinfection Byproducts (“DBP2”) sampling to the Executive Director for the January 1, 2020, through December 31, 2020, monitoring period [30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), and 290.115(e)].
4. Failed to mail or directly deliver one copy of the Consumer Confidence Report (“CCR”) to each bill-paying customer by July 1 of each year, and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2019 [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c) and TCEQ Agreed Order Docket No. 2018-1217-PWS-E, Ordering Provision Nos. 2.a.ii. and 2.b.ii.].
5. Failed to provide the results of radionuclides sampling to the Executive Director for the January 1, 2013, through December 31, 2018, monitoring period [30 TEX. ADMIN. CODE § 290.108(e)].

**Corrective Actions/Technical Requirements****Corrective Action(s) Completed by June 23, 2023:**

1. Provided the results of nitrate, VOC contaminants, and DBP2 sampling to the Executive Director for the January 1, 2020, through December 31, 2020, monitoring period.
2. Paid regulatory assessment fees for the TCEQ Public Utility Account regarding CCN No. 12021 for calendar years 2018 through 2020.

**Technical Requirements:**

1. Within 30 days:
  - a. Mail or directly deliver one copy of the CCR, prepared using the compliance data for the most recent calendar year, to each bill-paying customer and make a good faith effort to deliver the CCR to non-bill-paying customers.
  - b. Implement improvements to the Facility’s process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results, including radionuclides, 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 Facility, or the first ten days following the end of the monitoring period, whichever occurs first.
  - c. Ensure that all delinquent drinking water chemical analysis results for radionuclides are reported to the Executive Director.
  - d. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91010681.
2. Within 45 days:
  - a. Submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.c.

**Jeffrey H. Brennan dba P & B Water**

**RN102953718**

**Docket No. 2021-0629-PWS-E**

- b. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
3. Within 60 days submit written certification to demonstrate compliance with Technical Requirement No. 2.b.

**Litigation Information**

**Date Petition(s) Filed:** September 23, 2022; October 24, 2022  
**Date(s) of Service:** Unclaimed; Unclaimed (first class not returned)  
**Date Answer Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Clayton Smith, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363  
**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575  
**TCEQ Enforcement Coordinator:** Claudia Bartley, Enforcement Division, (512) 239-1116  
**TCEQ Regional Contact:** Westin Massey, Houston Regional Office, (713) 767-3500  
**Respondent Contact:** Jeffrey H. Brennan, 16930 County Road 127, Pearland, Texas 77581  
Jeffrey H. Brennan, 14271 Natalie Street, Houston, Texas 77053  
Jeffrey H. Brennan, P.O. Box 451984, Houston, Texas 77245  
  
**Respondent's Attorney:** N/A

**THIS PAGE INTENTIONALLY LEFT BLANK**



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	7-Jun-2021	<b>Screening</b>	9-Jun-2021	<b>EPA Due</b>	30-Jun-2021
	<b>PCW</b>	16-Jun-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Jeffrey H. Brennan dba P & B Water (PCW No. 1)
<b>Reg. Ent. Ref. No.</b>	RN102953718
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	49832	<b>No. of Violations</b>	4
<b>Docket No.</b>	2021-0629-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steven Hall
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,000
---	-------------------	---------

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

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

<b>Compliance History</b>	25.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$500
---------------------------	-------	------------	--------------------------------	-------

<b>Notes</b>	Enhancement for one Agreed Order without a denial of liability.
--------------	---

<b>Culpability</b>	No	0.0%	Enhancement	<b>Subtotal 4</b>	\$0
--------------------	----	------	-------------	-------------------	-----

<b>Notes</b>	The Respondent does not meet the culpability criteria.
--------------	--

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
--	-------------------	-----

<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
-------------------------	------	--------------	-------------------	-----

Total EB Amounts	\$30	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$442	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,500
-----------------------------	-----------------------	---------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
---	------	------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
--------------	--

<b>Final Penalty Amount</b>	\$2,500
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,500
-----------------------------------	-------------------------------	---------

<b>DEFERRAL</b>	0.0%	Reduction	Adjustment	\$0
-----------------	------	-----------	------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.
--------------	---

<b>PAYABLE PENALTY</b>	\$2,500
------------------------	---------

<b>Screening Date</b>	9-Jun-2021	<b>Docket No.</b>	2021-0629-PWS-E	<b>PCW</b>
<b>Respondent</b>	Jeffrey H. Brennan dba P & B Water (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	49832			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102953718			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Steven Hall			

### 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> )	0	0%
	Other written NOVs	0	0%
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	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 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)** 25%

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

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes** Enhancement for one Agreed Order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 25%

<b>Screening Date</b> 9-Jun-2021	<b>Docket No.</b> 2021-0629-PWS-E	<b>PCW</b>
<b>Respondent</b> Jeffrey H. Brennan dba P & B Water (PCW No. 1)		<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b> 49832		<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b> RN102953718		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Steven Hall		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> **Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input type="text" value="10.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	x

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Jeffrey H. Brennan dba P & B Water (PCW No. 1)  
**Case ID No.** 49832  
**Reg. Ent. Reference No.** RN102953718  
**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	24-May-2021	5-Apr-2022	0.87	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$172	10-Jan-2021	5-Apr-2022	1.23	\$11	n/a	\$11

**Notes for DELAYED costs**

The Training/Sampling delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical samples are collected, analyzed and 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 delayed cost includes the estimated amount to pay any outstanding lab fees (\$8.74 for nitrate, \$56.77 for VOCs, and \$106.96 for DBP2 x one monitoring period) 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

\$272

**TOTAL**

\$15

<b>Screening Date</b>	9-Jun-2021	<b>Docket No.</b>	2021-0629-PWS-E	<b>PCW</b>
<b>Respondent</b>	Jeffrey H. Brennan dba P & B Water (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	49832			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102953718			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Steven Hall			

<b>Violation Number</b>	2
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c) and TCEQ Agreed Order Docket No. 2018-1217-PWS-E, Ordering Provision Nos. 2.a.ii and 2.b.ii
<b>Violation Description</b>	Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2019.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="0.0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="10.0%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Jeffrey H. Brennan dba P & B Water (PCW No. 1)  
**Case ID No.** 49832  
**Reg. Ent. Reference No.** RN102953718  
**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				0.00	\$0	n/a	\$0
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)	\$170	1-Jul-2020	5-Apr-2022	1.76	\$15	n/a	\$15

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to prepare and mail or directly deliver the complete and accurate CCR for the most recent calendar year to the customers of the Facility and to the TCEQ [(((\$0.50 x 240 connections) + \$50) x one year), calculated from the due date of the 2019 CCR 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 \$170

**TOTAL** \$15

<b>Screening Date</b>	9-Jun-2021	<b>Docket No.</b>	2021-0629-PWS-E	<b>PCW</b>
<b>Respondent</b>	Jeffrey H. Brennan dba P & B Water (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	49832			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102953718			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Steven Hall			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

- daily
- weekly
- monthly
- quarterly
- semiannual
- annual
- single event

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Jeffrey H. Brennan dba P & B Water (PCW No. 1)  
**Case ID No.** 49832  
**Reg. Ent. Reference No.** RN102953718  
**Media** Public Water Supply  
**Violation No.** 3

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				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

N/A

### 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

N/A

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

<b>Screening Date</b> 9-Jun-2021	<b>Docket No.</b> 2021-0629-PWS-E	<b>PCW</b>
<b>Respondent</b> Jeffrey H. Brennan dba P & B Water (PCW No. 1)	<i>Policy Revision 5 (January 28, 2021)</i>	
<b>Case ID No.</b> 49832	<i>PCW Revision February 11, 2021</i>	
<b>Reg. Ent. Reference No.</b> RN102953718		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Steven Hall		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>			
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

- daily
- weekly
- monthly
- quarterly
- semiannual
- annual
- single event

**Violation Base Penalty**

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Jeffrey H. Brennan dba P & B Water (PCW No. 1)  
**Case ID No.** 49832  
**Reg. Ent. Reference No.** RN102953718  
**Media** Public Water Supply  
**Violation No.** 4

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				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

N/A

### 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

N/A

Approx. Cost of Compliance

\$0

**TOTAL**

\$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	7-Jun-2021	<b>Screening</b>	9-Jun-2021	<b>EPA Due</b>	30-Jun-2021
	<b>PCW</b>	16-Jun-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Jeffrey H. Brennan dba P & B Water (PCW No. 2)
<b>Reg. Ent. Ref. No.</b>	RN102953718
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	49832	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0629-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steven Hall
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$100</b>
---	-------------------	--------------

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

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

<b>Compliance History</b>	<b>25.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$25</b>
---------------------------	-------------------------	--------------------------------	-------------

Notes: Enhancement for one Agreed Order without a denial of liability.

<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
--------------------	----	-------------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
--	-------------------	------------

<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
-------------------------	--------------------------	-------------------	------------

Total EB Amounts: \$45  
 Estimated Cost of Compliance: \$279  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$125</b>
-----------------------------	-----------------------	--------------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
---	------------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$125</b>
-----------------------------	--------------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$125</b>
-----------------------------------	-------------------------------	--------------

<b>DEFERRAL</b>	<b>0.0%</b> Reduction	<b>Adjustment</b>	<b>\$0</b>
-----------------	-----------------------	-------------------	------------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$125</b>
------------------------	--------------

<b>Screening Date</b>	9-Jun-2021	<b>Docket No.</b>	2021-0629-PWS-E	<b>PCW</b>
<b>Respondent</b>	Jeffrey H. Brennan dba P & B Water (PCW No. 2)			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	49832			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN102953718			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Steven Hall			

### 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> )	0	0%
	Other written NOVs	0	0%
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	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 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)** 25%

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

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes** Enhancement for one Agreed Order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 25%

<b>Screening Date</b>	9-Jun-2021	<b>Docket No.</b>	2021-0629-PWS-E	<b>PCW</b>
<b>Respondent</b>	Jeffrey H. Brennan dba P & B Water (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	49832			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN102953718			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Steven Hall			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.108(e)			
<b>Violation Description</b>	Failed to provide the results of radionuclides sampling to the Executive Director for the January 1, 2013 through December 31, 2018 monitoring period.			
		<b>Base Penalty</b>		\$1,000

>> Environmental, Property and Human Health Matrix

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 10.0%
<b>Matrix Notes</b>	100% of the rule requirements were not met.				
					<b>Adjustment</b> \$900

Violation Events

Number of Violation Events	1	880	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
			<b>Violation Base Penalty</b> \$100
	One single event is recommended.		

Good Faith Efforts to Comply **0.0%** Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
		<b>Violation Subtotal</b> \$100

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount \$45	Violation Final Penalty Total \$125
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$125	

## Economic Benefit Worksheet

**Respondent** Jeffrey H. Brennan dba P & B Water (PCW No. 2)  
**Case ID No.** 49832  
**Reg. Ent. Reference No.** RN102953718  
**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				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)	\$279	10-Jan-2019	5-Apr-2022	3.24	\$45	n/a	\$45

**Notes for DELAYED costs**

The Training/Sampling delayed cost to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical samples are collected, analyzed and results are released by the Facility's laboratories and reported to the Executive Director is captured in the Economic Benefit Worksheet for Violation 1, PCW 2.

The other delayed cost includes the estimated amount to pay any outstanding lab fees (\$279.35 for radionuclides x one monitoring period) 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 \$279

**TOTAL** \$45



# Compliance History Report

Compliance History Report for CN603385519, RN102953718, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN603385519, Jeffrey H. Brennan

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Regulated Entity:** RN102953718, P & B WATER

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 14271 NATALIE STREET IN HOUSTON, HARRIS COUNTY, TEXAS

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 1010681

**Compliance History Period:** September 01, 2016 to August 31, 2021

**Rating Year:** 2021

**Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** August 11, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** August 11, 2017 to August 11, 2022

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

**Name:** Steven Hall

**Phone:** (512) 239-2569

**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:**

- 1 Effective Date: 02/03/2020 ADMINORDER 2018-1217-PWS-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)  
Description: GWR Triggered Source MR Violation 03/2017 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)  
Description: GWR Triggered Source MR Violation 09/2016 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)  
30 TAC Chapter 290, SubChapter F 290.117(j)  
Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the reduced monitoring period from 01/01/2016 to 12/31/2016.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)  
Description: CCR 2015 - The system failed to provide the Consumer Confidence Report (CCR) for 2015 to its bill-paying customers and/or the TCEQ by July 1st of the following year.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RD MR PN YR2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution lead and copper reduced monitoring and reporting violation for the annual reduced monitoring period from 01/01/2015 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DBP2 MR PN YR2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant byproducts monitoring and reporting violation for the annual monitoring period from 01/01/2014 to 12/31/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: SOC 504, 515 MR PN 3Y2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a synthetic organic contaminants (method 504, 515) monitoring and reporting violation for the triennial monitoring period from 01/01/2013 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: SOC 531 MR PN 3Y2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a synthetic organic contaminants (method 531) monitoring and reporting violation for the triennial monitoring period from 01/01/2013 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MTL/MIN MR PN 3Y2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a metal/mineral monitoring and reporting violation for the triennial monitoring period from 01/01/2013 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: VOC MR PN 6Y2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a volatile organic contaminants monitoring and reporting violation for the 6 year monitoring period from 01/01/2010 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2016 - The system failed to provide the Consumer Confidence Report (CCR) for 2016 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter H 290.272  
30 TAC Chapter 290, SubChapter H 290.274(a)

Rqmt Prov: Ordering Provision Nos. 2.a.iv and 2.b.i ORDER

Description: Failure to meet the adequacy, availability, and/or content requirements for the Consumer Confidence Report ("CCR") for the year of 2013. Specifically, the CCR did not include the following: correct Source Water Assessment language, source name, disinfectant residual and adequate violation description. Failure to comply with Agreed Order Docket No. 2014-1873-PWS-E.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 12021 for calendar years 2015 through 2017.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

**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.

N/A

**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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
JEFFREY H. BRENNAN  
DBA P & B WATER;  
RN102953718**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2021-0629-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Jeffrey H. Brennan dba P & B Water ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Order to the Commission.

Respondent understands that he has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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 Respondent.

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

### **FINDINGS OF FACT**

1. Respondent owns and operates a public water system ("PWS") located at 14271 Natalie Street in Houston, Harris County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 240 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on May 12, 2021, TCEQ staff documented that Respondent:
  - a. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity ("CCN") No. 12021 for calendar years 2018 through 2020; and
  - b. Failed to pay annual Public Health Service fees and any associated late fees for TCEQ Financial Administration Account No. 91010681 for Fiscal Year 2021.
3. During a record review conducted on May 24, 2021, TCEQ staff documented that Respondent:
  - a. Failed to provide the results of nitrate, volatile organic chemical ("VOC") contaminants, and Stage 2 Disinfection Byproducts ("DBP2") sampling to the Executive Director for the January 1, 2020, through December 31, 2020 monitoring period;

- b. Failed to mail or directly deliver one copy of the Consumer Confidence Report (“CCR”) to each bill-paying customer by July 1 of each year, and failed to submit to TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2019; and
  - c. Failed to provide the results of radionuclides sampling to the Executive Director for the January 1, 2013, through December 31, 2018 monitoring period.
4. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility as of June 23, 2023:
- a. Provided the results of nitrate, VOC contaminants, and DBP2 sampling to the Executive Director for the January 1, 2020, through December 31, 2020 monitoring period (Conclusion of Law No. 4); and
  - b. Paid regulatory assessment fees for the TCEQ Public Utility Account regarding CCN No. 12021 for calendar years 2018 through 2020 (Conclusion of Law No. 2).

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding CCN No. 12021 for calendar years 2018 through 2020, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to pay annual Public Health Service fees and any associated late fees for TCEQ Financial Administration Account No. 91010681 for Fiscal Year 2021, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).
4. As evidenced by Finding of Fact No. 3.a., Respondent failed to provide the results of nitrate, VOC contaminants, and DBP2 sampling to the Executive Director for the January 1, 2020, through December 31, 2020 monitoring period, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e), 290.107(e), and 290.115(e).
5. As evidenced by Finding of Fact No. 3.b., Respondent failed to mail or directly deliver one copy of the CCR to each bill-paying customer by July 1 of each year, and failed to submit to TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar year 2019, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c) and TCEQ Agreed Order Docket No. 2018-1217-PWS-E, Ordering Provision Nos. 2.a.ii. and 2.b.ii.
6. As evidenced by Finding of Fact No. 3.c., Respondent failed to provide the results of radionuclides sampling to the Executive Director for the January 1, 2013, through December 31, 2018 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.108(e).
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ’s jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of two thousand six hundred twenty-five dollars (\$2,625.00) 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). Respondent paid one hundred

twenty-five dollars (\$125.00) of the penalty. The remaining amount of two thousand five hundred dollars (\$2,500.00) shall be paid in twenty-five (25) monthly payments of one hundred dollars (\$100.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 8 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all 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 which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Jeffrey H. Brennan dba P & B Water, Docket No. 2021-0629-PWS-E" to:  

Financial Administration Division  
Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
2. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Mail or directly deliver one copy of the CCR, prepared using the compliance data for the most recent calendar year, to each bill-paying customer and make a good faith effort to deliver the CCR to non-bill-paying customers, in accordance with 30 TEX. ADMIN. CODE §§ 290.271, 290.272, and 290.274 (Conclusion of Law No. 5);
    - ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results, including radionuclides, 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 Facility, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance with 30 TEX. ADMIN. CODE § 290.108 (Conclusion of Law No. 6);
    - iii. Ensure that all delinquent drinking water chemical analysis results for radionuclides are reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.108 (Conclusion of Law No. 6); and
    - iv. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91010681. The payment shall be sent with the notation "P & B Water, Financial Administration Account

No. 91010681” to the Enforcement Division address listed in Ordering Provision No. 2.d. (Conclusion of Law No. 3).

- b. Within 45 days after the effective date of this Order:
  - i. Submit written certification, in accordance with Ordering Provision No. 2.d., to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii.; and
  - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274 (Conclusion of Law No. 5). The copy of the CCR and certification shall be mailed to:

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

- c. Within 60 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 2.d., to demonstrate compliance with Ordering Provision No. 2.b.ii.
- d. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, or other records, shall be signed by 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 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 written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Section Manager, Public Drinking Water  
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 Respondent. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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 Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
7. 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.
8. 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.
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

Erin E. Chamallop  
\_\_\_\_\_  
For the Executive Director

9/11/23  
\_\_\_\_\_  
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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Jeffrey H Brennan  
\_\_\_\_\_  
Signature - Jeffrey H. Brennan  
16930 County Road 127  
Pearland, Texas 77581

7-13-2023  
\_\_\_\_\_  
Date

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