

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2006-1063-PWS-E **TCEQ ID:** RN104387543 **CASE NO.:** 30347

**RESPONDENT NAME:** Texas Conference Association of Seventh-Day Adventists dba The Oaks Christian School

**ORDER TYPE:**

<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** The Oaks Adventist Christian School, 11903 Tanner Road, Houston, Harris County

**TYPE OF OPERATION:** School with a public water supply

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on February 26, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Anita Keese, Enforcement Division, Enforcement Section I, MC R-15, (956) 430-6034; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Central Office Investigator:** Ms. Sally Paramo, Water Supply Division, Public Drinking Water Section, MC 155, (512) 239-6675

**Respondent:** Mr. Karl Doerner, Registered Agent, Texas Conference Association of Seventh Day Adventists, P.O. Box 800, Alvarado, Texas 76009-0800

Mr. Harley Medieros, School Board Chairman, Texas Conference Association of Seventh Day Adventists, 11903 Tanner Road, Houston, Texas 77041

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Dates of Investigations Relating to this Case:</b> June 1 and July 18, 2006</p> <p><b>Dates of NOV(s)/NOE(s) Relating to this Case:</b> October 24, 2005, December 21, 2005, January 25, 2006, February 23, 2006 (NOVs), July 10, 2006 (NOE)</p> <p><b>Background Facts:</b> These were routine record reviews. Two violations were documented.</p> <p><b>AIR</b></p> <p>1) Failed to conduct routine bacteriological monitoring of the public water supply and failed to provide public notification of the failure to conduct monthly bacteriological sampling [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and TEX. HEALTH &amp; SAFETY CODE § 341.033(d)].</p> <p>2. Failed pay Public Health Service fees, including late fees, for TCEQ FA Account No. 91013330 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3)].</p>	<p><b>Total Assessed:</b> \$1,220</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,220</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b> The Respondent has four NOVs for the same violation over the prior five year period.</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order:</p> <p>i. Begin performing monthly bacteriological sampling utilizing samples which are representative of the Facility's water system, according to the Facility's written Sampling Monitoring Plan; and</p> <p>ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply.</p> <p>b. Within 30 days after the effective date of this Agreed Order, pay in full outstanding fees; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. through b.</p>



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	17-Jul-2006			
	PCW	08-Sep-2006	Screening	24-Jul-2006	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Texas Conference of Association of Seventh-Day Adventists dba The Oaks Adventist Christian School
Reg. Ent. Ref. No.	RN104387543
Facility/Site Region	12-Houston
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30347	No. of Violations	2
Docket No.	2006-1063-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Anita Keese
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

### Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	\$1,000
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#### 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>	22% Enhancement	<i>Subtotal 2, 3, &amp; 7</i>	\$220
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Notes: The respondent has received four notices of violation (NOVs) for the same or similar violations and one NOV for dissimilar violations.

<b>Culpability</b>	No	<i>Subtotal 4</i>	\$0
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Notes: The respondent does not meet the culpability requirement.

<b>Good Faith Effort to Comply</b>	0% Reduction	<i>Subtotal 5</i>	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	X	<i>(mark with a small x)</i>

Notes: The respondent does not meet the good faith criteria.

<b>Economic Benefit</b>	0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts	\$210	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$200	

<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	\$1,220
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	\$1,220
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<i>Final Assessed Penalty</i>	\$1,220
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<b>DEFERRAL</b>	0% Reduction	<i>Adjustment</i>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral offered because a findings order will be issued.

<b>PAYABLE PENALTY</b>	\$1,220
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<b>Screening Date:</b> 24-Jul-2006	<b>Docket No.:</b> 2006-1063-PWS-E	<b>PCW</b>
<b>Respondent:</b> Texas Conference of Association of Seventh-Day Adventists dba The Oaks Adventist	<small>ember 2002)</small>	
<b>Case ID No.:</b> 30347	<small>PCW Revision May 19, 2005</small>	
<b>Reg. Ent. Reference No.:</b> RN104387543		
<b>Media [Statute]:</b> Public Water Supply		
<b>Enf. Coordinator:</b> Anita Keese		

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written 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	1	2%
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 judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</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%
<small>Please Enter Yes or No</small>			
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) 22%**

>> Repeat Violator (Subtotal 3)

<input type="text" value="No"/>	<b>Adjustment Percentage (Subtotal 3) 0%</b>
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>> Compliance History Person Classification (Subtotal 7)

<input type="text" value="Average Performer"/>	<b>Adjustment Percentage (Subtotal 7) 0%</b>
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>> Compliance History Summary

**Compliance History Notes** The respondent has received four notices of violation (NOVs) for the same or similar violations and one NOV for dissimilar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%**

<b>Screening Date</b>	24-Jul-2006	<b>Docket No.</b>	2006-1063-PWS-E	<b>PCW</b>
<b>Respondent</b>	Texas Conference of Association of Seventh-Day Adventists dba The Oaks Adventist <small>ember 2002</small>			
<b>Case ID No.</b>	30347	<small>PCW Revision May 19, 2005</small>		
<b>Reg. Ent. Reference No.</b>	RN104387543			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Anita Keese			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B)			
<b>Secondary Rule Cite(s)</b>	Tex. Health & Safety Code § 341.033(d)			
<b>Violation Description</b>	Failure to conduct routine bacteriological monitoring of the public water supply and failure to provide public notification of the failure to conduct monthly bacteriological sampling during the months of July, November, December 2005, and January 2006.			

Base Penalty

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>				

Matrix Notes: As a result of this violation, customers of the water supply could be exposed to contaminants which would exceed levels that are protective of human health.

Adjustment

Base Penalty Subtotal

**Violation Events**

Number of Violation Events

<small>mark only one use a small x</small>	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event		<input type="text"/>

Violation Base Penalty

Four monthly events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$210"/>	Violation Final Penalty Total <input type="text" value="\$1,220"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,220"/>	

### Economic Benefit Worksheet

Respondent: Texas Conference of Association of Seventh-Day Adventists dba The Oaks Adventist Christian S  
 Case ID No. 30347  
 Reg. Ent. Reference No. RN104387543  
 Media [Statute] Public Water Supply  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item	Item	Date	Final	Yrs	Interest	Onetime	EB
Description	Cost	Required	Date		Saved	Costs	Amount

No commas or \$

#### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

#### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	01-Jul-2005	31-Jan-2006	1.0	\$10	\$200	\$210
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to collect and submit water samples for bacteriological analysis and provide public notice of sampling deficiencies for the months in which no monitoring occurred.

Approx. Cost of Compliance \$200

**TOTAL** \$210

<b>Screening Date</b>	24-Jul-2006	<b>Docket No.</b>	2006-1063-PWS-E	<b>PCW</b>
<b>Respondent</b>	Texas Conference of Association of Seventh-Day Adventists dba The Oaks Adventist <small>ember 2002</small>			
<b>Case ID No.</b>	30347	<small>PCW Revision May 19, 2005</small>		
<b>Reg. Ent. Reference No.</b>	RN104387543			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Anita Keese			
<b>Violation Number</b>	<input type="text" value="2"/>			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 290.51(a)(3)			
<b>Secondary Rule Cite(s)</b>	Tex. Water Code § 5.702			
<b>Violation Description</b>	Failure to pay the Public Health Service Fee for Water Utility District Account No. 91013330, for the year 2005.			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>

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

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

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification		<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

**Violation Events**

Number of Violation Events

<small>mark only one use a small x</small>	<small>daily</small>	<input type="text"/>
	<small>monthly</small>	<input type="text"/>
	<small>quarterly</small>	<input type="text"/>
	<small>semiannual</small>	<input type="text"/>
	<small>annual</small>	<input type="text"/>
	<small>single event</small>	<input type="text"/>

Violation Base Penalty

No penalty is recommended because penalty and interest will be assessed at next billing.

**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: Texas Conference of Association of Seventh-Day Adventists dba The Oaks Adventist Christian S  
 Case ID No: 30347  
 Reg. Ent. Reference No: RN104387543  
 Media [Statute]: Public Water Supply  
 Violation No: 2

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Not applicable - No penalty assessed for fee violation.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: Not applicable - No penalty assessed for fee violation.

Approx. Cost of Compliance

TOTAL

# Compliance History

Customer/Respondent/Owner-Operator:	CN602432759 Texas Conference Association of Seventh-Day Adventists	Classification: AVERAGE BY DEFAULT	Rating: 3.01
Regulated Entity:	RN104387543 THE OAKS ADVENTIST CHRISTIAN SCHOOL	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION		1013330
Location:	11903 TANNER RD, HOUSTON, TX, 77041		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	February 15, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	September 05, 2001 to September 05, 2006		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Anita Keese Phone: (956) 430-6034

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | No  |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

N/A	1	10/25/2004	(334099)
	2	10/03/2005	(486229)
	3	10/24/2005	(486115)
	4	10/31/2005	(486246)
	5	12/01/2005	(486260)
	6	12/21/2005	(486273)
	7	01/25/2006	(486286)
	8	02/23/2006	(486305)
	9	03/22/2006	(486307)
	10	04/28/2006	(486311)
	11	05/26/2006	(486317)
	12	06/27/2006	(486327)
	13	07/13/2006	(486571)

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

Date: 10/25/2004 (334099)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)

Description: Failure to provide a raw water sample tap.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to provide wiring in conduit at the well head.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failure to fence or house the well unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failure to provide chlorinator housing.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

Description: Failure to provide well completion data.  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter D 290.38(7)  
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(A)  
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(B)  
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(C)  
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(D)  
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(E)  
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(F)  
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(G)  
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(H)

Description: Failure to submit as built plans.  
 Self Report? NO Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)

Description: Failure to provide a certified operator.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Failure to provide pressure tank inspection report.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to provide a distribution map.  
 Date: 10/24/2005 (486115)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to conduct routine bacteriological of the public water supply for the month of July 2005.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
 Description: Failure to provide public notice for monitoring violations during the month of July 2005.  
 Date: 12/21/2005 (486273)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to conduct routine bacteriological of the public water supply for the month of November 2005.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
 Description: Failure to provide public notice for monitoring violations during the month of November 2005.  
 Date: 01/25/2006 (486286)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to conduct routine bacteriological of the public water supply for the month of December 2005.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
 Description: Failure to provide public notice for monitoring violations during the month of December 2005.  
 Date: 02/23/2006 (486305)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to conduct routine bacteriological of the public water supply for the month of January 2006.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
 Description: Failure to provide public notice for monitoring violations during the month of January 2006.

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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>TEXAS CONFERENCE</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>ASSOCIATION OF SEVENTH-DAY</b>	<b>§</b>	
<b>ADVENTISTS DBA THE OAKS</b>	<b>§</b>	
<b>ADVENTIST CHRISTIAN SCHOOL</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>
<b>RN104387543</b>		

**AGREED ORDER**  
**DOCKET NO. 2006-1063-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Texas Conference Association of Seventh-Day Adventists dba The Oaks Adventist Christian School ("Texas CASDA") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and Texas CASDA presented this agreement to the Commission.

Texas CASDA understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, 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 Agreed Order, Texas CASDA agrees to waive all notice and procedural rights.

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

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

**I. FINDINGS OF FACT**

1. Texas CASDA owns and operates a school with a public water supply at 11903 Tanner Road in Houston, Harris County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.



2. During a record review on June 1, 2006, TCEQ Water Supply Division staff documented that Texas CASDA did not conduct routine bacteriological monitoring of the public water supply and did not provide public notification of the failure to conduct monthly bacteriological sampling during the months of July, November, December 2005 and January 2006.
3. During a record review conducted on July 18, 2006, TCEQ staff documented that Texas CASDA failed to pay Public Health Service Fee, including late fees, for TCEQ Financial Account (FA) No. 91013330 for the year 2005.
4. Texas CASDA received notice of the violations in letters dated October 24 and December 21, 2005, January 25, February 23 and July 10, 2006.

## II. CONCLUSIONS OF LAW

1. Texas CASDA is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Texas CASDA failed to conduct routine bacteriological monitoring of the public water supply and failed to provide public notification of the failure to conduct monthly bacteriological sampling, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Finding of Fact No. 3, Texas CASDA failed pay Public Health Service fees, including late fees, for TCEQ FA Account No. 91013330, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(3), as documented during a record review conducted by TCEQ staff on July 18, 2006.
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Texas CASDA for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission'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 One Thousand Two Hundred Twenty Dollars (\$1,220) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Texas CASDA has paid the One Thousand Two Hundred Twenty Dollar (\$1,220) administrative penalty.

## III. ORDERING PROVISIONS

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

1. Texas CASDA is assessed an administrative penalty in the amount of One Thousand Two Hundred Twenty Dollars (\$1,220), as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules

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and state statutes. The payment of this administrative penalty and Texas CASDA's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Conference Association of Seventh-Day Adventists dba The Oaks Adventist Christian School, Docket No. 2006-1063-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. Texas CASDA shall undertake the following technical requirements:

- a. Within 10 days after the effective date of this Agreed Order;
  - i. Begin performing monthly bacteriological sampling utilizing samples which are representative of the Facility's water system, according to the Facility's written Sampling Monitoring Plan, as required by 30 TEX. ADMIN. CODE § 290.109; and
  - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply, in accordance with 30 TEX. ADMIN. CODE § 290.122.
- b. Within 30 days after the effective date of this Agreed Order, pay in full outstanding fees with the notation "Texas Conference Association of Seventh-Day Adventists dba The Oaks Adventist Christian School, Financial Account No. 91013330" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a.i. through 2.b.

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

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to ensure the validity of the findings.

3. The third part of the document describes the results of the data analysis. It shows that there is a significant correlation between the variables studied, indicating that the factors being investigated have a strong impact on the outcomes.

4. The fourth part of the document discusses the implications of the findings. It suggests that the results can be used to inform decision-making and to develop strategies that address the identified issues and challenges.

5. The fifth part of the document concludes the report and provides a summary of the key findings. It reiterates the importance of ongoing monitoring and evaluation to ensure that the organization remains effective and responsive to changing circumstances.

6. The sixth part of the document includes a list of references and sources used in the research. This provides a clear and concise way to cite the information used in the report and allows readers to explore the topic further.

7. The seventh part of the document contains a list of appendices and supplementary materials. These provide additional information and data that support the findings and conclusions of the report.

8. The eighth part of the document includes a list of figures and tables. These visual aids help to present the data in a clear and easy-to-understand format, making it easier for readers to interpret the results.

9. The ninth part of the document contains a list of footnotes and endnotes. These provide additional information and clarification on specific points raised in the report.

10. The tenth part of the document includes a list of acknowledgments. This section recognizes the contributions of individuals and organizations that have supported the research and the development of the report.

11. The eleventh part of the document contains a list of contact information for the authors and the organization. This allows readers to reach out for more information or to provide feedback on the report.

12. The twelfth part of the document includes a list of terms and conditions. This section outlines the legal and ethical considerations that apply to the use of the report and its contents.

13. The thirteenth part of the document contains a list of other relevant documents and resources. This provides a comprehensive overview of the information available on the topic and allows readers to explore the subject in more depth.

submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

The certification shall be 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:

Water Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Ave., Ste.H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Texas CASDA. Texas CASDA is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Texas CASDA shall be made in writing to the Executive Director. Extensions are not effective until Texas CASDA receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Texas CASDA if the Executive Director determines that Texas CASDA has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Texas CASDA in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.



8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

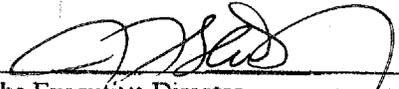


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### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

  
\_\_\_\_\_  
For the Executive Director

3/2/07  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Texas Conference Association of Seventh-Day Adventists dba The Oaks Adventist Christian School. I am authorized to agree to the attached Agreed Order on behalf of Texas Conference Association of Seventh-Day Adventists dba The Oaks Adventist Christian School, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Texas Conference Association of Seventh-Day Adventists dba The Oaks Adventist Christian School waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

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

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

  
\_\_\_\_\_  
Signature

11/10/06  
\_\_\_\_\_  
Date

Harcey Medeiros  
\_\_\_\_\_  
Name (printed or typed)  
Authorized Representative

School Board Chairman  
\_\_\_\_\_  
Title

Texas Conference Association of Seventh-Day Adventists dba The Oaks Adventist Christian School

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

1. The first part of the document is a letter from the author to the editor of the journal. The letter discusses the author's interest in the topic and the reasons for writing the paper.

## 2. Introduction

The purpose of this study is to investigate the effects of the independent variable on the dependent variable.

3. Methodology

4. Results

The results of the study show that there is a significant positive correlation between the independent variable and the dependent variable. This finding is consistent with the hypothesis of the study.

The study was conducted using a quantitative research design. Data was collected from a sample of participants and analyzed using statistical methods. The results indicate that the independent variable has a significant impact on the dependent variable.

The findings of this study have important implications for the field of research. They suggest that the independent variable is a key factor in determining the outcome of the dependent variable. This information can be used to inform future research and practice.

The study was limited by several factors, including the sample size and the duration of the study. Future research should aim to address these limitations and further explore the relationship between the independent and dependent variables.

In conclusion, the study has provided valuable insights into the relationship between the independent and dependent variables. The findings support the hypothesis and have important implications for the field.

The author would like to thank the editor and reviewers for their comments and suggestions. The author also acknowledges the support of the funding agency.