

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-1708-PWS-E TCEQ ID: RN101218493 CASE NO.: 26974

**RESPONDENT NAME: TEXAS LATIN AMERICAN CONFERENCE OF THE INTERNATIONAL
PENTECOSTAL HOLINESS CHURCH**

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Six miles west of Jacksonville south of US 79, Cherokee County</p> <p>TYPE OF OPERATION: Public water system</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 27, 2006. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p>TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Waste Enforcement Section, MC R-13, (210) 403-4012</p> <p>TCEQ Regional Contact: Mr. Noel Luper, MC R-5, (903) 535-5174</p> <p>Respondent: Mr. Thomas Trevino, Secretary/Treasurer, The Texas Latin American Conference of the International Pentecostal Holiness Church, P.O. Box 437, Jacksonville, Texas 75766</p> <p>Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: July 1, 2004</p> <p>Date of NOE Relating to this Case: July 19, 2005</p> <p>Background Facts:</p> <p>The EDPRP was filed September 28, 2006. The Respondent signed an Agreed Order January 2007. The Respondent signed a new Agreed Order on July 1, 2008.</p> <p>PWS:</p> <p>1. Failed to collect and submit routine monthly bacteriological samples and to notify the public of the noncompliance during the month of August 2003 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>2. Failed to take four repeat samples for each total coliform-positive sample found in a month and failure to notify the public of these noncompliances during the months of March, May, and June 2004 [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B)].</p> <p>3. Failed to collect at least five routine bacteriological samples following the month in which a positive coliform sample was obtained and to post public notice during month of April 2004 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(B)].</p> <p>4. Failed to comply with maximum contaminant level (MCL) for coliform bacteria during the months of May and June 2004 and failure to notify the public of this noncompliance [30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(c)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>	<p>Total Assessed: \$1,925</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid/Due to General Revenue: \$1,925/\$0</p> <p>Site Compliance History Classification: N/A</p> <p>Person Compliance History Classification: N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification:</p> <p>Respondent was issued seven NOVs over the prior five year period for the same violation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <ol style="list-style-type: none"> 1. Began conducting proper routine bacteriological monitoring of the water supply in July 2004; and 2. Achieved compliance with the MCL for coliform bacteria in July 2004.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	25-Jul-2005		
	PCW	19-Apr-2006	Screening	28-Sep-2005
			EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	The Texas Latin American Conference of the International Pentecostal Holiness Church		
Reg. Ent. Ref. No.	RN101218493		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	26974	No. of Violations	4
Docket No.	2005-1708-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,750
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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.

Compliance History	35% Enhancement	Subtotals 2, 3, & 7	\$613
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Notes: The respondent received seven NOV's with same or similar violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$438
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The Respondent returned to compliance in July 2004.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$941	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,900	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,925
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$1,925
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,925
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DEFERRAL	0% Reduction	Adjustment	\$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 is offered with Findings Orders.

PAYABLE PENALTY	\$1,925
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Screening Date 28-Sep-2005

Docket No. 2005-1708-PWS-E

PCW

Respondent The Texas Latin American Conference of the International Pentecostal Holiness Church (ember 2002)

Case ID No. 26974

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101218493

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

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 (number of NOVs meeting criteria)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	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%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 35%

>> **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

The respondent received seven NOVs with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date

Updated: 2005-1708-PWS-E-ccc-Texas Latin CURRENT wb3
28-Sep-2005

Docket No. 2005-1708-PWS-E

PCW

Respondent The Texas Latin American Conference of the International Pentecostal Holiness Church (member 2002)

Case ID No. 26974

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101218493

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number

1

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 341.033(d)

Violation Description

Failed to collect and submit routine monthly bacteriological samples and to notify the public of the noncompliance during the month of August 2003, as documented during a record review investigation conducted on July 1, 2004.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

The failure to sample and notify the public could result in undetected contaminants distributed to the public, resulting in illness.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One monthly event is recommended for the month of August 2003 when samples were not taken.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$275

This violation Final Assessed Penalty (adjusted for limits) \$275

Economic Benefit Worksheet

Respondent: The Texas Latin American Conference of the International Pentecostal Holiness Church
 Case ID No.: 26974
 Reg. Ent. Reference No.: RN101218493
 Media [Statute]: 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	Onetime Costs	EB Amount
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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]	\$50	01-Aug-2003	31-Aug-2003	1.0	\$3	\$50	\$53
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to take a routine sample calculated for the month when no sample was taken.

Approx. Cost of Compliance

TOTAL

Screening Date

28-Sep-2005
 Docs Updated-2005-1708-PWS-E-ccc-Texas Latin CURRENT.wb3
 Docket No. 2005-1708-PWS-E

PCW

Respondent The Texas Latin American Conference of the International Pentecostal Holiness Church (member 2002)

Case ID No. 26974

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101218493

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B)

Secondary Rule Cite(s)

Violation Description Failure to take four repeat samples for each total coliform-positive sample found in a month and failure to notify the public of these noncompliances during the months of March, May, and June 2004, as documented during a record review investigation conducted on July 1, 2004.

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

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

Matrix Notes Failure to collect and submit repeat samples following a total-coliform positive sample result may allow undetected contaminants to be distributed to the public, resulting in illness.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	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

Three monthly events are recommended for March, May, and June 2004.

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: The Texas Latin American Conference of the International Pentecostal Holiness Church
Case ID No.: 26974
Reg. Ent. Reference No.: RN101218493
Media [Statute]: 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	Overtime Costs	EB Amount
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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]	\$600	01-Mar-2004	31-Jul-2004	1.0	\$30	\$600	\$630
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs: The avoided cost includes the estimated amount to take four repeat samples, calculated for the months when no repeat samples were taken.							

Approx. Cost of Compliance

TOTAL

PCW

Respondent The Texas Latin American Conference of the International Pentecostal Holiness Church (ember 2002)
Case ID No. 26974 PCW Revision May 19, 2005
Reg. Ent. Reference No. RN101218493
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(2)(F) and 290.122(c)(2)(B)

Secondary Rule Cite(s)

Violation Description

Failure to collect the required number (5) of additional routine bacteriological samples following the month in which a positive coliform sample was obtained and to post public notice during the month of April 2004, as documented during a record review investigation conducted on July 1, 2004.

Base Penalty

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

The failure to collect and submit additional routine samples following a positive coliform sample result may result in undetected contaminants being distributed to the public, resulting in illness.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	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

One monthly event is recommended for the month of April 2004.

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: The Texas Latin American Conference of the International Pentecostal Holiness Church
 Case ID No. 26974
 Reg. Ent. Reference No. RN101218493
 Media [Statute] 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	Onetime Costs	EB Amount
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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]	\$250	01-Apr-2004	30-Apr-2004	0.0	\$0	\$250	\$250
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs
 One-time avoided cost includes the estimated amount to take five routine samples after a coliform-positive month, calculated for the month when the five routine samples were not taken.

Approx. Cost of Compliance **TOTAL**

Screening Date

Updated-2005-1708-PWS-E-gcp-Texas Latin CURRENT wb3
28-Sep-2005

Docket No. 2005-1708-PWS-E

PCW

Respondent The Texas Latin American Conference of the International Pentecostal Holiness Church (ember 2002)

Case ID No. 26974

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101218493

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number

4

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(f)(3) and 290.122(c)(2)(B)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failure to comply with the maximum contaminant level (MCL) for coliform bacteria during the months of May and June 2004 and failure to notify the public of this noncompliance, as documented during the record review investigation conducted on July 1, 2004.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

		Harm		
Release		Major	Moderate	Minor
Actual			X	
Potential				

Percent 25%

>> Programmatic Matrix

		Major	Moderate	Minor
Falsification				

Percent

Matrix Notes

As a result of this violation, contaminated water was distributed and customers were not notified to take precautions. Human health was exposed to significant levels of pollutants which did not exceed levels that are protective of human health as a result of the violation.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty \$500

Two monthly events are recommended for May and June 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$550

This violation Final Assessed Penalty (adjusted for limits) \$550

Economic Benefit Worksheet

Respondent: The Texas Latin American Conference of the International Pentecostal Holiness Church
 Case ID No. 26974
 Reg. Ent. Reference No. RN101218493
 Media [Statute] 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	Onetime Costs	EB 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	\$1,000	01-May-2004	30-Jun-2004	0.2	\$8	n/a	\$8
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: The delayed cost includes the estimated amount to ensure that the MCL is not exceeded, calculated from time of noncompliance to the date of compliance.

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

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600660435	The Texas Latin American Conference of the International Pentecostal Holiness Church	Classification:	Rating:
Regulated Entity:	RN101218493	MOUNTAIN VIEW CAMP	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION			0370040
Location:	APPROX 6 MILES WEST OF JACKSONVILLE SOUTH OF US 79			
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	October 31, 2005			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 03, 2000 to October 03, 2005			

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

Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

- | | |
|--|-----|
| 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 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 judgments, 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.)

1	10/15/2003	(395388)
2	06/21/2004	(398746)
3	07/21/2005	(400085)
4	05/07/2004	(398667)
5	05/26/2004	(398590)
6	05/05/2004	(398575)

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

Date: 07/02/2004	(398667)		Classification: Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)		
Description:	FAILURE TO COLLECT ANY REPEAT SAMPLES IN 05/2004 FOLLOWING A COLIFORM FOUND RESULT.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)		
Description:	FAILURE TO POST A PN FOR NOT COLLECTING ANY REPEAT SAMPLES IN 05/2004 FOLLOWING A COLIFORM FOUND RESULT.		
Date: 07/29/2004	(398746)		Classification: Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)		
Description:	FAILURE TO COLLECT ANY REPEAT SAMPLES IN 06/2004 FOLLOWING A COLIFORM FOUND RESULT.		
Self Report?	NO		Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)		

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY REPEAT SAMPLES IN 06/2004 FOLLOWING A COLIFORM FOUND RESULT.

Date: 05/26/2004 (398590)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

Description: FAILURE TO COLLECT ANY OF THE 5 DISTRIBUTION SAMPLES IN 04/2004 FOLLOWING A COLIFORM FOUND MONTH.

Self Report? NO

Classification: Moderate

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

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY OF THE 5 DISTRIBUTION SAMPLES IN 04/2004 FOLLOWING A COLIFORM FOUND MONTH.

Date: 05/05/2004 (398575)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: FAILURE TO COLLECT ANY REPEAT SAMPLES IN 03/2004 FOLLOWING A COLIFORM FOUND RESULT.

Self Report? NO

Classification: Moderate

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

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY REPEAT SAMPLES IN 03/2004 FOLLOWING A COLIFORM FOUND RESULT.

Date: 05/07/2004 (398667)

Self Report? NO

Classification: Moderate

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

Description: EXCEEDED A MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION IN 05/2004.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)

Description: FAILURE TO POST A PN FOR EXCEEDING A MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION IN 05/2004.

Date: 10/15/2003 (395388)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 08/2003.

Self Report? NO

Classification: Moderate

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

Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 08/2003.

Date: 06/21/2004 (398746)

Self Report? NO

Classification: Moderate

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

Description: EXCEEDED A MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION IN 06/2004.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)

Description: FAILURE TO POST A PN FOR EXCEEDING A MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION IN 06/2004.

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
THE TEXAS LATIN AMERICAN
CONFERENCE OF THE
INTERNATIONAL PENTECOSTAL
HOLINESS CHURCH;
RN101218493

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§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-1708-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding The Texas Latin American Conference of the International Pentecostal Holiness Church ("TLAC") under the authority TEX. HEALTH & SAFETY CODE ch. 341 and 30 TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and TLAC presented this agreement to the Commission.

TLAC understands that it has 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, TLAC agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 TLAC.

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

FINDINGS OF FACT

1. TLAC owns and operates a recreational area located at six miles west of Jacksonville south of US 79, Cherokee County, Texas (the "Facility").
2. The Facility has 26 service connections and serves at least 25 people per day for at least 60 days per year. As such the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(47).
3. During a record review conducted on July 1, 2004, a TCEQ Central Office staff member documented that TLAC failed to collect and submit a routine monthly bacteriological sample and failed to notify the public of the noncompliance during the month of August 2003.
4. During a record review conducted on July 1, 2004, a TCEQ Central Office staff member documented that TLAC failed to take four repeat samples for each total coliform-positive sample found in a month and failed to notify the public of these noncompliances during the months of March, May and June 2004.
5. During a record review conducted on July 1, 2004, a TCEQ Central Office staff member documented that TLAC failed to collect at least five routine bacteriological samples following the month in which a positive coliform sample was obtained and failed to post public notice during the month of April 2004.
6. During a record review conducted on July 1, 2004, a TCEQ Central Office staff member documented that TLAC failed to comply with the maximum contaminant level ("MCL") for coliform bacteria and failed to notify the public of this noncompliance during the months of May and June 2004.
7. TLAC received notice of the violations alleged in Section II ("Allegations") on or about July 24, 2005.
8. The Executive Director recognizes that TLAC has implemented the following corrective measures at the Facility:
 - a. Began conducting proper routine bacteriological monitoring of the water supply in July 2004, in accordance with 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i); and
 - b. Achieved compliance with the MCL for coliform bacteria in July 2004, in accordance with 30 TEX. ADMIN. CODE § 290.109(f)(3).

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, TLAC 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. 3, TLAC failed to collect and submit a routine monthly bacteriological sample and failed to notify the public of the noncompliance during the month of August 2003 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. 4, TLAC failed to take four repeat samples for each total coliform-positive sample found in a month and failed to notify the public of these noncompliances during the months of March, May and June 2004 in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(B).
4. As evidenced by Finding of Fact No. 5, TLAC failed to collect at least five routine bacteriological samples following the month in which a positive coliform sample was obtained and failed to post public notice during the month of April 2004 in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(B).
5. As evidenced by Finding of Fact No. 6, TLAC failed to comply with the MCL for coliform bacteria and failed to notify the public of this noncompliance during the months of May and June 2004 in violation of 30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(c)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against TLAC for violations of the Texas Health & 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.
7. An administrative penalty in the amount of one thousand nine hundred twenty-five dollars (\$1,925.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. TLAC has paid one thousand nine hundred twenty-five dollars of the administrative penalty.

ORDERING PROVISIONS

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

1. TLAC is assessed an administrative penalty in the amount of one thousand nine hundred twenty-five dollars (\$1,925.00), as set forth in Conclusion of Law No. 7, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and TLAC'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 "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: The Texas Latin American Conference of the International Pentecostal Holiness Church; Docket No. 2005-1708-PWS-E; Enforcement ID No.26974" 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. The provisions of this Agreed Order shall apply to and be binding upon TLAC. TLAC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility referenced in this Agreed Order.
3. 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 TLAC if the Executive Director determines that TLAC has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against TLAC 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.
6. 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.

7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to TLAC, or three days after the date on which the Commission mails notice of the Order to TLAC, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

The Texas Latin American Conference of the International Pentecostal Holiness Church
DOCKET NO. 2005-1708-PWS-E

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Handwritten Signature]

For the Executive Director

8/11/08

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Rev. James Trevino
Signature

7-1-08

Date

Rev. James Trevino
Name (Printed or typed)

Bishop - Tx Latin Conf.

Title

Authorized Representative of The
Texas Latin American Conference
of the International Pentecostal
Holiness Church