

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2009-0576-MWD-E **TCEQ ID:** RN101512424 **CASE NO.:** 37434**RESPONDENT NAME:** Lake Lavon Baptist Encampment

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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 type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" 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: Lake Lavon Baptist Encampment, located 400 feet south of Farm-to-Market Road 982 and 15,000 feet south of the intersection of Farm-to-Market Road 982 and Farm-to-Market Road 546, Collin County</p> <p>TYPE OF OPERATION: Church camp with a domestic wastewater treatment facility</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 location.</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 September 7, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817)-588-5886; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. James D. Johnson, Administrator, Lake Lavon Baptist Encampment, 8050 County Road 735, Princeton, Texas 75407 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: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 20, 2009</p> <p>Date of NOV/NOE Relating to this Case: March 17, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to measure flow as required by the permit due to weir inadequacies. Specifically, the weirs were not ventilated, leveled or properly designed. In addition, the Respondent was measuring the instantaneous flow once per week instead of five days a week and was not measured at the proper location [Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0014192001, Effluent Limitations and Monitoring Requirements B and 30 TEX. ADMIN. CODE § 305.125(1)].</p> <p>2) Failure to collect samples at the location specified by the permit. Specifically, the samples must be collected following the final treatment unit prior to the discharge into the evaporation pond; however, the Respondent was taking samples from the evaporation pond [TCEQ Permit No. WQ0014192001, Effluent Limitations and Monitoring Requirements B and 30 TEX. ADMIN. CODE § 319.5(a)].</p> <p>3) Failure to maintain adequate pH records [TCEQ Permit No. WQ0014192001, Monitoring Requirements 3.c and 30 TEX. ADMIN. CODE § 319.7(c)].</p> <p>4) Failure to properly maintain the evaporation pond and to obtain certification of the pond liner by a Texas Licensed Professional Engineer.</p>	<p>Total Assessed: \$4,950</p> <p>Total Deferred: \$990 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,960</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that, by April 26, 2009, the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Began collecting samples at the location specified by the permit;</p> <p>b. Began maintaining adequate pH monitoring records;</p> <p>c. Began collecting and analyzing samples for biochemical oxygen demand 5-day;</p> <p>d. Removed trees and vegetation from the pond;</p> <p>e. Dredged the pond to maintain a volume of at least 2.21 acre feet; and</p> <p>f. Built up the embankment walls on the west side of the pond.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, install weir boxes and begin properly measuring flow;</p> <p>b. Within 60 days after the effective date of this Agreed Order, obtain certification by a Texas Licensed Professional engineer to ensure that the pond lining meets the requirements of the permit; and</p> <p>c. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

<p>Specifically, the embankment walls are inadequate, there is not two feet of freeboard or the required embankment slope of one foot vertical to three feet horizontal, and the pond was severely overgrown with weeds, grass and trees [TCEQ Permit No. WQ0014192001, Special Provisions 4 and 9 and 30 TEX. ADMIN. CODE § 305.125(5)].</p> <p>5) Failure to conduct sampling and analyses on the parameters specified in the permit. Specifically, the Respondent did not analyze samples for biochemical oxygen demand ("5-day") [TCEQ Permit No. WQ0014192001, Effluent Limitations and Monitoring Requirements A and B and 30 TEX. ADMIN. CODE § 319.4].</p>		
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Additional ID No(s): WQ0014192001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	23-Mar-2009	Screening	27-Mar-2009	EPA Due	
	PCW	10-Apr-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Lake Lavon Baptist Encampment		
Reg. Ent. Ref. No.	RN101612424		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37434	No. of Violations	5
Docket No.	2009-0576-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000
		EC's Team	Enforcement Team 3

Penalty Calculation Section			
TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$5,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	5.0% Enhancement	Subtotals 2, 3, & 7	\$250
Notes	The Respondent received a previous NOV for the same violations.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$300
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$2,759	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$12,090		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$4,950
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
		Final Penalty Amount	\$4,950
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$4,950
DEFERRAL	20.0% Reduction	Adjustment	-\$990
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$3,960

Screening Date 27-Mar-2009

Docket No. 2009-0576-MWD-E

PCW

Respondent Lake Lavon Baptist Encampment

Policy Revision 2 (September 2002)

Case ID No. 37434

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101512424

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

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>	1	5%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgments or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
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) 5%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The Respondent received a previous NOV for the same violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date	27-Mar-2009	Docket No.	2009-0576-MWD-E	PCW
Respondent	Lake Lavon Baptist Encampment	Policy Revision 2 (September 2002)		
Case ID No.	37434	PCW Revision October 30, 2008		
Reg. Ent. Reference No.	RN101512424			
Media [Statute]	Water Quality			
Enf. Coordinator	Cheryl Thompson			
Violation Number	1			

Rule Cite(s) Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0014192001 Effluent Limitations and Monitoring Requirements B and 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to measure flow as required by the permit due to weir inadequacies. Specifically, the weirs were not ventilated, leveled or properly designed. In addition, the Respondent was measuring the instantaneous flow once per week instead of five days a week and was not measured at the proper location.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
Potential		x		10%	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as the result of the excursions.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events: 1 Number of violation days: 66

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the period of January 20, 2009 (date of investigation) to March 27, 2009 (date of screening).

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to ED/PRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$971

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent: Lake Lavon Baptist Encampment

Case ID No.: 37434

Reg. Ent. Reference No.: RN101512424

Media: Water Quality

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
<small>No commas or \$</small>							

Delayed Costs

	\$1,000	7-Aug-2006	30-Nov-2009	3.32	\$11	\$221	\$232
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

Estimated cost to install new weir boxes. Date required is the date the violation was first documented. Final date is the projected date of compliance.

Avoided Costs

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

	\$1,000	20-Jan-2009	27-Mar-2009	1.10	\$38	\$700	\$738
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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$700	20-Jan-2009	27-Mar-2009	1.10	\$38	\$700	\$738
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost (\$10 per test for 5 days = \$50 per week for the 14 weeks) to measure flow at the frequency required by the permit. Date required is the investigation date. Final date is the date of screening.

Approx. Cost of Compliance

\$1,700

TOTAL

\$971

Screening Date: 27-Mar-2009	Docket No.: 2009-0576-MWD-E	PCW		
Respondent: Lake Lavon Baptist Encampment	<small>Policy Revision 2 (September 2002)</small>			
Case ID No.: 37434	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No.: RN101512424				
Media [Statute]: Water Quality				
Enf. Coordinator: Cheryl Thompson				
Violation Number: 2				
Rule Cite(s):	Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0014192001 Effluent Limitations and Monitoring Requirements B and 30 Tex. Admin. Code § 319.5(a)			
Violation Description:	Failed to collect samples at the location specified by the permit. Specifically, the samples must be collected following the final treatment unit prior to the discharge into the evaporation pond; however, the Respondent was taking samples from the evaporation pond.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Release				
Actual				
Potential		x		Percent 10%
>> Programmatic Matrix				
	Major	Moderate	Minor	
Falsification				
				Percent 0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as the result of the excursions.			
Adjustment		\$9,000		
				\$1,000
Violation Events				
Number of Violation Events	1	Number of violation days	66	
<small>mark only one with an x</small>	daily			
	weekly			
	monthly			
	quarterly	x		Violation Base Penalty \$1,000
	semiannual			
	annual			
	single event			
One quarterly event is recommended from the period of January 20, 2009 (date of investigation) to March 27, 2009 (date of screening).				
Good Faith Efforts to Comply		10.0% Reduction	\$100	
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>		
Extraordinary				
Ordinary		x		
N/A		<small>(mark with x)</small>		
Notes	The Respondent returned to compliance on April 26, 2009.			
Violation Subtotal		\$900		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$14		Violation Final Penalty Total	\$950
			This violation Final Assessed Penalty (adjusted for limits)	\$950

Economic Benefit Worksheet

Respondent: Lake Lavon Baptist Encampment

Case ID No.: 37434

Reg. Ent. Reference No.: RN101512424

Media: Water Quality

Violation No.: 2

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	7-Aug-2006	26-Apr-2009	2.72	\$14	n/a	\$14
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: Cost to begin sampling at the location specified in the permit and to conduct training and implement procedures to ensure sampling is done correctly. Date required is the date the violation was first documented. Final date is the date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$100	TOTAL	\$14
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Screening Date 27-Mar-2009	Docket No: 2009-0576-MWD-E	PCW	
Respondent: Lake Lavon Baptist Encampment	<small>Policy Revision 2 (September 2002)</small>		
Case ID No: 37434	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No: RN101512424			
Media [Statute]: Water Quality			
Enf. Coordinator: Cheryl Thompson			
Violation Number: 3			
Rule Cite(s)	Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0014192001 Monitoring Requirements 3.c. and 30 Tex. Admin. Code §.319.7(c.)		
Violation Description	Failed to maintain adequate pH records.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	Potential	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	0%
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	10%
Matrix Notes	100% of the rule requirement was not met.		
Adjustment		\$9,000	
		\$1,000	
Violation Events			
Number of Violation Events	1	Number of violation days	68
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
One single event is recommended.			\$1,000
Good Faith Efforts to Comply		10.0% Reduction	\$100
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
N/A	(mark with x)		
Notes	The Respondent returned to compliance on April 26, 2009.		
Violation Subtotal		\$900	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$7	Violation Final Penalty Total	\$950
		This violation Final Assessed Penalty (adjusted for limits)	
		\$950	

Economic Benefit Worksheet

Respondent: Lake Lavon Baptist Encampment

Case ID No.: 37434

Reg. Ent. Reference No.: RN101512424

Media: Water Quality

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				0.00	\$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	\$50	7-Aug-2006	26-Apr-2009	2.72	\$7	n/a	\$7
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

Cost to begin maintaing pH records. Date required is the date the violation was first documented. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50

TOTAL

\$7

Screening Date 27-Mar-2009	Docket No. 2009-0576-MWD-E	PCW		
Respondent Lake Lavon Baptist Encampment	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37434	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN101512424				
Media [Statute] Water Quality				
Enf. Coordinator Cheryl Thompson				
Violation Number 4				
Rule Cite(s)	Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0014192001 Special Provisions 4 and 9 and 30 Tex. Admin. Code § 305.125(5)			
Violation Description	Failed to properly maintain the evaporation pond and to obtain certification of the pond liner by a Texas Licensed Professional Engineer. Specifically, the embankment walls are inadequate, there is not two feet of freeboard or the required slope of one foot vertical to three feet horizontal, and the pond was severely overgrown with weeds, grass, and trees			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	X	<input type="checkbox"/>
				Percent 10%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent 0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as the result of the excursions.			
Adjustment			\$9,000	
			\$1,000	
Violation Events				
Number of Violation Events: 1		66 Number of violation days		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	X		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
				Violation Base Penalty \$1,000
One quarterly event is recommended from the period of January 20, 2009 (date of investigation) to March 27, 2009 (date of screening).				
Good Faith Efforts to Comply			0.0% Reduction \$0	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	X	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal			\$1,000	
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount \$1,701		Violation Final Penalty Total \$1,050		
This violation Final Assessed Penalty (adjusted for limits)			\$1,050	

Economic Benefit Worksheet

Respondent: Lake Lavon Baptist Encampment
Case ID No.: 37434
Reg. Ent. Reference No.: RN101512424
Media: Water Quality
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				0.00	\$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)	\$10,000	7-Aug-2006	31-Dec-2009	3.40	\$1,701	n/a	\$1,701

Notes for DELAYED costs

Estimated cost to obtain certification by a Texas Licensed Professional engineer that the pond lining meets the requirements of the permit and to remove the excess weeds, grass, and trees from around the pond. Date required is the date the violation was first documented. Final date is the projected date of compliance.

Avoided Costs

ANNUALIZE (1) 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,701

Screening Date 27-Mar-2009	Docket No. 2009-0576-MWD-E	PCW	
Respondent Lake Lavon Baptist Encampment		<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 37434		<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN101512424			
Media [Statute] Water Quality			
Enf. Coordinator Cheryl Thompson			
Violation Number	5		
Rule Cite(s)	Texas Commission on Environmental Quality ("TCEQ") Permit No. WQ0014192001 Effluent Limitations and Monitoring Requirements A and B and 30 Tex. Admin. Code § 319.4		
Violation Description	Failed to conduct sampling and analyses on the parameters specified in the permit. Specifically, the Respondent did not analyze samples for Biochemical Oxygen Demand (5-day) (BOD).		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Release			
Actual			
Potential		X	
Percent		10%	
>> Programmatic Matrix			
	Major	Moderate	Minor
Falsification			
Actual			
Potential			
Percent		0%	
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment as the result of the excursions.		
Adjustment		\$9,000	
		\$1,000	
Violation Events			
Number of Violation Events	1	Number of violation days	66
<small>mark only one with an x</small>	daily		
	weekly		
	monthly		
	quarterly	X	
	semiannual		
	annual		
	single event		
Violation Base Penalty		\$1,000	
One quarterly event is recommended from the period of January 20, 2009 (date of investigation) to March 27, 2009 (date of screening).			
Good Faith Efforts to Comply			
10.0% Reduction		\$100	
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		X	
N/A		(mark with x)	
Notes	The Respondent returned to compliance on April 26, 2009.		
Violation Subtotal		\$900	
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount	\$66	Violation Final Penalty Total	\$950
This violation Final Assessed Penalty (adjusted for limits)		\$950	

Economic Benefit Worksheet

Respondent: Lake Lavon Baptist Encampment
Case ID No.: 37434
Reg. Ent. Reference No.: RN101512424
Media: Water Quality
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

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

Avoided Costs

ANNUALIZE [1] 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	\$240	20-Jan-2009	26-Apr-2009	0.26	\$3	\$63	\$66
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Cost (\$20 per sample for BOD for 12 months) to collect samples and analyze the results for BOD. Date required is the investigation date. Final date is the date of compliance.

Approx. Cost of Compliance

\$240

TOTAL

\$66

Compliance History Report

Customer/Respondent/Owner-Operator: CN600789101 Lake Lavon Baptist Encampment Classification: AVERAGE Rating: 8.50
 Regulated Entity: RN101512424 LAKE LAVON BAPTIST ENCAMPMENT Classification: AVERAGE Site Rating: 8.50
 ID Number(s): WASTEWATER PERMIT WQ0014192001
 Location: 400 feet south of Farm-to-Market Road 982 and 15,000 feet south of the intersection of Farm-to-Market Road 982 and Farm-to-Market Road 546 in Collin County, Texas
 TCEQ Region: REGION 04 - DFW METROPLEX
 Date Compliance History Prepared: April 01, 2009
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: April 01, 2004 to April 01, 2009

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Cheryl Thompson Phone: (817) 588-5886

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? _____
4. If Yes, who was/were the prior owner(s)? _____
5. When did the change(s) in ownership occur? _____
6. Rating Date: 9/1/2008 Repeat Violator: NO

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.)

1	08/04/2006	(485403)
2	02/27/2009	(513837)
3	03/17/2009	(724039)

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

Date:	08/07/2006	(485403)	CN600789101
Self	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to accurately measure the flow.		
Self	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.5(a)		
Description:	Failure to collect effluent samples at the location specified in the permit.		
Self	NO	Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to maintain adequate pH monitoring records.		
Self	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to properly maintain the evaporation pond.		
Self	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter D 305.65		

Description: Failure to submit the permit renewal to the TCEQ Permitting Section within 180 days of the expiration of the permit.

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
LAKE LAVON BAPTIST
ENCAMPMENT
RN101512424**

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§
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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0576-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lake Lavon Baptist Encampment ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a church camp with a domestic wastewater treatment facility located 400 feet south of Farm-to-Market Road 982 and 15,000 feet south of the intersection of Farm-to-Market Road 982 and Farm-to-Market Road 546 in Collin County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 22, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Four Thousand Nine Hundred Fifty Dollars (\$4,950) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Nine Hundred Sixty Dollars (\$3,960) of the administrative penalty and Nine Hundred Ninety Dollars (\$990) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that by April 26, 2009, the Respondent has implemented the following corrective measures at the Facility:
 - a. Began collecting samples at the location specified by the permit;
 - b. Began maintaining adequate pH monitoring records;
 - c. Began collecting and analyzing samples for BOD 5-day;
 - d. Removed trees and vegetation from pond;
 - e. Dredged the pond to maintain a volume of at least 2.21 acre feet; and
 - f. Built up the embankment walls on the west side of the pond.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to measure flow as required by the permit due to weir inadequacies, in violation of TCEQ Permit No. WQ0014192001 Effluent Limitations and Monitoring Requirements B and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on January 20,

2009. Specifically, the weirs were not ventilated, leveled or properly designed. In addition, the Respondent was measuring the instantaneous flow once per week instead of five days a week and was not measured at the proper location.
2. Failed to collect samples at the location specified by the permit, in violation of TCEQ Permit No. WQ0014192001 Effluent Limitations and Monitoring Requirements B and 30 TEX. ADMIN. CODE § 319.5(a), as documented during an investigation conducted on January 20, 2009. Specifically, the samples must be collected following the final treatment unit prior to the discharge into the evaporation pond; however, the Respondent was taking samples from the evaporation pond.
 3. Failed to maintain adequate pH records, in violation of TCEQ Permit No. WQ0014192001 Monitoring Requirements 3.c and 30 TEX. ADMIN. CODE § 319.7(c), as documented during an investigation conducted on January 20, 2009.
 4. Failed to properly maintain the evaporation pond and to obtain certification of the pond liner by a Texas Licensed Professional Engineer, in violation of TCEQ Permit No. WQ0014192001 Special Provisions 4 and 9 and 30 TEX. ADMIN. CODE § 305.125(5), as documented during an investigation conducted on January 20, 2009. Specifically, the embankment walls are inadequate, there is not two feet of freeboard or the required embankment slope of one foot vertical to three feet horizontal, and the pond was severely overgrown with weeds, grass and trees.
 5. Failed to conduct sampling and analyses on the parameters specified in the permit, in violation of TCEQ Permit No. WQ0014192001 Effluent Limitations and Monitoring Requirements A and B and 30 TEX. ADMIN. CODE § 319.4, as documented during an investigation conducted on January 20, 2009. Specifically, the Respondent did not analyze samples for biochemical oxygen demand ("5-day").

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Lake Lavon Baptist Encampment, Docket No. 2009-0576-MWD-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. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, install weir boxes and begin properly measuring flow;
- b. Within 60 days after the effective date of this Agreed Order, obtain certification by a Texas Licensed Professional engineer to ensure that the pond lining meets the requirements of the permit, in accordance with TCEQ Permit No. WQ0014192001; and
- c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. and 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 submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this 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.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

9/18/09
Date

I, the undersigned, have read and understand the attached Agreed Order. 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Signature

6-15-09
Date

James D. Johnson
Name (Printed or typed)
Authorized Representative of
Lake Lavon Baptist Encampment

Administrator
Title

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