

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1792-PWS-E TCEQ ID: RN101251866 CASE NO.: 31426
RESPONDENT NAME: "TRIUMPH CHRISTIAN CENTER INC."

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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: 6601 FM 762, Richmond, Fort Bend County</p> <p>TYPE OF OPERATION: Public water supply</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 February 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Tracy Chandler, Litigation Division, MC 175, (713) 239-0629 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Ms. Merrilee Gerberding-Hupp, Water Enforcement Section, MC 169, (512) 239-4490 TCEQ Regional Contact: Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581 Respondent: Mr. Ladell Graham, President, "Triumph Christian Center, Inc.", 6601 FM 762, Richmond, TX 77469; Mr. Ladell Graham, President, "Triumph Christian Center, Inc.", 3902 Colony Woods Dr., Sugar Land, TX 77479 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: There are no complaints.</p> <p>Date of Investigation Relating to this Case: June 1, 2006</p> <p>Date of NOE Relating to this Case: August 11, 2006</p> <p>Background Facts: The case was referred to the Litigation Division on January 5, 2007. The EDPRP was filed on March 28, 2007. Service was unsuccessful. The EDFARP was filed on May 9, 2007. Based on the "green card" the Respondent received notice of the EDFARP on May 10, 2007. The Respondent has failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: The Respondent has not complied with the technical requirements.</p> <p>PWS:</p> <p>Failed to perform routine bacteriological monitoring of the public water supply and failed to provide public notification of the failure to perform routine bacteriological monitoring of the public water supply for the months of August 2005 through January 2006, and April and May 2006 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p>	<p>Total Assessed: \$2,800</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$2,800</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</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>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 10 days, the Respondent shall begin performing monthly bacteriological sampling utilizing samples which are representative of the Facility's water system, according to the Facility's written Sample Site Plan. 2. Within 45 days, the Respondent shall submit written certification to demonstrate compliance with Ordering Provision 1.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	25-Sep-2006	Screening	26-Sep-2006	EPA Due	25-Oct-2006
	PCW	27-Sep-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Triumph Christian Center Inc.
Reg. Ent. Ref. No.	RN101251866
Facility/Site Region	12-Houston
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	31426	No. of Violations	1
Docket No.	2006-1792-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Christopher Miller
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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

Economic Benefit **Subtotal 6**

Total EB Amounts	<input type="text" value="\$420"/>	0% Enhancement*
Approx. Cost of Compliance	<input type="text" value="\$400"/>	<i>*Capped at the Total EB \$ Amount</i>

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 26-Sep-2006

Docket No. 2006-1792-PWS-E

PCW

Respondent Triumph Christian Center Inc.

Policy Revision 2 (September 2002)

Case ID No. 31426

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101251866

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Miller

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)	8	40%
	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 disclosed)	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%
<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) 40%

>> Repeat Violator (Subtotal 3)

N/A

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 enhancement is due to eight prior Notices of Violation ("NOVs") containing violations that are the same as the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date 26-Sep-2006

Docket No. 2006-1792-PWS-E

PCW

Respondent Triumph Christian Center Inc.

Policy Revision 2 (September 2002)

Case ID No. 31426

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101251866

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Miller

Violation Number 1

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

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.033(d)

Violation Description Failure to perform routine bacteriological monitoring of the public water supply and failure to provide public notification of the failure to perform routine bacteriological monitoring of the public water supply for the months of August 2005 through January 2006 and April and May 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failure to perform routine monthly bacteriological monitoring and failure to post public notice could result in customers of the water supply being exposed to significant amounts of bacteriological contaminants in the drinking water which will or could exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 8

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

Violation Base Penalty \$2,000

Eight monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$420

Violation Final Penalty Total \$2,800

This violation Final Assessed Penalty (adjusted for limits) \$2,800

Economic Benefit Worksheet

Respondent Triumph Christian Center Inc.
Case ID No. 31426
Reg. Ent. Reference No. RN101251866
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
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: There are no delayed costs associated with this violation.

Item	Cost	Date	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$400	01-Aug-2005	01-May-2006	1.0	\$20	\$400	\$420
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: The avoided costs include the amount to perform routine bacteriological monitoring and/or provide public notification of the failure to perform routine monitoring, calculated for the months in which the violations occurred.

Approx. Cost of Compliance **\$400**

TOTAL \$420

Compliance History

Customer/Respondent/Owner-Operator: CN600591259 Triumph Christian Center Inc Classification: AVERAGE Rating: 3.01
BY DEFAULT

Regulated Entity: RN101251866 TRIUMPH CHRISTIAN CENTER Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0790365

Location: 6601 FM 762 RD, FORT BEND COUNTY

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: October 27, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 26, 2001 to September 26, 2006

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

Name: Chris Miller Phone: 512-239-6580

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? ##
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 | 02/23/2006 | (490205) |
| 2 | 12/21/2005 | (490193) |
| 3 | 05/26/2006 | (490211) |
| 4 | 09/13/2006 | (497630) |
| 5 | 03/25/2003 | (28373) |
| 6 | 10/31/2005 | (490190) |
| 7 | 11/01/2004 | (339025) |
| 8 | 12/01/2005 | (490191) |
| 9 | 01/25/2006 | (490197) |
| 10 | 06/27/2006 | (490217) |
| 11 | 10/03/2005 | (489901) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 12/01/2005 (490191)
- 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 collect any routine monitoring samples in 10/2005.
- 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 10/2005.
- Date: 02/23/2006 (490205)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: 5A THC Chapter 341, SubChapter A 341.033(d)
Failure to collect any routine monitoring samples in 01/2006.

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 01/2006.

Date: 10/03/2005 (489901)

Self Report? NO Classification: Moderate

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

Description: 5A THC Chapter 341, SubChapter A 341.033(d)

Failure to collect any routine monitoring samples in 08/2005.

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 08/2005.

Date: 10/31/2005 (490190)

Self Report? NO Classification: Moderate

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

Description: 5A THC Chapter 341, SubChapter A 341.033(d)

Failure to collect any routine monitoring samples in 09/2005.

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 09/2005.

Date: 06/27/2006 (490217)

Self Report? NO Classification: Moderate

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

Description: 5A THC Chapter 341, SubChapter A 341.033(d)

Failure to collect any routine monitoring samples in 05/2006.

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 05/2006.

Date: 01/25/2006 (490197)

Self Report? NO Classification: Moderate

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

Description: 5A THC Chapter 341, SubChapter A 341.033(d)

Failure to collect any routine monitoring samples in 12/2005.

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 12/2005.

Date: 12/21/2005 (490193)

Self Report? NO Classification: Moderate

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

Description: 5A THC Chapter 341, SubChapter A 341.033(d)

Failure to collect any routine monitoring samples in 11/2005.

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 11/2005.

Date: 05/26/2006 (490211)

Self Report? NO Classification: Moderate

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

Description: 5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to collect any routine monitoring samples in 04/2006.
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 04/2006.

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



IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST "TRIUMPH CHRISTIAN
CENTER INC.";
RN101251866

§
§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2006-1792-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is "Triumph Christian Center Inc." ("Triumph").

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

FINDINGS OF FACT

1. Triumph owns and operates a public water supply located at 6601 FM 762, Richmond, Fort Bend County, Texas (the "Facility").
2. The Facility has approximately one service connection and serves at least 25 people per day for at least 60 days per year; and provides water for human consumption.
3. During a record review conducted on June 1, 2006, TCEQ staff documented that Triumph failed to perform routine bacteriological monitoring of the public water supply and failed to provide public notification of the failure to perform routine bacteriological monitoring of the public water supply for the months of August 2005 through January 2006 and April and May 2006.
4. Triumph received notice of the violations on or about August 16, 2006.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of

"Triumph Christian Center, Inc.," (the "EDPRP") in the TCEQ Chief Clerk's office on March 28, 2007.

6. By letter dated March 28, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director mailed the EDPRP to Triumph. Service of the EDPRP was unsuccessful.
7. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against "Triumph Christian Center, Inc." (the "EDFARP") in the TCEQ Chief Clerk's office on May 9, 2007.
8. By letter dated May 9, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Triumph with notice of the EDFARP. According to the return receipt "green card," Triumph received notice of the EDFARP on May 10, 2007, as evidenced by the signature on the card.
9. More than 20 days have elapsed since Triumph received notice of the EDFARP, provided by the Executive Director. Triumph failed to file an answer to the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Triumph 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, failed to perform routine bacteriological monitoring of the public water supply and failed to provide public notification of the failure to perform routine bacteriological monitoring of the public water supply for the months of August 2005 through January 2006 and April and May 2006, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Finding of Fact Nos. 7 and 8, the Executive Director has timely served Triumph with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
4. As evidenced by Finding of Fact No. 9, Triumph has failed to file a timely answer to the EDFARP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE

§ 70.106, the Commission may enter a Default Order against Triumph and assess the penalty recommended by the Executive Director.

5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Triumph 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.
6. An administrative penalty in the amount of two thousand eight hundred dollars (\$2,800.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Triumph is assessed an administrative penalty in the amount of two thousand eight hundred dollars (\$2,800.00) for violations of TEX. HEALTH & SAFETY CODE ch. 341 and rules of the TCEQ. The payment of this administrative penalty and Triumph's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: "Triumph Christian Center Inc."; Docket No. 2006-1792-PWS-E; Enforcement ID No. 31426" 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. Triumph shall undertake the following technical requirements:

- a. Within 10 days after the effective date of this Order, Triumph shall begin performing monthly bacteriological sampling utilizing samples which are representative of the Facility's water system, according to the Facility's written Sample Site Plan, as required by 30 TEX. ADMIN. CODE § 290.109.
- b. Within 45 days after the effective date of this Order, Triumph shall submit written certification as described below, to demonstrate compliance with Ordering Provision 2.a.

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 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:

Stephen Smith, Water Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
5425 Polk Avenue, Ste. H
Houston, Texas 77023-1452

3. All relief not expressly granted in this Order is denied.

4. The provisions of this Order shall apply to and be binding upon Triumph. Triumph is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Triumph shall be made in writing to the Executive Director. Extensions are not effective until Triumph receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 Triumph if the Executive Director determines that Triumph has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

"Triumph Christian Center, Inc."
Docket No. 2006-1792-PWS-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF TRACY CHANDLER

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Tracy Chandler. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of “Triumph Christian Center, Inc.,”” (the “EDPRP”) with the Office of the Chief Clerk on March 28, 2007.

I sent the EDPRP to Triumph at its last known address on March 28, 2007, via certified mail, return receipt requested, and via first class mail, postage prepaid. Service was unsuccessful.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and “Triumph Christian Center”” (the “EDFARP”) with the Office of the Chief Clerk on May 9, 2007.

I sent the EDFARP to Triumph at its last known address on May 9, 2007, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Triumph received notice of the EDFARP on May 10, 2007, as evidenced by the signature on the card.

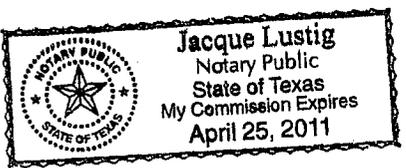
More than 20 days have elapsed since Triumph received notice of the EDFARP. Triumph failed to file an answer to the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.”



Tracy Chandler
Attorney, Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Tracy Chandler, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 6th day of January, A.D., 2009.





Notary Signature