

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-1880-PWS-E TCEQ ID: RN105518724 CASE NO.: 36892**  
**RESPONDENT NAME: FIRST BAPTIST CHURCH OF JONESTOWN, TEXAS**

<b>ORDER TYPE:</b>		
<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	

<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

**SITE WHERE VIOLATIONS OCCURRED:** 19100 Farm-to-Market Road 1431, Jonestown, Travis County

**TYPE OF OPERATION:** Public water supply

**SMALL BUSINESS:**  Yes  No  N/A

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

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired December 7, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney:** Mr. Phillip M. Goodwin, P.G., Litigation Division, MC 175, (512) 239-0675  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400  
**TCEQ Enforcement Coordinator:** Mr. Stephen Thompson, Water Enforcement Section, MC 169, (512) 239-2558  
**TCEQ Regional Contact:** Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-2929  
**Respondent:** Mr. Jim Weaver, Director, First Baptist Church of Jonestown, Texas, P.O. Box 5205, Jonestown, Texas 78645  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> November 1, 2008; November 3, 2008</p> <p><b>Dates of NOEs Relating to this Case:</b> November 25, 2008; December 23, 2008</p> <p><b>Background Facts:</b> The EDPRP was filed on March 24, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on October 20, 2009.</p> <p><b>Current Compliance Status:</b> The Respondent submitted documentation to certify compliance with violation nos. 2, 4, 5, 6, 7, 8, and 9.</p> <p><b>PWS:</b></p> <ol style="list-style-type: none"> <li>Failed to obtain written approval from the Executive Director of plans and specifications of the start-up of a new public water system [30 TEX. ADMIN. CODE §§ 290.39(h)(1) and 290.46(a)].</li> <li>Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions [30 TEX. ADMIN. CODE § 290.42(e)(3)].</li> <li>Failed to employ a water operator with a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A)].</li> <li>Failed to provide a flow-measuring device for the well to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</li> <li>Failed to provide a well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</li> </ol>	<p><b>Total Assessed:</b> \$5,070</p> <p><b>Total Deferred:</b> \$1,470  <input type="checkbox"/> Expedited Order  <input checked="" type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$200/\$3,400</p> <p>The Respondent paid \$200 of the undeferred administrative penalty. The remaining amount of \$3,400 shall be payable in 34 monthly payments of \$100 each.</p> <p><b>Site Compliance History Classification:</b> N/A</p> <p><b>Person Compliance History Classification:</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b> Three or more NOV's over the past five-year period for the same violation (violation 10).</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent performed the following corrective actions at the Facility:</p> <ol style="list-style-type: none"> <li>As of May 18, 2009, installed disinfection equipment so that continuous and effective disinfection is secured under all conditions (violation 2);</li> <li>As of May 27, 2009, provided a minimum pressure tank capacity of 220 gallons (violation 9);</li> <li>As of May 27, 2009, provided a flow-measuring device for the Facility's well (violation 4);</li> <li>As of May 18, 2009, provided the Facility's well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions (violation 5);</li> <li>As of May 27, 2009, provided the Facility's well with a well casing vent with an opening that is covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and located as to minimize the drawing of contaminants into the well (violation 6);</li> <li>As of May 27, 2009, provided the Facility's well with a suitable sampling cock on the discharge pipe (violation 7); and</li> <li>As of May 18, 2009, provided an intruder-resistant fence or lockable building to protect the Facility's well (violation 8).</li> </ol> <p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Immediately, begin operating the water system under the direct supervision of a water operator who holds a Class "D" or higher license.</li> <li>Within 45 days, submit written certification to demonstrate compliance with Ordering Provision 1.</li> <li>Within 120 days, submit "as-built" plans and specifications for the water system that describe the existing facilities as well as any proposed modifications which are necessary to bring the Facility into compliance that are prepared by a registered professional engineer well versed in the design and construction of public water systems.</li> </ol>

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p>6. Failed to provide a well casing vent with an opening that is covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and located as to minimize the drawing of contaminants into the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p> <p>7. Failed to provide a suitable sampling cock on the discharge pipe of the well [30 TEX. ADMIN. CODE § 290.41(c)(3)(M)].</p> <p>8. Failed to provide an intruder-resistant fence or lockable building to protect the Facility's well [30 TEX. ADMIN. CODE 290.41(c)(3)(O)].</p> <p>9. Failed to provide a minimum pressure tank capacity of 220 gallons [30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii)].</p> <p>10. Failed to collect routine coliform samples for the months of May through October 2008, and failed to provide public notification of the failure to sample for the months of May through October 2008 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and TEX. HEALTH &amp; SAFETY CODE § 341.033(d)].</p>		<p>4. Within 135 days, submit written certification to demonstrate compliance with Ordering Provision 3.</p> <p>5. Within 180 days, comply with the coliform monitoring requirements and provide water that meets the provisions regarding microbial contaminants.</p> <p>6. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision 5.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	1-Dec-2008			
	<b>PCW</b>	8-Dec-2008	<b>Screening</b>	4-Dec-2008	<b>EPA Due</b> 1-Jun-2009

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	First Baptist Church of Jonestown, Texas				
<b>Reg. Ent. Ref. No.</b>	RN105518724				
<b>Facility/Site Region</b>	11-Austin	<b>Major/Minor Source</b>	Minor		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	36892	<b>No. of Violations</b>	10		
<b>Docket No.</b>	2008-1880-PWS-E	<b>Order Type</b>	Findings		
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Stephen Thompson		
		<b>EC's Team</b>	Enforcement Team 2		
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$3,900</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	30.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$1,170</b>
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Notes: Penalty enhancement is due to six Notices of Violation that contain violations that are the same as those contained in the current enforcement action.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$1,014  
 Approx. Cost of Compliance: \$11,335  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$5,070</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$5,070**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$5,070</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$5,070</b>
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**Screening Date** 4-Dec-2008

**Docket No.** 2008-1880-PWS-E

**PCW**

**Respondent** First Baptist Church of Jonestown, Texas

*Policy Revision 2 (September 2002)*

**Case ID No.** 36892

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN105518724

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Stephen 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> )	6	30%
	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 judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were 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)** 30%

**>> 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**

Penalty enhancement is due to six Notices of Violation that contain violations that are the same as those contained in the current enforcement action.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 30%

**Screening Date** 4-Dec-2008 **Docket No.** 2008-1880-PWS-E **PCW**  
**Respondent** First Baptist Church of Jonestown, Texas *Policy Revision 2 (September 2002)*  
**Case ID No.** 36892 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105518724  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.39(h)(1) and 290.46(a)  
**Violation Description** Failed to obtain written approval from the Executive Director of plans and specifications of the start-up of a new public water system.

**Base Penalty** \$1,000

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

OR	<b>Harm</b>			<b>Percent</b> 0%	
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>		<b>Minor</b>
	Actual				
Potential					

**>> Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	<b>Percent</b> 10%
		x			

**Matrix Notes** 100% of the rule requirement was not met.

**Adjustment** \$900

\$100

**Violation Events**

Number of Violation Events 1 31 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

**Violation Base Penalty** \$100

One single event is recommended.

**Good Faith Efforts to Comply** 0.0% Reduction Before NOV NOV to EDP/PP/ 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** \$100

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

**Estimated EB Amount** \$159 **Violation Final Penalty Total** \$130

**This violation Final Assessed Penalty (adjusted for limits)** \$130

## Economic Benefit Worksheet

**Respondent** First Baptist Church of Jonestown, Texas

**Case ID No.** 36892

**Reg. Ent. Reference No.** RN105518724

**Media** Public Water Supply

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	3-Nov-2008	1-Oct-2009	0.91	\$8	\$152	\$159
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

The delayed costs include the amount to have a professional engineer prepare and submit plans and specifications to the TCEQ for review and approval. Calculated from the date of the investigation to the estimated 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	\$2,500	<b>TOTAL</b>	\$159
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**Screening Date** 4-Dec-2008 **Docket No.** 2008-1880-PWS-E **PCW**  
**Respondent** First Baptist Church of Jonestown, Texas *Policy Revision 2 (September 2002)*  
**Case ID No.** 36892 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105518724  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.42(e)(3)  
**Violation Description** Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions.

**Base Penalty** \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Failure to provide disinfection equipment could expose consumers to a significant amount of contaminants which would exceed levels protective of human health.

**Adjustment** \$750

\$250

**Violation Events**

Number of Violation Events 2 31 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$500

Two monthly events are recommended, calculated from the date of the investigation, November 3, 2008 to the date of screening, December 4, 2008.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$500

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

**Estimated EB Amount** \$15 **Violation Final Penalty Total** \$650

**This violation Final Assessed Penalty (adjusted for limits)** \$650

## Economic Benefit Worksheet

**Respondent** First Baptist Church of Jonestown, Texas

**Case ID No.** 36892

**Reg. Ent. Reference No.** RN105518724

**Media** Public Water Supply

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$335	3-Nov-2008	1-Jul-2009	0.66	\$1	\$15	\$15
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

The delayed costs includes the amount to install disinfection equipment. Calculated from the date of the investigation to the estimated 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 \$335

**TOTAL** \$15

**Screening Date** 4-Dec-2008 **Docket No.** 2008-1880-PWS-E **PCW**  
**Respondent** First Baptist Church of Jonestown, Texas *Policy Revision 2 (September 2002)*  
**Case ID No.** 36892 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105518724  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.46(e)(4)(A)  
**Violation Description** Failed to employ a water operator with a Class "D" or higher license.

**Base Penalty** \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					25%
Potential	x				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Failure to employ a licensed operator could lead to improper maintenance and operation of the Facility and expose the consumers to significant amounts of contaminants which would exceed levels protective of human health.

**Adjustment** \$750

\$250

**Violation Events**

Number of Violation Events 2 31 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$500

Two monthly events are recommended, calculated from the date of the investigation, November 3, 2008, to the date of screening, December 4, 2008.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$500

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

Estimated EB Amount \$556 Violation Final Penalty Total \$650

**This violation Final Assessed Penalty (adjusted for limits)** \$650

## Economic Benefit Worksheet

**Respondent** First Baptist Church of Jonestown, Texas

**Case ID No.** 36892

**Reg. Ent. Reference No.** RN105518724

**Media** Public Water Supply

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)				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	\$6,240	3-Nov-2008	4-Dec-2008	0.08	\$26	\$530	\$556
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

The avoided costs include the amount to employ a properly licensed water operator, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$6,240

**TOTAL** \$556

**Screening Date** 4-Dec-2008 **Docket No.** 2008-1880-PWS-E **PCW**  
**Respondent** First Baptist Church of Jonestown, Texas *Policy Revision 2 (September 2002)*  
**Case ID No.** 36892 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105518724  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(N)  
**Violation Description** Failed to provide a flow-measuring device for the well to measure production yields and provide for the accumulation of water production data.

**Base Penalty** \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5%
Potential			x		

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Failure to provide a well meter could lead to incorrect water usage calculations which could lead to water shortages thereby exposing consumers to insignificant amounts of contaminants which would not exceed levels protective of human health.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events 1 31 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$50

One single event is recommended.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$50

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

**Estimated EB Amount** \$7 **Violation Final Penalty Total** \$65

**This violation Final Assessed Penalty (adjusted for limits)** \$65

## Economic Benefit Worksheet

**Respondent** First Baptist Church of Jonestown, Texas

**Case ID No.** 36892

**Reg. Ent. Reference No.** RN105518724

**Media** Public Water Supply

**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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	\$115	3-Nov-2008	1-Oct-2009	0.91	\$0	\$7	\$7
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

The delayed costs include the amount to install a well meter, calculated from the date of the investigation to the estimated 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 \$115

**TOTAL** \$7

**Screening Date** 4-Dec-2008 **Docket No.** 2008-1880-PWS-E **PCW**  
**Respondent** First Baptist Church of Jonestown, Texas *Policy Revision 2 (September 2002)*  
**Case ID No.** 36892 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105518724  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number** 5

**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(J)

**Violation Description** Failed to provide the well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions. Specifically, at the time of the investigation, it was documented that the well did not have a sealing block.

**Base Penalty** \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Failure to provide the well with a concrete sealing block could expose consumers to significant amounts of contaminants which would exceed levels protective of human health.

**Adjustment** \$750

\$250

**Violation Events**

Number of Violation Events 2 31 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$500

Two monthly events are recommended, calculated from the date of the investigation, November 3, 2008, to the date of screening, December 4, 2008.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$500

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

**Estimated EB Amount** \$32 **Violation Final Penalty Total** \$650

**This violation Final Assessed Penalty (adjusted for limits)** \$650

## Economic Benefit Worksheet

**Respondent** First Baptist Church of Jonestown, Texas

**Case ID No.** 36892

**Reg. Ent. Reference No.** RN105518724

**Media** Public Water Supply

**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
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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	\$500	3-Nov-2008	1-Oct-2009	0.91	\$2	\$30	\$32
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

The delayed costs include the amount to provide the well with a concrete sealing block, calculated from the date of the investigation to the estimated 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 \$500

**TOTAL** \$32

**Screening Date** 4-Dec-2008 **Docket No.** 2008-1880-PWS-E **PCW**  
**Respondent** First Baptist Church of Jonestown, Texas *Policy Revision 2 (September 2002)*  
**Case ID No.** 36892 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105518724  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number** 6  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(K)  
**Violation Description** Failed to provide a well casing vent with an opening that is covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and located as to minimize the drawing of contaminants into the well. Specifically, at the time of the investigation, it was documented that the well did not have a well casing vent.

**Base Penalty** \$1,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Failure to provide the Facility with a well casing vent could lead to pressure buildups inside the well casing leading to damage of the well which could expose consumers to significant amounts of contaminants which would not exceed levels protective of human health.

**Adjustment** \$900

\$100

**Violation Events**

Number of Violation Events 1 31 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$100

One quarterly event is recommended, calculated from the date of the investigation, November 3, 2008, to the date of screening, December 4, 2008.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$100

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

Estimated EB Amount \$6 Violation Final Penalty Total \$130

**This violation Final Assessed Penalty (adjusted for limits)** \$130

## Economic Benefit Worksheet

**Respondent** First Baptist Church of Jonestown, Texas

**Case ID No.** 36892

**Reg. Ent. Reference No.** RN105518724

**Media** Public Water Supply

**Violation No.** 6

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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No commas or \$

### Delayed Costs

Equipment	\$100	3-Nov-2008	1-Oct-2009	0.91	\$0	\$6	\$6
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

The delayed costs include the amount to install a well casing vent, calculated from the date of the investigation to the estimated 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 \$100

**TOTAL** \$6

**Screening Date** 4-Dec-2008 **Docket No.** 2008-1880-PWS-E **PCW**  
**Respondent** First Baptist Church of Jonestown, Texas *Policy Revision 2 (September 2002)*  
**Case ID No.** 36892 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105518724  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number** 7  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(M)  
**Violation Description** Failed to provide a suitable sampling cock on the discharge pipe of the well.

**Base Penalty** \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5%
Potential				x	

**>> Programmatic Matrix**

OR	Falsification	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

**Matrix Notes** Failure to provide a suitable sampling tap hinders the ability to take a proper raw water sample and could expose consumers to insignificant amounts of contaminants which would not exceed levels protective of human health.

**Adjustment** \$950

\$50

**Violation Events**

1 31 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$50

One single event is recommended.

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

	0.0% Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$50

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

**Estimated EB Amount** \$3 **Violation Final Penalty Total** \$65

**This violation Final Assessed Penalty (adjusted for limits)** \$65

## Economic Benefit Worksheet

**Respondent** First Baptist Church of Jonestown, Texas

**Case ID No.** 36892

**Reg. Ent. Reference No.** RN105518724

**Media** Public Water Supply

**Violation No.** 7

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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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	\$50	3-Nov-2008	1-Oct-2009	0.91	\$0	\$3	\$3
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

The delayed costs include the amount to provide a sampling tap on the well discharge line, calculated from the date of the investigation to the estimated 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** \$3

**Screening Date** 4-Dec-2008 **Docket No.** 2008-1880-PWS-E **PCW**  
**Respondent** First Baptist Church of Jonestown, Texas *Policy Revision 2 (September 2002)*  
**Case ID No.** 36892 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105518724  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number** 8  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(O)  
**Violation Description** Failed to provide an intruder-resistant fence or lockable building to protect the Facility's well.

**Base Penalty** \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					25%
Potential	x				

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Failure to provide the well with an intruder-resistant fence could lead to unauthorized access and vandalism which could expose consumers to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$750

\$250

**Violation Events**

2      31 Number of violation days  
 mark only one with an x  
 daily   
 weekly   
 monthly   
 quarterly   
 semiannual   
 annual   
 single event

**Violation Base Penalty** \$500

Two monthly events are recommended, calculated from the date of the investigation, November 3, 2008, to the date of screening, December 4, 2008.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$500

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

**Estimated EB Amount** \$32      **Violation Final Penalty Total** \$650

**This violation Final Assessed Penalty (adjusted for limits)** \$650

## Economic Benefit Worksheet

**Respondent** First Baptist Church of Jonestown, Texas

**Case ID No.** 36892

**Reg. Ent. Reference No.** RN105518724

**Media** Public Water Supply

**Violation No.** 8

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)	\$500	3-Nov-2008	1-Oct-2009	0.91	\$2	\$30	\$32
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

The delayed costs include the amount to install an intruder-resistant fence around the well, calculated from the date of the investigation to the estimated 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

**TOTAL**

**Screening Date** 4-Dec-2008 **Docket No.** 2008-1880-PWS-E **PCW**  
**Respondent** First Baptist Church of Jonestown, Texas *Policy Revision 2 (September 2002)*  
**Case ID No.** 36892 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105518724  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number** 9  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(d)(2)(A)(ii)  
**Violation Description** Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, at the time of the investigation, it was noted that the Facility is currently providing a pressure tank capacity of 124 gallons, which is a 44% deficiency.

**Base Penalty** \$1,000

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

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

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to provide the Facility with adequate pressure tank capacity could lead to water shortages and expose consumers to significant amounts of contaminants which would not exceed levels protective of human health.

**Adjustment** \$900

\$100

**Violation Events**

Number of Violation Events 1 31 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$100

One quarterly event is recommended, calculated from the date of the investigation, November 3, 2008, to the date of screening, December 4, 2008.

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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$100

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

Estimated EB Amount \$44 Violation Final Penalty Total \$130

**This violation Final Assessed Penalty (adjusted for limits)** \$130

## Economic Benefit Worksheet

**Respondent** First Baptist Church of Jonestown, Texas

**Case ID No.** 36892

**Reg. Ent. Reference No.** RN105518724

**Media** Public Water Supply

**Violation No.** 9

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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No commas or \$

### Delayed Costs

Equipment	\$695	3-Nov-2008	1-Oct-2009	0.91	\$2	\$42	\$44
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

The delayed costs include the amount to increase the Facility's pressure tank capacity to a minimum of 220 gallons, calculated from the date of the investigation to the estimated 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 \$695

**TOTAL** \$44

**Screening Date** 4-Dec-2008 **Docket No.** 2008-1880-PWS-E **PCW**  
**Respondent** First Baptist Church of Jonestown, Texas *Policy Revision 2 (September 2002)*  
**Case ID No.** 36892 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105518724  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Stephen Thompson

**Violation Number** 10  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and Tex. Health & Safety Code § 341.033(d)  
**Violation Description** Failed to collect routine coliform samples for the months of May through October 2008 and failed to provide public notification of the failure to sample for the months of May through October 2008.

**Base Penalty** \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					25%
Potential	x				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Failure to perform routine bacteriological sampling could result in the public being exposed to a significant amount of undetected contaminants in the drinking water which could exceed levels protective of human health.

**Adjustment** \$750

\$250

**Violation Events**

Number of Violation Events 6 183 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$1,500

Six monthly events are recommended for the months during which no routine sampling was conducted nor any public notification provided to consumers.

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

	0.0% Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$1,500

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

**Estimated EB Amount** \$158 **Violation Final Penalty Total** \$1,950

**This violation Final Assessed Penalty (adjusted for limits)** \$1,950

## Economic Benefit Worksheet

**Respondent** First Baptist Church of Jonestown, Texas

**Case ID No.** 36892

**Reg. Ent. Reference No.** RN105518724

**Media** Public Water Supply

**Violation No.** 10

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)				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	\$300	1-May-2008	31-Oct-2008	0.50	\$8	\$150	\$158
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

The avoided costs include the amount necessary to perform routine monthly bacteriological sampling as well as provide public notification of the failure to sample, calculated for the months during which no routine sampling occurred and public notice should have been provided to the consumers.

Approx. Cost of Compliance \$300

**TOTAL** \$158

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN603357849	First Baptist Church of Jonestown, Texas	Classification:	Rating:
Regulated Entity:	RN105518724	FIRST FRUITS CHRISTIAN ACADEMY	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	2270389
Location:	19100 FM 1431, TRAVIS COUNTY, TX			
TCEQ Region:	REGION 11 - AUSTIN			
Date Compliance History Prepared:	January 06, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 06, 2004 to January 06, 2009			

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

Name: Stephen Thompson Phone: (512) 239-2558

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

- |   |            |          |
|---|------------|----------|
| 1 | 11/25/2008 | (707165) |
| 2 | 12/19/2008 | (721953) |
| 3 | 12/22/2008 | (721972) |
| 4 | 12/22/2008 | (721974) |
| 5 | 12/22/2008 | (721979) |
| 6 | 12/22/2008 | (721982) |
| 7 | 12/22/2008 | (721987) |
| 8 | 12/23/2008 | (722068) |

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

Date:	09/03/2008 (721974)	<b>CN603357849</b>
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)	
Description:	TCR Routine Monitoring Violation 07/2008 - Failure to collect any routine monitoring sample(s).	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)	
Description:	TCR PN Routine Monitoring Violation 07/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).	
Date:	10/10/2008 (721979)	<b>CN603357849</b>

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 Description: TCR Routine Monitoring Violation 08/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
 Description: TCR PN Routine Monitoring Violation 08/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 11/19/2008 (721982) CN603357849  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 Description: TCR Routine Monitoring Violation 09/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
 Description: TCR PN Routine Monitoring Violation 09/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 12/09/2008 (721987) CN603357849  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 Description: TCR Routine Monitoring Violation 10/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
 Description: TCR PN Routine Monitoring Violation 10/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 12/22/2008 (721972) CN603357849  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 Description: TCR Routine Monitoring Violation 06/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
 Description: TCR PN Routine Monitoring Violation 06/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

Date: 12/22/2008 (721953) CN603357849  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 Description: TCR Routine Monitoring Violation 05/2008 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
 Description: TCR PN Routine Monitoring Violation 05/2008 - Failure to post public notice for not collecting any routine monitoring sample(s).

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  
FIRST BAPTIST CHURCH OF  
JONESTOWN, TEXAS;  
RN105518724**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2008-1880-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 First Baptist Church of Jonestown, Texas ("FBC") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and FBC, presented this agreement to the Commission.

FBC 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, FBC 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 FBC.

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

**FINDINGS OF FACT**

1. FBC owns and operates a public water supply at 19100 Farm-to-Market Road 1431 in Jonestown, Travis County, Texas (the "Facility").
2. The Facility provides water for human consumption, has two 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(63).
3. During an investigation conducted on November 3, 2008, a TCEQ Austin Regional Office investigator documented that FBC:
    - a. Failed to obtain written approval from the Executive Director of plans and specifications of the start-up of a new public water system;
    - b. Failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions;
    - c. Failed to employ a water operator with a Class "D" or higher license;
    - d. Failed to provide a flow-measuring device for the well to measure production yields and provide for the accumulation of water production data;
    - e. Failed to provide the well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions. Specifically, at the time of the investigation, it was documented that the well did not have a sealing block;
    - f. Failed to provide a well casing vent with an opening that is covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and located as to minimize the drawing of contaminants into the well. Specifically, at the time of the investigation, it was documented that the well did not have a well casing vent;
    - g. Failed to provide a suitable sampling cock on the discharge pipe of the well;
    - h. Failed to provide an intruder-resistant fence or lockable building to protect the Facility's well;
    - i. Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, at the time of the investigation, it was noted that the Facility is currently providing a pressure tank capacity of 124 gallons, which is a 44% deficiency.
  4. During a record review conducted on November 1, 2008, a TCEQ Austin Regional Office investigator documented that FBC failed to collect routine coliform samples for the months of May through October 2008 and failed to provide public notification of the failure to sample for the months of May through October 2008.
  5. FBC received notice of the violations on or about November 30 and December 28, 2008.

6. The Executive Director recognizes that FBC implemented the following corrective measures at the Facility in response to this enforcement action:
  - a. As of May 18, 2009, installed disinfection equipment so that continuous and effective disinfection is secured under all conditions;
  - b. As of May 27, 2009, provided a minimum pressure tank capacity of 220 gallons;
  - c. As of May 27, 2009, provided a flow-measuring device for the Facility's well;
  - d. As of May 18, 2009, provided the Facility's well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions;
  - e. As of May 27, 2009, provided the Facility's well with a well casing vent with an opening that is covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and located as to minimize the drawing of contaminants into the well;
  - f. As of May 27, 2009, provided the Facility's well with a suitable sampling cock on the discharge pipe; and
  - g. As of May 18, 2009, provided a lockable building to protect the Facility's well.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, FBC 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.a., FBC failed to obtain written approval from the Executive Director of plans and specifications of the start-up of a new public water system, in violation of 30 TEX. ADMIN. CODE §§ 290.39(h)(1) and 290.46(a).
3. As evidenced by Finding of Fact No. 3.b., FBC failed to provide disinfection equipment so that continuous and effective disinfection can be secured under all conditions, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3).
4. As evidenced by Finding of Fact No. 3.c., FBC failed to employ a water operator with a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A).

5. As evidenced by Finding of Fact No. 3.d., FBC failed to provide a flow-measuring device for the well to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N).
6. As evidenced by Finding of Fact No. 3.e., FBC failed to provide a well with a concrete sealing block extending a minimum of three feet from the exterior well casing in all directions, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J).
7. As evidenced by Finding of Fact No. 3.f., FBC failed to provide a well casing vent with an opening that is covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and located as to minimize the drawing of contaminants into the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
8. As evidenced by Finding of Fact No. 3.g., FBC failed to provide a suitable sampling cock on the discharge pipe of the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(M).
9. As evidenced by Finding of Fact No. 3.h., FBC failed to provide an intruder-resistant fence or lockable building to protect the Facility's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O).
10. As evidenced by Finding of Fact No. 3.i., FBC failed to provide a minimum pressure tank capacity of 220 gallons, in violation of 30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii).
11. As evidenced by Finding of Fact No. 4, FBC failed to collect routine coliform samples for the months of May through October 2008 and failed to provide public notification of the failure to sample for the months of May through October 2008, 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).
12. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against FBC 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.
13. An administrative penalty in the amount of five thousand seventy dollars (\$5,070.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE ch. 341. The Financial Assurance Section of the Commission's Financial Administration Division reviewed the financial documentation submitted by FBC and determined that FBC is unable to pay part of the administrative penalty. Therefore, one thousand four hundred seventy dollars (\$1,470.00) of the

administrative penalty is deferred contingent upon FBC'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 FBC fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require FBC to pay all or part of the deferred penalty.

FBC paid two hundred dollars (\$200.00) of the undeferred administrative penalty. The remaining amount of three thousand four hundred dollars (\$3,400.00) shall be payable in 34 monthly payments of one hundred dollars (\$100.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If FBC fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the acceleration of any remaining balance constitutes the failure by FBC to timely and satisfactorily comply with all the terms of this Agreed Order and the Executive Director may demand payment of any deferred penalty amount.

### **ORDERING PROVISIONS**

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

1. FBC is assessed an administrative penalty in the amount of five thousand seventy dollars (\$5,070.00) as set forth in Conclusion of Law No. 13 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and FBC'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: First Baptist Church of Jonestown, Texas; Docket No. 2008-1880-PWS-E" to:

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

2. FBC shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, FBC shall begin operating the water system under the direct supervision of a water operator who holds a Class "D" or higher license, as required by 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 45 days after the effective date of this Agreed Order, FBC shall submit written certification, as detailed in Ordering Provision No. 2.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with ordering Provision No. 2.a.
  - c. Within 120 days after the effective date of this Agreed Order, FBC shall submit "as-built" plans and specifications for the water system that describe the existing facilities as well as any proposed modifications which are necessary to bring the Facility into compliance that are prepared by a registered professional engineer well versed in the design and construction of public water systems, as required by 30 TEX. ADMIN. CODE § 290.39. The plans shall be submitted to:  

Water Supply Division  
Utility Creation & Plan Review Team, MC 153  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087
  - d. Within 135 days after the effective date of this Agreed Order, FBC shall submit written certification, as detailed in Ordering Provision No. 2.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with ordering Provision No. 2.c.
  - e. Within 180 days after the effective date of this Agreed Order, FBC shall comply with the coliform monitoring requirements and provide water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109.

- f. Within 195 days after the effective date of this Agreed Order, FBC shall submit written certification as detailed in Ordering Provision No. 2.g. below and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. The certifications required by Ordering Provision Nos. 2.b., 2.d., and 2.f. shall include detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance. 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.”

FBC shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a., 2.c., and 2.e. to:

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

and

Carolyn Runyon, Water Section Manager  
Texas Commission on Environmental Quality  
Austin Regional Office  
2800 S. IH-35, Suite 100  
Austin, Texas 78704-5712

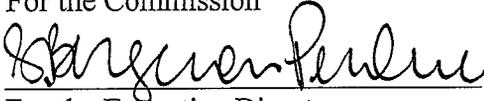
- 3. The provisions of this Agreed Order shall apply to and be binding upon FBC. FBC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. 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 FBC shall be made in writing to the Executive Director. Extensions are not effective until FBC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to FBC if the Executive Director determines that FBC has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against FBC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of this Agreed Order to FBC, or three days after the date on which the Commission mails notice of this Agreed Order to FBC, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/22/09

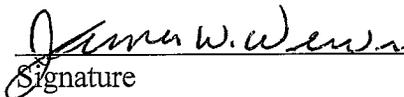
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of First Baptist Church of Jonestown, Texas. I represent that I am authorized to agree to the attached Agreed Order on behalf of First Baptist Church of Jonestown, Texas, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on FBC's compliance history;
- Greater scrutiny of any permit applications submitted by FBC;
- 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 FBC;
- 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.

  
Signature

10/20/09  
Date

JAMES W. WEAVER  
Name (printed or typed)  
Authorized Representative  
First Baptist Church of Jonestown, Texas

Director  
Title