

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 48082  
BAY RIDGE CHRISTIAN COLLEGE  
RN101221935  
Docket No. 2014-0015-PWS-E

**Order Type:**

Default Order

**Media:**

Public Water Supply

**Small Business:**

N/A

**Location(s) Where Violation(s) Occurred:**

3626 Farm-to-Market Road 2919, Kendleton, Fort Bend County

**Type of Operation:**

public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: \$ 440.99 (Account No. 90790077)

Other: On June 30, 2014, Respondent filed a petition for bankruptcy relief pursuant to U.S.C. Ch. 11. So long as Respondent's bankruptcy proceedings are pending and/or until relief from the automatic stay is granted, the TCEQ will not seek to execute upon any monetary judgment obtained without first approaching the United States Bankruptcy Court where Respondent's bankruptcy case is pending, as necessary, after consultation with the Office of the Attorney General of the State of Texas.

Interested Third-Parties: None

**Texas Register Publication Date:** October 24, 2014

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$780

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$780

**Compliance History Classifications:**

Person/CN –N/A

Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2011

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** December 2, 2013  
**Date(s) of NOV(s):** January 9, 2013; April 25, 2013; June 14, 2013; November 21, 2013  
**Date(s) of NOE(s):** December 11, 2013

**Violation Information**

1. Failed to collect annual nitrate samples and provide the results to the Executive Director [30 TEX. ADMIN. CODE § 290.106(c) and (e)].
2. Failed to collect the triennial synthetic organic chemical contaminants (method 5) samples and provide the results to the Executive Director [30 TEX. ADMIN. CODE § 290.107(c)(1) and (e)].
3. Failed to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive result on a routine sample, and failed to provide public notification regarding the failure to sample raw groundwater sources [30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2)(A)].
4. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer, and failed to submit to the TCEQ a copy of the annual CCR and certification that the CCR had been distributed to the customers of the Facility and that the information in the CCR was correct and consistent with the compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
5. Failed to pay all annual Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 90790077 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

The Facility was deactivated on June 1, 2013.

**Technical Requirements:**

None

**Litigation Information**

**Date Petition(s) Filed:** May 28, 2014; July 15, 2014; September 2, 2014 (EDFARP)  
**Date Green Card(s) Signed:** Unclaimed; July 17, 2014; September 4, 2014  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Jake Marx, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Garrett Arthur, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Jim Fisher, Enforcement Division, 512-239-2537

**TCEQ Regional Contact:** Steve Smith, Houston Regional Office, 713-767-3500

**Respondent Contact:** Lorenzo Butler, Director, BAY RIDGE CHRISTIAN COLLEGE, 3906 Daphne Street, Houston, Texas 77021

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

<b>DATES</b>	<b>Assigned</b>	16-Dec-2013			
	<b>PCW</b>	22-Apr-2014	<b>Screening</b>	23-Dec-2013	<b>EPA Due</b> 31-Mar-2013

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	BAY RIDGE CHRISTIAN COLLEGE				
<b>Reg. Ent. Ref. No.</b>	RN101221935				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48082	<b>No. of Violations</b>	5
<b>Docket No.</b>	2014-0015-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Jim Fisher
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$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.

**20.0%**    0    **0**   

<b>Notes</b>	Enhancement for four NOVs with same/similar violations.
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**Culpability**     **0.0%** Enhancement    **Subtotal 4**

<b>Notes</b>	The Respondent does not meet the culpability criteria.
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**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**    **0.0%** Enhancement\*    **Subtotal 6**

Total EB Amounts	\$528	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$455	

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**        **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**        Reduction    **Adjustment**

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

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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**PAYABLE PENALTY**

**Screening Date** 23-Dec-2013

**Docket No.** 2014-0015-PWS-E

**PCW**

**Respondent** BAY RIDGE CHRISTIAN COLLEGE

*Policy Revision 3 (September 2011)*

**Case ID No.** 48082

*PCW Revision August 3, 2011*

**Reg. Ent. Reference No.** RN101221935

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Jim Fisher

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	4	20%
	Other written NOVs	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%
	100% of the rule requirements were not met.	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)** 20%

**>> 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**

Enhancement for four NOVs with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 20%

Screening Date 23-Dec-2013

Docket No. 2014-0015-PWS-E

PCW

Respondent BAY RIDGE CHRISTIAN COLLEGE

Policy Revision 3 (September 2011)

Case ID No. 48082

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101221935

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.106(c) and (e)

Violation Description

Failed to collect annual nitrate samples and provide the results to the Executive Director for the 2011 and 2012 monitoring periods.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 2

730 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$300

Two annual events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/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 \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$57

Violation Final Penalty Total \$360

This violation Final Assessed Penalty (adjusted for limits) \$360

# Economic Benefit Worksheet

**Respondent** BAY RIDGE CHRISTIAN COLLEGE  
**Case ID No.** 48082  
**Reg. Ent. Reference No.** RN101221935  
**Media Violation No.** Public Water Supply  
 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$50	1-Jan-2011	31-Dec-2012	2.92	\$7	\$50	\$57

Notes for AVOIDED costs

The avoided cost is the estimated amount to collect and have analyzed chemical analysis samples (\$25 per sample for nitrates x 2 samples), calculated for the period when samples were required.

Approx. Cost of Compliance \$50

**TOTAL** \$57

Screening Date 23-Dec-2013

Docket No. 2014-0015-PWS-E

PCW

Respondent BAY RIDGE CHRISTIAN COLLEGE

Policy Revision 3 (September 2011)

Case ID No. 48082

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101221935

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.107(c)(1) and (e)

Violation Description

Failed to collect the triennial synthetic organic chemical ("SOC") contaminants (method 5) samples and provide the results to the Executive Director for the January 1, 2010 through December 31, 2012 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

1095 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$359

Violation Final Penalty Total \$180

This violation Final Assessed Penalty (adjusted for limits) \$180

## Economic Benefit Worksheet

**Respondent** BAY RIDGE CHRISTIAN COLLEGE  
**Case ID No.** 48082  
**Reg. Ent. Reference No.** RN101221935  
**Media Violation No.** Public Water Supply  
 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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				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)	\$300	1-Jan-2010	31-Dec-2012	3.92	\$59	\$300	\$359

Notes for AVOIDED costs

The avoided cost is the estimated amount to collect and have analyzed chemical analysis samples (\$300 per sample for SOC contaminants), calculated for the period when samples were required.

Approx. Cost of Compliance \$300

**TOTAL** \$359

Screening Date 23-Dec-2013

Docket No. 2014-0015-PWS-E

PCW

Respondent BAY RIDGE CHRISTIAN COLLEGE

Policy Revision 3 (September 2011)

Case ID No. 48082

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101221935

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 290.109(c)(4)(B) and 290.122(c)(2)(A)

Violation Description

Failed to collect one raw groundwater source Escherichia coli sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive result on a routine sample during the month of September 2012, and failed to provide public notification regarding the failure to sample raw groundwater sources for the month of September 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

100% of the rule requirements were not met.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

30 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$150

One monthly 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 \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$51

Violation Final Penalty Total \$180

This violation Final Assessed Penalty (adjusted for limits) \$180

## Economic Benefit Worksheet

**Respondent** BAY RIDGE CHRISTIAN COLLEGE  
**Case ID No.** 48082  
**Reg. Ent. Reference No.** RN101221935  
**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
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				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]	\$25	7-Sep-2012	8-Sep-2012	0.00	\$0	\$25	\$25
Other (as needed)	\$25	8-Sep-2012	8-Dec-2012	1.17	\$1	\$25	\$26

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct triggered source monitoring of the drinking water, calculated for the 24-hour period after the coliform-positive result. The other avoided cost includes the estimated amount to timely prepare and submit the required public notification (\$25 per notification), calculated for the time frame in which public notification should have been provided.

Approx. Cost of Compliance \$50

**TOTAL** \$51

**Screening Date** 23-Dec-2013 **Docket No.** 2014-0015-PWS-E **PCW**  
**Respondent** BAY RIDGE CHRISTIAN COLLEGE *Policy Revision 3 (September 2011)*  
**Case ID No.** 48082 *PCW Revision August 3, 2011*  
**Reg. Ent. Reference No.** RN101221935  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Jim Fisher

**Violation Number**

**Rule Cite(s)**

**Violation Description** Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCR to bill paying customers nor did the Respondent submit the CCR or required certification to the TCEQ for the year 2011.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input checked="" type="text" value="x"/>
single event	<input type="text"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

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

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** BAY RIDGE CHRISTIAN COLLEGE  
**Case ID No.** 48082  
**Reg. Ent. Reference No.** RN101221935  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description**   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				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]	\$55	1-Jul-2012	1-Jun-2013	1.84	\$5	\$55	\$60
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2011 CCR to the customers of the Facility and to TCEQ (\$0.50 x 10 connections + \$50 for 1 year), calculated from the due date of the 2011 CCR to the inactivation date.

Approx. Cost of Compliance \$55

**TOTAL** \$60

Screening Date 23-Dec-2013

Docket No. 2014-0015-PWS-E

PCW

Respondent BAY RIDGE CHRISTIAN COLLEGE

Policy Revision 3 (September 2011)

Case ID No. 48082

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101221935

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702

Violation Description

Failed to pay all annual Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 90790077 for Fiscal Years 2011 through 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

N/A

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

0.0% Reduction

\$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 \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

# Economic Benefit Worksheet

**Respondent** BAY RIDGE CHRISTIAN COLLEGE  
**Case ID No.** 48082  
**Reg. Ent. Reference No.** RN101221935  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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	N/A						

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	N/A						

Approx. Cost of Compliance \$0

**TOTAL** \$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600663207, RN101221935, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600663207, BAY RIDGE CHRISTIAN COLLEGE      **Classification:** N/A      **Rating:** N/A

**Regulated Entity:** RN101221935, BAY RIDGE CHRISTIAN COLLEGE      **Classification:** N/A      **Rating:** N/A

**Complexity Points:** N/A      **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 3626 FARM TO MARKET ROAD 2919, FORT BEND COUNTY, TEXAS

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):** PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0790077

**Compliance History Period:** September 01, 2008 to August 31, 2013      **Rating Year:** 2013      **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** December 23, 2013

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 23, 2008 to December 23, 2013

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Jim Fisher      **Phone:** (512) 239-2537

## Site and Owner/Operator History:

- 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/operator of the site during the compliance period?      NO
- 3) If **YES** for #2, who is the current owner/operator?      N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)?      N/A
- 5) If **YES**, when did the change(s) in owner or operator occur?      N/A

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

Item 1      July 29, 2010      (829808)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1**      **Date:** 01/09/2013 (1138429)      **CN600663207**  
Self Report?      NO      Classification:      Moderate  
Citation:      30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)  
30 TAC Chapter 290, SubChapter F 290.109(e)  
Description:      GWR Triggered Source MR Violation 09/2012 - Failure to collect and/or report a triggered source monitoring sample following a coliform found result for 1 source within the required timeline.
- 2**      **Date:** 04/25/2013 (1138429)      **CN600663207**  
Self Report?      NO      Classification:      Moderate  
Citation:      30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description:      SEP 2012 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 09/2012.
- 3**      **Date:** 06/14/2013 (1138429)      **CN600663207**  
Self Report?      NO      Classification:      Moderate  
Citation:      30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)  
Description:      CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

4

**Date:** 11/21/2013 (1138429)

**CN600663207**

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)  
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2012 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2012 to 12/31/2012 within the required timeline.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)(1)  
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC MR 3Y2012 - The system failed to monitor and/or report synthetic organic contaminants levels to the TCEQ for the triennial monitoring period from 01/01/2010 to 12/31/2012 within the required timeline.

**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  
BAY RIDGE CHRISTIAN  
COLLEGE;  
RN101221935**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2014-0015-PWS-E**

At its \_\_\_\_\_ agenda meeting, 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, TEX. WATER CODE ch. 5, and the rules of the TCEQ, which requests appropriate relief, including the assessment of an administrative penalty. The respondent made the subject of this Order is BAY RIDGE CHRISTIAN COLLEGE ("Respondent").

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

### **FINDINGS OF FACT**

1. On the dates the violations occurred, Respondent owned and operated a public water system located at 3626 Farm-to-Market Road 2919 in Kendleton, Fort Bend County, Texas (the "Facility"). The Facility provided water for human consumption, had approximately 10 service connections, and served at least 25 people per day for at least 60 days per year. As such, the Facility was a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on December 2, 2013, TCEQ Central Office staff documented that Respondent:
  - a. Failed to collect annual nitrate samples and provide the results to the Executive Director for the 2011 and 2012 monitoring periods;
  - b. Failed to collect the triennial synthetic organic chemical ("SOC") contaminants (method 5) samples and provide the results to the Executive Director for the January 1, 2010 through December 31, 2012 monitoring period;
  - c. Failed to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive result on a routine sample during the month of September 2012, and failed to provide public notification regarding the failure to sample raw groundwater sources for the month of September 2012;
  - d. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year, and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR had been distributed to the customers of the Facility and that the information in the CCR was correct and consistent with the compliance monitoring data for the year 2011; and
  - e. Failed to pay all annual Public Health Service ("PHS") fees and associated late fees for TCEQ Financial Administration Account No. 90790077 for Fiscal Years 2011 through 2013.

3. The Executive Director recognizes that the Facility was de-activated on June 1, 2013.
4. 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 BAY RIDGE CHRISTIAN COLLEGE" (the "EDPRP") in the TCEQ Chief Clerk's office on May 28, 2014.
5. The EDPRP was mailed to Respondent's last known address on May 28, 2014, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed".
6. The Executive Director re-filed the EDPRP on July 15, 2014.
7. By letter dated July 15, 2014, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on July 17, 2014, as evidenced by the signature on the card.
8. 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 BAY RIDGE CHRISTIAN COLLEGE" (the "EDFARP") in the TCEQ Chief Clerk's office on September 2, 2014.
9. The EDFARP was mailed to Respondent's address on September 2, 2014, via certified mail, return receipt requested, postage prepaid. The Executive Director served Respondent with notice of the EDFARP. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDFARP on September 4, 2014.
10. More than 20 days have elapsed since Respondent received notice of the EDPRP and the EDFARP. Respondent failed to file an answer and failed to request a hearing.
11. On or about June 30, 2014, Respondent filed a petition for bankruptcy relief pursuant to Chapter 11 of the United States Code.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to collect annual nitrate samples and provide the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(c) and (e).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to collect the triennial SOC contaminants (method 5) samples and provide the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.107(c)(1) and (e).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to collect one raw groundwater source *Escherichia coli* sample from the Facility's well within 24 hours of notification of a distribution total coliform-positive result on a routine sample, and failed to provide public notification regarding the failure to sample raw groundwater sources, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2)(A).

5. As evidenced by Finding of Fact No. 2.d., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer, and failed to submit to the TCEQ a copy of the annual CCR and certification that the CCR had been distributed to the customers of the Facility and that the information in the CCR was correct and consistent with the compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to pay all annual PHS fees and associated late fees for TCEQ Financial Administration Account No. 90790077, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).
7. As evidenced by Findings of Fact Nos. 4 through 9, the Executive Director timely served Respondent with proper notice of the EDPRP and the EDFARP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
8. As evidenced by Finding of Fact No. 10, Respondent failed to file a timely answer 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 Respondent and assess the penalty recommended by the Executive Director.
9. As evidenced by Finding of Fact No. 11, Respondent filed a petition for bankruptcy relief pursuant to Chapter 11 of the United States Code. The automatic stay imposed by the Bankruptcy Code (specifically, 11 USC § 362(a)) does not apply to the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's police or regulatory power, by virtue of the exception set out at 11 USC § 362(b)(4). Accordingly, TCEQ (a governmental unit as defined under 11 USC § 101(27)) is expressly excepted from the automatic stay in pursuing enforcement of the State's environmental protection laws, and in seeking to liquidate its damages for such violations. However, so long as the automatic stay is in effect in Respondent's bankruptcy proceedings, the TCEQ will not seek to execute upon any monetary judgment obtained without first approaching the United States Bankruptcy Court where the Respondent's bankruptcy case is pending as necessary.
10. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of seven hundred eighty dollars (\$780.00) 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.
12. 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. Respondent is assessed an administrative penalty in the amount of seven hundred eighty dollars (\$780.00) as set forth in Conclusion of Law No. 11 for violations of state statutes and rules of the TCEQ. The assessment of this administrative penalty and Respondent'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.

2. All relief not expressly granted in this Order is denied.
3. The provisions of this Order shall apply to and be binding upon Respondent.
4. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent 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 Respondent if the Executive Director determines that Respondent 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.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF JAKE MARX**

**STATE OF TEXAS**

§

**COUNTY OF TRAVIS**

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"My name is Jake Marx. 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, 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 BAY RIDGE CHRISTIAN COLLEGE" (the "EDPRP") in the TCEQ Chief Clerk's office on May 28, 2014.

The EDPRP was mailed to Respondent's last known address on May 28, 2014, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed".

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on July 15, 2014.

By letter dated July 15, 2014, sent to Respondent's last know address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on July 17, 2014, as evidenced by the signature on the card.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, 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 BAY RIDGE CHRISTIAN COLLEGE" (the "EDFARP") was filed in the TCEQ Chief Clerk's office on September 2, 2014.

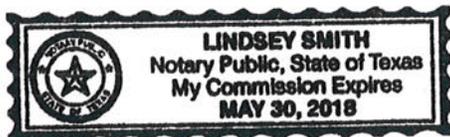
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More than 20 days have elapsed since Respondent received notice of the EDFARP. Respondent failed to file an answer and failed to request a hearing."

\_\_\_\_\_  
Jake Marx, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

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

Sworn to and subscribed before me this 21<sup>st</sup> day of October, A.D. 2014.



Notary without Bond

\_\_\_\_\_  
Notary Signature