

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2009-1589-PWS-E **TCEQ ID:** RN104387543 **CASE NO.:** 38341
RESPONDENT NAME: Texas Conference Association of Seventh-Day Adventists

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: The Oaks Adventist Christian School, 11903 Tanner Road, Harris County</p> <p>TYPE OF OPERATION: School</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 18, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="margin-left: 20px;">TCEQ Attorney/SEP Coordinator: None</p> <p style="margin-left: 20px;">TCEQ Enforcement Coordinator: Ms. Amanda Henry, Enforcement Division, Enforcement Team 2, MC R-12, (713) 767-3672; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387</p> <p style="margin-left: 20px;">Respondent: Mr. Harley Medeiros, Director, Texas Conference Association of Seventh-Day Adventists, 11903 Tanner Road, Houston, Texas 77041</p> <p style="margin-left: 20px;">Mr. Mike Doucoumes, Association Secretary, Texas Conference Association of Seventh-Day Adventists, 11903 Tanner Road, Houston, Texas 77041</p> <p style="margin-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 24, 2009</p> <p>Date of NOV/NOE Relating to this Case: September 2, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to submit well completion data to the Commission for review and approval prior to placing Well No. 1 into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].</p> <p>2) Failure to submit plans and specifications for the Facility that have been prepared by a licensed professional engineer for Commission review and approval [30 TEX. ADMIN. CODE §§ 290.39(c)(1) and 290.46(a) and TEX HEALTH & SAFETY CODE § 341.035(a)].</p>	<p>Total Assessed: \$286</p> <p>Total Deferred: \$57 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$229</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Abandon and plug Well No. 1 with cement according to 16 TEX. ADMIN. CODE ch. 76 or test the well to prove that the well is in a non-deteriorated condition; or</p> <p>ii. Submit for review and approval, well completion data for Well No. 1 and as-built plans and specifications of the Facility prepared by a licensed professional engineer.</p> <p>b. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): 1013330



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	8-Sep-2009	Screening	9-Sep-2009	EPA Due	
	PCW	25-Sep-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Texas Conference Association of Seventh-Day Adventists
Reg. Ent. Ref. No.	RN104387543
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	38341	No. of Violations	2	
Docket No.	2009-1589-PWS-E	Order Type	1680	
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Amanda Henry	
		EC's Team	Enforcement Team 2	
Admin. Penalty \$ Limit Minimum		\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$200
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	43.0% Enhancement	Subtotals 2, 3, & 7	\$86
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Notes: Enhancement is due to two prior Notice of Violations ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action and four dissimilar prior NOVs, and one final agreed order without denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,418
Approx. Cost of Compliance \$15,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$286
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$286
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$286
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DEFERRAL	20.0% Reduction	Adjustment	-\$57
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$229
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Screening Date 9-Sep-2009

Docket No. 2009-1589-PWS-E

PCW

Respondent Texas Conference Association of Seventh-Day Adventist

Policy Revision 2 (September 2002)

Case ID No. 38341

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN104387543

Media [Statute] Public Water Supply

Enf. Coordinator Amanda Henry

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
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) 43%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to two prior Notice of Violations ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action and four dissimilar prior NOVs, and one final agreed order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 43%

Screening Date 9-Sep-2009	Docket No. 2009-1589-PWS-E	PCW
Respondent Texas Conference Association of Seventh-Day Adventists		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 38341		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN104387543		
Media [Statute] Public Water Supply		
Enf. Coordinator Amanda Henry		
Violation Number	<div style="border: 1px solid black; text-align: center;">1</div>	
Rule Cite(s)	<div style="border: 1px solid black; padding: 5px;">30 Tex. Admin. Code § 290.41(c)(3)(A)</div>	
Violation Description	<div style="border: 1px solid black; padding: 5px;">Failed to submit well completion data to the Commission for review and approval prior to placing Well No. 1 into service.</div>	
Base Penalty		<div style="border: 1px solid black; text-align: right;">\$1,000</div>

>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
				Percent <div style="border: 1px solid black; text-align: right;">0%</div>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	X	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>
				Percent <div style="border: 1px solid black; text-align: right;">10%</div>
Matrix Notes	<div style="border: 1px solid black; padding: 5px;">100% of the rule requirement was not met.</div>			
Adjustment				<div style="border: 1px solid black; text-align: right;">\$900</div>
				<div style="border: 1px solid black; text-align: right;">\$100</div>

Violation Events				
	Number of Violation Events	<div style="border: 1px solid black; text-align: center;">1</div>	Number of violation days	<div style="border: 1px solid black; text-align: center;">77</div>
<small>mark only one with an x</small>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Violation Base Penalty <div style="border: 1px solid black; text-align: right;">\$100</div>	
	weekly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	single event	X		
	<div style="border: 1px solid black; padding: 5px; text-align: center;">One single event is recommended.</div>			

Good Faith Efforts to Comply		0.0%	Reduction	<div style="border: 1px solid black; text-align: right;">\$0</div>
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>	
Extraordinary	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
Ordinary	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
N/A	X	<small>(mark with x)</small>		
Notes	<div style="border: 1px solid black; padding: 5px;">The Respondent does not meet the good faith criteria for this violation.</div>			
Violation Subtotal			<div style="border: 1px solid black; text-align: right;">\$100</div>	

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<div style="border: 1px solid black; text-align: right;">\$373</div>	Violation Final Penalty Total	<div style="border: 1px solid black; text-align: right;">\$143</div>
This violation Final Assessed Penalty (adjusted for limits)		<div style="border: 1px solid black; text-align: right;">\$143</div>	

Economic Benefit Worksheet

Respondent Texas Conference Association of Seventh-Day Adventists
Case ID No. 38341
Reg. Ent. Reference No. RN104387543
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
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	\$5,000	24-Jun-2009	21-Dec-2010	1.49	\$373	n/a	\$373
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 cost includes the estimated amount to submit well completion data, for Well No. 1, 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

\$5,000

TOTAL

\$373

Screening Date 9-Sep-2009	Docket No. 2009-1589-PWS-E	PCW
Respondent Texas Conference Association of Seventh-Day Adventists	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 38341	<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN104387543		
Media [Statute] Public Water Supply		
Enf. Coordinator Amanda Henry		
Violation Number 2		
Rule Cite(s)	30 Tex. Admin. Code §§ 290.39(e)(1) and 290.46(a) and Tex. Health & Safety Code § 341.035(a)	
Violation Description	Failed to submit plans and specifications for the Facility that have been prepared by a licensed professional engineer for Commission review and approval.	
Base Penalty		\$1,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		X			Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

Violation Events

Number of Violation Events	1	77	Number of violation days
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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 EOPRP/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	\$1,045
	Violation Final Penalty Total \$143
	This violation Final Assessed Penalty (adjusted for limits) \$143

Economic Benefit Worksheet

Respondent Texas Conference Association of Seventh-Day Adventists

Case ID No. 38341

Reg. Ent. Reference No. RN104387543

Media Public Water Supply

Violation No. 2

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)	\$10,000	24-Jun-2009	21-Dec-2010	1.49	\$50	\$995	\$1,045
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 estimated 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

\$10,000

TOTAL

\$1,045

Compliance History Report

Customer/Respondent/Owner-Operator: CN602432759 Texas Conference Association Of Seventh-Day Adventists Classification: AVERAGE Rating: 17.25

Regulated Entity: RN104387543 THE OAKS ADVENTIST CHRISTIAN SCHOOL Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1013330

Location: 11903 TANNER RD, HARRIS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 09, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 09, 2004 to September 09, 2009

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

Name: Amanda Henry Phone: 713-767-3672

Site Compliance History Components

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

Effective Date: 04/26/2007

ADMINORDER 2006-1063-PWS-E

Classification: Moderate

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

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

Description: Failure to conduct routine bacteriological of the public water supply for the month of July 2005.

Classification: Moderate

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

Description: Failure to provide public notice for monitoring violations during the month of July 2005.

Classification: Moderate

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

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

Description: Failure to conduct routine bacteriological of the public water supply for the month of November 2005.

Classification: Moderate

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

Description: Failure to provide public notice for monitoring violations during the month of November 2005.

Classification: Moderate

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

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

Description: Failure to conduct routine bacteriological of the public water supply for the month of

December 2005.

Classification: Moderate

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

Description: Failure to provide public notice for monitoring violations during the month of December 2005.

Classification: Moderate

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

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

Description: Failure to conduct routine bacteriological of the public water supply for the month of January 2006.

Classification: Moderate

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

Description: Failure to provide public notice for monitoring violations during the month of January 2006.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	10/25/2004	(334099)
2	10/03/2005	(486229)
3	10/24/2005	(486115)
4	10/31/2005	(486246)
5	12/01/2005	(486260)
6	12/21/2005	(486273)
7	01/25/2006	(486286)
8	02/23/2006	(486305)
9	03/22/2006	(486307)
10	04/28/2006	(486311)
11	05/26/2006	(486317)
12	06/27/2006	(486327)
13	07/13/2006	(486571)
14	07/15/2007	(645248)
15	10/01/2007	(645887)
16	10/19/2007	(574173)
17	09/02/2009	(764274)

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

Date: 10/25/2004 (334099)

CN602432759

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)

Description: Failure to provide a raw water sample tap.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to provide wiring in conduit at the well head.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failure to fence or house the well unit.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failure to provide chlorinator housing.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

Description: Failure to provide well completion data.

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(A)

30 TAC Chapter 290, SubChapter D 290.39(e)(1)(B)

30 TAC Chapter 290, SubChapter D 290.39(e)(1)(C)

30 TAC Chapter 290, SubChapter D 290.39(e)(1)(D)
30 TAC Chapter 290, SubChapter D 290.39(e)(1)(E)
30 TAC Chapter 290, SubChapter D 290.39(e)(1)(F)
30 TAC Chapter 290, SubChapter D 290.39(e)(1)(G)
30 TAC Chapter 290, SubChapter D 290.39(e)(1)(H)

Description: Failure to submit as built plans.

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)

Description: Failure to provide a certified operator.

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Failure to provide pressure tank inspection report.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to provide a distribution map.

Date: 10/24/2005 (486115)

CN602432759

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to conduct routine bacteriological of the public water supply for the month of July 2005.

Self Report? NO

Classification: Moderate

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

Description: Failure to provide public notice for monitoring violations during the month of July 2005.

Date: 12/21/2005 (486273)

CN602432759

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to conduct routine bacteriological of the public water supply for the month of November 2005.

Self Report? NO

Classification: Moderate

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

Description: Failure to provide public notice for monitoring violations during the month of November 2005.

Date: 01/25/2006 (486286)

CN602432759

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to conduct routine bacteriological of the public water supply for the month of December 2005.

Self Report? NO

Classification: Moderate

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

Description: Failure to provide public notice for monitoring violations during the month of December 2005.

Date: 02/23/2006 (486305)

CN602432759

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to conduct routine bacteriological of the public water supply for the month of January 2006.

Self Report? NO

Classification: Moderate

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

Description: Failure to provide public notice for monitoring violations during the month of January 2006.

Date: 10/09/2007 (574173)

CN602432759

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)		
Description:	Failure to provide a raw water sample tap.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to provide wiring in conduit at the well head.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)		
Description:	Failure to fence or house the well unit.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(5)		
Description:	Failure to provide chlorinator housing.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)		
Description:	Failure to provide well completion data.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 290, SubChapter D 290.39(e)(1)(A) 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(B) 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(C) 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(D) 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(E) 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(F) 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(G) 30 TAC Chapter 290, SubChapter D 290.39(e)(1)(H)		
Description:	Failure to submit as built plans.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 290, SubChapter D 290.46(e)		
Description:	Failure to provide a certified operator.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)		
Description:	Failure to provide pressure tank inspection report.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)		
Description:	Failure to provide a distribution map.		

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
TEXAS CONFERENCE
ASSOCIATION OF SEVENTH-DAY
ADVENTISTS
RN104387543

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§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-1589-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Conference Association of Seventh-Day Adventists ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a school with a public water supply at 11903 Tanner Road, Harris County, Texas (the "Facility") that has approximately 3 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 7, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Hundred Eighty-Six Dollars (\$286) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Twenty-Nine Dollars (\$229) of the administrative penalty and Fifty-Seven Dollars (\$57) is deferred contingent upon the Respondent's timely and satisfactory

compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to submit well completion data to the Commission for review and approval prior to placing Well No. 1 into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), as documented during an investigation conducted on June 24, 2009.
2. Failed to submit plans and specifications for the Facility that have been prepared by a licensed professional engineer for Commission review and approval, in violation of 30 TEX. ADMIN. CODE §§ 290.39(e)(1) and 290.46(a) and TEX HEALTH & SAFETY CODE § 341.035(a), as documented during an investigation conducted on June 24, 2009.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Conference Association of Seventh-Day Adventists, Docket No. 2009-1589-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. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Within 180 days after the effective date of this Agreed Order:

- i. Abandon and plug Well No. 1 with cement according to 16 TEX. ADMIN. CODE ch. 76 or test the well to prove that the well is in a non-deteriorated condition; OR
- ii. Submit for review and approval, well completion data for Well No. 1 and as-built plans and specifications of the Facility prepared by a licensed professional engineer, in accordance with 30 TEX. ADMIN. CODE § 290.39.

The plans shall be submitted to:

Utility Creation & Plan Review Team
Water Supply Division, MC 153
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2a. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant

penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Texas Conference Association of Seventh-Day Adventists
DOCKET NO. 2009-1589-PWS-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sullivan
For the Executive Director

Date

12/23/2009

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

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

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

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

Mike Doucumes
Signature

11-4-09
Date

Mike Doucumes
Name (Printed or typed)
Authorized Representative of
Texas Conference Association of Seventh-Day Adventists

Association Secretary
Title

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

