

Executive Summary – Enforcement Matter – Case No. 56019
EAST TEXAS BAPTIST ENCAMPMENT
RN101259091
Docket No. 2022-0097-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

East Texas Baptist Encampment, located on Farm-to-Market Road 2939, three miles southwest of Newton, Newton, Newton County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 19, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,150

Amount Deferred for Financial Inability to Pay: \$5,550

Confidential information, which may include financial or medical information, has been provided to the Commission for their consideration.

Total Paid to General Revenue: \$100

Total Due to General Revenue: \$3,500

Payment Plan: 35 payments of \$100 each

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 12, 2021

Date(s) of NOE(s): January 10, 2022

Executive Summary – Enforcement Matter – Case No. 56019
EAST TEXAS BAPTIST ENCAMPMENT
RN101259091
Docket No. 2022-0097-PWS-E

Violation Information

1. Failed to inspect the Facility's ground storage tank ("GST") annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
2. Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].
3. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(i)(III)].
4. Failed to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].
5. Failed to ensure that all clearwells, GSTs, standpipes, and elevated storage tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].
6. Failed to ensure that the Facility's GST hatch remains locked except during inspections and maintenance [30 TEX. ADMIN. CODE § 290.43(c)(2)].
7. Failed to use an acceptable analytical method for disinfectant analyses [30 TEX. ADMIN. CODE § 290.119(b)(7)].
8. Failed to calibrate the Facility's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.b.ii].
9. Failed to maintain an up-to-date chemical and microbiological monitoring plan at each water treatment plant that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.b.iii].
10. Failed to keep on file copies of well completion data for as long as the well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.h.i].
11. Failed to obtain approval prior to making any significant change or addition to the system's production treatment, storage, pressure maintenance, or distribution facilities [30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1) and TEX. HEALTH & SAFETY CODE § 341.035(a) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision Nos. 2.h.ii. and 2.j].

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12. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.b.vi].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Conduct the inspection of the Facility's GST;

ii. Modify the flushing program and update the Facility's operational guidance to ensure that all dead-end mains are flushed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels;

iii. Compile and maintain properly completed water works operation and maintenance records, including but not limited to records of the amount of each chemical used each week;

iv. Secure the electrical wiring in compliance with a local or national code for the chemical pump;

v. Update the Facility's operational guidance and conduct employee training to ensure that the acceptable method used to collect the disinfectant residuals is being utilized;

vi. Calibrate the Facility's well meter; and

vii. Verify the accuracy of the manual disinfectant residual analyzer once every 90 days using chlorine solutions of known concentrations.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 60 days:

i. Provide a lock for the GST's roof hatch and ensure the roof hatch remains locked except during inspections and maintenance; and

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RN101259091
Docket No. 2022-0097-PWS-E

- ii. Maintain a copy of an up-to-date chemical and microbiological monitoring plan at each water treatment plant.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days, keep on file copies of well completion data for the well.
- f. Within 105 days, submit written certification to demonstrate compliance with e.
- g. Within 180 days:
 - i. Repaint the ground storage tank's exterior in strict accordance with AWWA standards; and
 - ii. Submit plans and specifications of the public water supply for review and approval for the significant changes or additions to the system's production, treatment, storage, pressure maintenance, or distribution facilities, including the as-built plans and specifications for the existing service pump.
- h. Within 270 days, obtain approval of the plans and specifications for the service pump.
- i. Within 285 days, submit written certification to demonstrate compliance with h.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, Enforcement Team 4, MC R-14, (361) 881-6991; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Tim Sawyer, President, EAST TEXAS BAPTIST ENCAMPMENT, 178 Private Road 7005, Newton, Texas 75966

Wesley R. Smith, Executive Director, EAST TEXAS BAPTIST ENCAMPMENT, 178 Private Road 7005, Newton, Texas 75966

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Jan-2022			
	PCW	20-Jan-2022	Screening	20-Jan-2022	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 1)
Reg. Ent. Ref. No.	RN101259091
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	56019	No. of Violations	2
Docket No.	2022-0097-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$150
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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	20.0%	Adjustment	Subtotals 2, 3, & 7	\$30
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Notes	Enhancement for one agreed order containing a denial of liability.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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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	\$103	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$92	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$180
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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	
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Final Penalty Amount	\$180
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$180
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$180
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Screening Date 20-Jan-2022

Docket No. 2022-0097-PWS-E

PCW

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 56019

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101259091

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 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 one agreed order containing a denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 20-Jan-2022

Docket No. 2022-0097-PWS-E

PCW

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 56019

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101259091

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(i) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.b.vi

Violation Description Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to verify the accuracy of the manual disinfectant residual analyzer could result in the non-detection of improperly disinfected water and potentially expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

67 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$50

One quarterly event is recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0537-PWS-E, June 25, 2019 to August 31, 2019.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 1)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$5	25-Jun-2019	1-Dec-2023	4.44	\$1	n/a	\$1

Notes for DELAYED costs
 The delayed cost includes the estimated amount to properly verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0537-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$5	25-Jun-2019	20-Jan-2022	2.58	\$1	\$5	\$6
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 The delayed cost includes the estimated amount to properly verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0537-PWS-E to the date of screening.

Approx. Cost of Compliance \$10

TOTAL \$7

Screening Date 20-Jan-2022 **Docket No.** 2022-0097-PWS-E **PCW**
Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 1) *Policy Revision 5 (January 28, 2021)*
Case ID No. 56019 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Failure to inspect the GST on an annual basis could cause non-detection of defects and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/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"/>	<input type="text"/>

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 EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 1)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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 cost including the estimated amount to conduct the annual GST inspection is captured in the Economic Benefit Worksheet for Violation No. 1 of PCW No. 2.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$41	19-May-2018	20-Jan-2022	3.68	\$8	\$41	\$49
Other (as needed)	\$41	19-May-2019	20-Jan-2022	2.68	\$6	\$41	\$47

Notes for AVOIDED costs

The avoided cost includes the estimated amount to conduct the annual GST inspection that includes the exterior and interior of the 0.022 MG tank (\$41 per year), calculated from the inspection due date to the date of screening.

Approx. Cost of Compliance \$82

TOTAL \$96



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Jan-2022			
	PCW	20-Jan-2022	Screening	20-Jan-2022	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Reg. Ent. Ref. No.	RN101259091
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	56019	No. of Violations	12
Docket No.	2022-0097-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,475
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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	20.0% Adjustment	Subtotals 2, 3, & 7	\$1,495
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Notes	Enhancement for one agreed order containing a denial of liability.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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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	\$2,330	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$11,005	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,970
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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	
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Final Penalty Amount	\$8,970
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,970
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY	\$8,970
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Screening Date 20-Jan-2022

Docket No. 2022-0097-PWS-E

PCW

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 56019

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101259091

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 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 one agreed order containing a denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 20-Jan-2022

Docket No. 2022-0097-PWS-E

PCW

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 56019

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101259091

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description Failed to inspect the Facility's ground storage tank ("GST") annually. Specifically, the GST was required to be inspected by May 19, 2020 and again by May 19, 2021, but was not inspected.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR Release Harm Actual Potential Major Moderate Minor Percent 5.0%

>> Programmatic Matrix

Falsification Major Moderate Minor Percent 0.0%

Matrix Notes Failure to inspect the GST on an annual basis could cause non-detection of defects and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 2 872 Number of violation days

daily weekly monthly quarterly semiannual annual single event x

Violation Base Penalty \$500

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Extraordinary Ordinary N/A Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer 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 \$90

Violation Final Penalty Total \$600

This violation Final Assessed Penalty (adjusted for limits) \$600

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$41	12-Nov-2021	1-Dec-2023	2.05	\$4	n/a	\$4

Notes for DELAYED costs The delayed cost includes the estimated amount to conduct the annual GST inspection that includes the exterior and interior of the 0.022 MG tank is calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$41	19-May-2020	20-Jan-2022	1.67	\$3	\$41	\$44
Other (as needed)	\$41	19-May-2021	20-Jan-2022	0.67	\$1	\$41	\$42

Notes for AVOIDED costs The avoided cost includes the estimated amount to conduct the annual GST inspection that includes the exterior and interior of the 0.022 MG tank (\$41 per year), calculated from the inspection due date to the date of screening.

Approx. Cost of Compliance \$123

TOTAL \$90

Screening Date 20-Jan-2022 **Docket No.** 2022-0097-PWS-E **PCW**
Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 56019 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.46(l)
Violation Description Failed to flush all dead-end mains at monthly intervals. Specifically, the Respondent recorded the date and time when flushing was conducted. However, the locations where flushing was conducted were not being recorded.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 3.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes Failure to flush all dead-end mains at monthly intervals could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 69 Number of violation days

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 NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$21 **Violation Final Penalty Total** \$180

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

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$200	12-Nov-2021	1-Dec-2023	2.05	\$21	n/a	\$21

Notes for DELAYED costs

The delayed cost includes the estimated amount to modify the flushing program, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$21

Screening Date 20-Jan-2022 **Docket No.** 2022-0097-PWS-E **PCW**
Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 56019 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(A)(i)(III)
Violation Description Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each week were not maintained on-site for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	Percent 1.0%
Matrix Notes	At least 70% of the rule requirements were met.				

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 69 Number of violation days

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 NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$5 **Violation Final Penalty Total** \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
Media Violation No. Public Water Supply
 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$45	12-Nov-2021	1-Dec-2023	2.05	\$5	n/a	\$5
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 maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$5

Screening Date 20-Jan-2022 **Docket No.** 2022-0097-PWS-E **PCW**
Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 56019 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.46(v)
Violation Description Failed to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, the wiring was exposed on the chemical pump for the polyphosphate located in the chemical room.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to ensure all electrical wiring is installed in compliance with a local or national electrical code could expose employees or persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 Number of violation days 69

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the date of the investigation, November 12, 2021, to the date of screening, January 20, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$2,250

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

Estimated EB Amount \$28 **Violation Final Penalty Total** \$2,700

This violation Final Assessed Penalty (adjusted for limits) \$2,700

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
Media Violation No. Public Water Supply
 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$200	12-Nov-2021	1-Dec-2023	2.05	\$1	\$27	\$28
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 cost includes the estimated amount to securely install all water system electrical wiring in compliance with a local or national electrical code, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$28

Screening Date 20-Jan-2022 **Docket No.** 2022-0097-PWS-E **PCW**
Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 56019 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(8)
Violation Description Failed to ensure that all clearwells, GSTs, standpipes, and elevated storage tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the exterior of the GST had surface rust.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to ensure that the GST is painted in strict accordance with AWWA standards could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 69 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, November 12, 2021, to the date of screening, January 20, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

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

Estimated EB Amount \$864 **Violation Final Penalty Total** \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
Media Violation No. Public Water Supply
 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	12-Nov-2021	1-May-2024	2.47	\$41	\$823	\$864
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 repaint the Facility's GST in accordance with AWWA standards, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$864

Screening Date 20-Jan-2022 **Docket No.** 2022-0097-PWS-E **PCW**
Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 56019 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2)
Violation Description Failed to ensure that the Facility's GST hatch remains locked except during inspections and maintenance. Specifically, the roof hatch did not have the ability to be locked.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to ensure that the roof hatch is locked could allow unauthorized access to the GST and could result in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 69 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, November 12, 2021, to the date of screening, January 20, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

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

Estimated EB Amount \$5 **Violation Final Penalty Total** \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
Media Violation No. Public Water Supply
 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$50	12-Nov-2021	1-Jan-2024	2.14	\$5	n/a	\$5

Notes for DELAYED costs
 The delayed cost includes the estimated amount to ensure the GST hatch remains locked except during inspections and maintenance, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$5

Screening Date	20-Jan-2022	Docket No.	2022-0097-PWS-E	PCW
Respondent	EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)		Policy Revision 5 (January 28, 2021)	
Case ID No.	56019	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101259091			
Media	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin Code § 290.119(b)(7)			
Violation Description	Failed to use an acceptable analytical method for disinfectant analyses. Specifically, the correct procedure for monitoring the disinfectant residual was not being followed. The Respondent used too much water in the sample vial, which resulted in a lower chlorine residual than what the investigator obtained. When the investigator inquired about sampling the residual in high range, the Respondent was not familiar with the procedure and did not have the equipment (plastic vials) for analyzing the chlorine residual in the high range.			
Base Penalty	\$5,000			

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failure to use an acceptable analytical method for disinfectant analyses could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, November 12, 2021, to the date of screening, January 20, 2022.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

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

Estimated EB Amount \$10 **Violation Final Penalty Total** \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
Media Violation No. Public Water Supply
 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	\$100	12-Nov-2021	1-Dec-2023	2.05	\$10	n/a	\$10
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 update the Facility's operational guidance and conduct employee training to ensure that the acceptable method used to collect the disinfectant residuals is being utilized, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$10

Screening Date 20-Jan-2022 **Docket No.** 2022-0097-PWS-E **PCW**
Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 56019 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.b.ii
Violation Description Failed to calibrate the Facility's well meter at least once every three years.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				3.0%
	Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to calibrate the facility's well meter could result in inaccurate or unavailable water usage and production data, resulting in persons served by the Facility being exposed to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 940 Number of violation days

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 NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$42 **Violation Final Penalty Total** \$180

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

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$31	25-Jun-2019	1-Dec-2023	4.44	\$7	n/a	\$7

Notes for DELAYED costs

The delayed cost includes the estimated amount to calibrate the well meter, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0537-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$31	25-Jun-2019	20-Jan-2022	2.58	\$4	\$31	\$35
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost including the estimated amount to calibrate the well meter, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0537-PWS-E to the date of screening.

Approx. Cost of Compliance \$62

TOTAL \$42

Screening Date 20-Jan-2022 **Docket No.** 2022-0097-PWS-E **PCW**
Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 56019 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 9
Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.b.iii
Violation Description
 Failed to maintain an up-to-date chemical and microbiological monitoring plan at each water treatment plant that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, the chemical and microbiological monitoring plan was not being maintained at the water treatment plant.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
			x		2.5%

Matrix Notes: 30% to 70% of the rule requirements were not met.

Adjustment \$4,875

\$125

Violation Events

Number of Violation Events: 1 940 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$125

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$125

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$10 **Violation Final Penalty Total** \$150

This violation Final Assessed Penalty (adjusted for limits) \$150

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
Media Violation No. Public Water Supply
 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$45	25-Jun-2019	1-Jan-2024	4.52	\$10	n/a	\$10

Notes for DELAYED costs
 The delayed cost includes the estimated amount to maintain a copy of the chemical and microbiological monitoring plan at the water treatment plant, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0537-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$10

Screening Date 20-Jan-2022 **Docket No.** 2022-0097-PWS-E **PCW**
Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 56019 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 10
Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.h.i
Violation Description Failed to keep on file copies of well completion data as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A) for as long as the well remains in service. Specifically, the Respondent was notified by the TCEQ in a letter dated April 12, 2012, that the use of the well was not approved.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 10.0%
Matrix Notes	100% of the rule requirements were not met.				

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 940 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$41 **Violation Final Penalty Total** \$600

This violation Final Assessed Penalty (adjusted for limits) \$600

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
Media Violation No. Public Water Supply
 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$180	25-Jun-2019	1-Feb-2024	4.61	\$41	n/a	\$41

Notes for DELAYED costs
 The delayed cost includes the estimated amount to keep on file copies of well completion data, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0537-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$180

TOTAL \$41

Screening Date 20-Jan-2022 **Docket No.** 2022-0097-PWS-E **PCW**
Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 56019 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 11
Rule Cite(s) 30 Tex. Admin. Code § 290.39(e)(1) and (h)(1) and Tex. Health & Safety Code § 341.035(a) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision Nos. 2.h.ii. and 2.j
Violation Description Failed to obtain approval prior to making any significant change or addition to the system's production treatment, storage, pressure maintenance, or distribution facilities. Specifically, the system was not approved to use the existing service pump.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10.0%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events: 1 940 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 \$1,214 **Violation Final Penalty Total** \$600

This violation Final Assessed Penalty (adjusted for limits) \$600

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$5,000	25-Jun-2019	1-May-2024	4.85	\$1,214	n/a	\$1,214

Notes for DELAYED costs The delayed cost includes the estimated amount to obtain approval of plans and specifications for the existing service pump, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0537-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$5,000

TOTAL \$1,214

Screening Date 20-Jan-2022 **Docket No.** 2022-0097-PWS-E **PCW**
Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 56019 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101259091
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 12
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(i) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.b.vi
Violation Description Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes Failure to verify the accuracy of the manual disinfectant residual analyzer could result in the non-detection of improperly disinfected water and potentially expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 10 872 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Ten quarterly events are recommended, calculated from September 1, 2019, to the date of screening, January 20, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$2,500

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$3,000

This violation Final Assessed Penalty (adjusted for limits) \$3,000

Economic Benefit Worksheet

Respondent EAST TEXAS BAPTIST ENCAMPMENT (PCW No. 2)
Case ID No. 56019
Reg. Ent. Reference No. RN101259091
Media Violation No. Public Water Supply
 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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

The delayed cost includes the estimated amount to properly verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations is captured in the Economic Benefit Worksheet for Violation No. 1 of PCW No. 1.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to properly verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations is captured in the Economic Benefit Worksheet for Violation No. 1 of PCW No. 1.

Approx. Cost of Compliance \$0

TOTAL \$0



Compliance History Report

Compliance History Report for CN600691976, RN101259091, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN600691976, EAST TEXAS BAPTIST ENCAMPMENT	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN101259091, EAST TEXAS BAPTIST ENCAMPMENT	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	ON FARM-TO-MARKET ROAD 2939, THREE MILES SOUTHWEST OF NEWTON, NEWTON COUNTY, TEXAS				
TCEQ Region:	REGION 10 - BEAUMONT				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1760011				

Compliance History Period:	September 01, 2017 to August 31, 2022	Rating Year:	2022	Rating Date:	09/01/2022
Date Compliance History Report Prepared:	April 24, 2023				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	April 24, 2018 to April 24, 2023				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	EPIFANIO VILLARREAL			Phone:	(361) 881-6991

Site and Owner/Operator History:

- 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

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

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

- 1 Effective Date: 06/25/2019 ADMINORDER 2018-0537-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
Description: Failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failed to compile and maintain a thorough and up-to-date plant operations manual of sufficient detail to provide the operator with routine maintenance and repair procedures, with protocols to be utilized in the event of a natural or man-made catastrophe, as well as provide telephone numbers of water system personnel, system officials, and local/state/federal agencies to be contacted in the event of an emergency
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(C)(i)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
Description: Failed to maintain water works operation and maintenance records and make them available for review to the Executive Director during the investigation
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failed to calibrate the Facility's well meter at least once every three years
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentration

Classification: Minor

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

Description: Failed to flush all dead-end mains at monthly intervals.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)

Description: Failed to monitor the disinfectant residual at various locations throughout the distribution system at least once every seven days

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(1)(A)

Description: Failed to collect routine distribution coliform samples at a customer's premise, dedicated sampling station, or other designated compliance sampling location at active service connections which are representative of water quality throughout the distribution system

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(B)

Description: Failed to provide day tanks to minimize the possibility of severely overfeeding liquid chemicals from bulk storage facilities

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(i)

Description: Failed to provide adequate containment facilities for all liquid chemical storage tanks

Classification: Minor

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

Description: Failed to use accurate testing equipment to monitor the effectiveness of any chemical treatment

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements,

Classification: Minor

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

30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to provide an intruder-resistant fence around the water treatment plant

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to maintain a minimum disinfectant residual of 0.2 mg/L free chlorine throughout the distribution system at all times

Classification: Minor

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

5A THSC Chapter 341, SubChapter A 341.0315(a)

Description: Failed to obtain approval prior to making any significant change or addition to the system's production treatment, storage, pressure maintenance, or distribution facilities

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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.

N/A

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
EAST TEXAS BAPTIST
ENCAMPMENT
RN101259091**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2022-0097-PWS-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding EAST TEXAS BAPTIST ENCAMPMENT (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 presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including 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 Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located on Farm-to-Market Road 2939, three miles southwest of Newton, Newton County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 28 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 system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During an investigation at the Facility conducted on November 12, 2021, an investigator documented that:
 - a. The ground storage tank ("GST") was required to be inspected by May 19, 2018, May 19, 2019, May 19, 2020 and again by May 19, 2021, but was not inspected;
 - b. The Respondent recorded the date and time when flushing was conducted. However, the locations where flushing was conducted were not being recorded;

- c. Records of the amount of each chemical used each week were not maintained on-site for review;
- d. The wiring was exposed on the chemical pump for the polyphosphate located in the chemical room;
- e. The exterior of the GST had surface rust;
- f. The roof hatch did not have the ability to be locked;
- g. The correct procedure for monitoring the disinfectant residual was not being followed. The Respondent used too much water in the sample vial, which resulted in a lower chlorine residual than what the investigator obtained. When the investigator inquired about sampling the residual in high range, the Respondent was not familiar with the procedure and did not have the equipment (plastic vials) for analyzing the chlorine residual in the high range;
- h. The Respondent did not calibrate the Facility's well meter at least once every three years;
- i. The chemical and microbiological monitoring plan was not being maintained at the water treatment plant;
- j. The Respondent was notified by the TCEQ in a letter dated April 12, 2012, that the use of the well was not approved;
- k. The system was not approved to use the existing service pump; and
- l. The Respondent did not verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to inspect the Facility's GST annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(i)(III).

5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v).
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to ensure that all clearwells, GSTs, standpipes, and elevated storage tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to ensure that the Facility's GST hatch remains locked except during inspections and maintenance, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2).
8. As evidenced by Finding of Fact No. 2.g, the Respondent failed to use an acceptable analytical method for disinfectant analyses, in violation of 30 TEX. ADMIN. CODE § 290.119(b)(7).
9. As evidenced by Finding of Fact No. 2.h, the Respondent failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.b.ii.
10. As evidenced by Finding of Fact No. 2.i, the Respondent failed to maintain an up-to-date chemical and microbiological monitoring plan at each water treatment plant that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.b.iii.
11. As evidenced by Finding of Fact No. 2.j, the Respondent failed to keep on file copies of well completion data as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A) for as long as the well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.h.i.
12. As evidenced by Finding of Fact No. 2.k, the Respondent failed to obtain approval prior to making any significant change or addition to the system's production treatment, storage, pressure maintenance, or distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(e)(1) and (h)(1) and TEX. HEALTH & SAFETY CODE § 341.035(a) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision Nos. 2.h.ii. and 2.j.
13. As evidenced by Finding of Fact No. 2.l, the Respondent failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i) and TCEQ Agreed Order Docket No. 2018-0537-PWS-E, Ordering Provision No. 2.b.vi.

14. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
15. An administrative penalty in the amount of \$9,150 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Revenue Operations Section of TCEQ's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay all or part of the penalty. Therefore, \$5,550 of the penalty is deferred contingent upon the Respondent's compliance with all the terms of this Order and shall be waived only upon full compliance with all of the terms and conditions in this Order. If the Respondent fails to comply with any requirement of this Order, including any payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The Respondent paid \$100 of the undeferred penalty. The remaining amount of \$3,500 of the undeferred penalty shall be paid in 35 monthly payments of \$100 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 15 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only 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 violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: EAST TEXAS BAPTIST ENCAMPMENT, Docket No. 2022-0097-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Conduct the inspection of the Facility's GST, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Modify the flushing program and update the Facility's operational guidance to ensure that all dead-end mains are flushed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Compile and maintain properly completed water works operation and maintenance records, including but not limited to records of the amount of each chemical used each week, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iv. Secure the electrical wiring in compliance with a local or national code for the chemical pump, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - v. Update the Facility's operational guidance and conduct employee training to ensure that the acceptable method used to collect the disinfectant residuals is being utilized, in accordance with 30 TEX. ADMIN. CODE § 290.119;
 - vi. Calibrate the Facility's well meter, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - vii. Verify the accuracy of the manual disinfectant residual analyzer once every 90 days using chlorine solutions of known concentrations, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.i below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.vii.
 - c. Within 60 days after the effective date of this Order:

- i. Provide a lock for the GST's roof hatch and ensure the roof hatch remains locked except during inspections and maintenance, in accordance 30 TEX. ADMIN. CODE § 290.43; and
 - ii. Maintain a copy of an up-to-date chemical and microbiological monitoring plan at each water treatment plant, in accordance with 30 TEX. ADMIN. CODE § 290.121.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.i below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.i and 2.c.ii.
- e. Within 90 days after the effective date of this Order, keep on file copies of well completion data for the well as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), in accordance with 30 TEX. ADMIN. CODE § 290.46.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.i below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 180 days after the effective date of this Order:
- i. Repaint the ground storage tank's exterior in strict accordance with AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - ii. Submit plans and specifications of the public water supply for review and approval for the significant changes or additions to the system's production, treatment, storage, pressure maintenance, or distribution facilities, including the as-built plans and specifications for the existing service pump, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications shall be submitted to:

Plan Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing.

- h. Within 270 days after the effective date of this Order, obtain approval of the plans and specifications for the service pump, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- i. Within 285 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.h. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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. Extension requests shall be sent to the Enforcement Division at the address listed above.

6. 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 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. This 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 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.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

1/25/2024

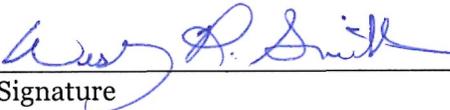
Date

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

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

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

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



Signature

12.12.23
Date

Wesley R. Smith
Name (Printed or typed)
Authorized Representative of
EAST TEXAS BAPTIST ENCAMPMENT

Executive Director
Title

If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.