

**Executive Summary – Enforcement Matter – Case No. 62004**  
**Christian Heritage Classical School**  
**RN101182277**  
**Docket No. 2022-0254-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

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

Christian Heritage School, 2715 Farm-to-Market Road 1844, Longview, Gregg 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:** August 5, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$2,100

**Total Paid to General Revenue:** \$2,100

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

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** \$25

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** January 20, 2022

**Date(s) of NOE(s):** February 18, 2022

***Violation Information***

1. Failed to provide ground storage capacity equal to 50% of the maximum daily demand ("MDD") [30 TEX. ADMIN. CODE § 290.45(d)(2)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

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**Christian Heritage Classical School**  
**RN101182277**  
**Docket No. 2022-0254-PWS-E**

2. Failed to notify the Executive Director prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity [30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351].

3. Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals [30 TEX. ADMIN. CODE § 290.42(j)].

4. Failed to meet the maximum secondary constituent level for corrosivity of "non-corrosive" [30 TEX. ADMIN. CODE § 290.118(a) and (b)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days, begin using a disinfectant that is ANSI/NSF Standard 60 certified.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 180 days:
  - i. Provide ground storage capacity equal to 50% of the MDD; and
  - ii. Submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to the removal of three, 250-gallon bladder tanks and the addition of two, 10-gallons per minute service pumps, one, 1,550-gallon GST, and one, 350-gallon bladder tank
- d. Within 195 days, submit written certification to demonstrate compliance with c.
- e. Within 270 days, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director.
- f. Within 285 days, submit written certification to demonstrate compliance with e.

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Christian Heritage Classical School  
RN101182277  
Docket No. 2022-0254-PWS-E**

g. Within 1,095 days, provide water that meets the maximum secondary constituent level for corrosivity and/or receive a written approval from the Executive Director to use the water source for public drinking water.

h. Within 1,110 days, submit written certification to demonstrate compliance with g.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Ronica Rodriguez, Enforcement Division, Enforcement Team 4, MC R-14, (361) 825-3425; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Stephanie Jones, Head of School, Christian Heritage Classical School, 2715 Farm-to-Market Road 1844, Longview, Texas 75605

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	22-Feb-2022	<b>Screening</b>	25-Feb-2022	<b>EPA Due</b>	
	<b>PCW</b>	2-Mar-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Christian Heritage Classical School (PCW No.1)		
<b>Reg. Ent. Ref. No.</b>	RN101182277		
<b>Facility/Site Region</b>	5-Tyler	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62004	<b>No. of Violations</b>	3
<b>Docket No.</b>	2022-0254-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	America Ruiz
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$160
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	25.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$40
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Notes: Enhancement for one agreed order without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$3,461
Estimated Cost of Compliance	\$10,625

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$200
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$200

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$225
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<b>DEFERRAL</b>	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.

<b>PAYABLE PENALTY</b>	\$225
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Screening Date 25-Feb-2022

Docket No. 2022-0254-PWS-E

PCW

Respondent Christian Heritage Classical School (PCW No.1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62004

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101182277

Media Public Water Supply

Enf. Coordinator America Ruiz

### 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> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <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)** 25%

#### >> 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 without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 25%

**Screening Date** 25-Feb-2022 **Docket No.** 2022-0254-PWS-E **PCW**  
**Respondent** Christian Heritage Classical School (PCW No.1) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 62004 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101182277  
**Media** Public Water Supply  
**Enf. Coordinator** America Ruiz

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10.0%"/>

**Matrix Notes**

**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** Christian Heritage Classical School (PCW No.1)  
**Case ID No.** 62004  
**Reg. Ent. Reference No.** RN101182277  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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)	\$500	4-Apr-2019	3-May-2023	4.08	\$7	\$136	\$143
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 notify and obtain approval from the Executive Director of the Facility's changes, calculated from the date of the investigation initially documenting the violation 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 \$500

**TOTAL** \$143

Screening Date 25-Feb-2022

Docket No. 2022-0254-PWS-E

PCW

Respondent Christian Heritage Classical School (PCW No.1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62004

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101182277

Media Public Water Supply

Enf. Coordinator America Ruiz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.42(j)

Violation Description

Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals. Specifically, the Respondent was using Fred's Bleach and Dollar General Bleach for disinfection, which does not conform to ANSI/NSF Standard 60.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to use approved disinfectants could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 1

36 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$30

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 \$30

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$38

This violation Final Assessed Penalty (adjusted for limits) \$50

# Economic Benefit Worksheet

**Respondent** Christian Heritage Classical School (PCW No.1)  
**Case ID No.** 62004  
**Reg. Ent. Reference No.** RN101182277  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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)	\$125	4-Apr-2019	4-Dec-2022	3.67	\$23	n/a	\$23

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to ensure that all chemicals used in treatment of water supplied by public water systems conform to ANSI/NSF Standard 60 for Drinking Water Treatment Chemicals, calculated from the date of the investigation initially documenting the violation 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 \$125

**TOTAL** \$23

Screening Date 25-Feb-2022

Docket No. 2022-0254-PWS-E

PCW

Respondent Christian Heritage Classical School (PCW No.1)

Policy Revision 5 (January 28, 2021)

Case ID No. 62004

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101182277

Media Public Water Supply

Enf. Coordinator America Ruiz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.118(a) and (b)

Violation Description

Failed to meet the maximum secondary constituent level ("MSCL") for corrosivity of "non-corrosive." Specifically, the water was determined to be "corrosive" based on a raw water sample collected at Entry Point No. 1 on September 1, 2021 which, when evaluated, resulted in the following indices: Langelier index of -1.70, Ryzner index of 10.81, and Aggressive index of 9.95. According to the TCEQ Regional Office Drinking Water Sampling Guide, the water should be considered corrosive if any two of the following occur: a) Langelier index is -1.0 or less; b) Ryzner index is 8.5 or more; c) Aggressive index is less than 10; and d) pH is less than 7.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to comply with the MSCL for corrosivity could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$970

\$30

Violation Events

Number of Violation Events 1

36 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$30

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 \$30

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,295

Violation Final Penalty Total \$38

This violation Final Assessed Penalty (adjusted for limits) \$50

# Economic Benefit Worksheet

**Respondent** Christian Heritage Classical School (PCW No.1)  
**Case ID No.** 62004  
**Reg. Ent. Reference No.** RN101182277  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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)	\$10,000	4-Apr-2019	3-Nov-2025	6.59	\$3,295	n/a	\$3,295

**Notes for DELAYED costs**

The delayed cost includes the estimated amount necessary to provide water that meets the MSCL for corrosivity and/or obtain written approval from the Executive Director to use the water source for public drinking water, calculated from the date of the investigation initially documenting the violation 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 \$10,000

**TOTAL** \$3,295



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	22-Feb-2022		
	<b>PCW</b>	18-Mar-2022	<b>Screening</b>	25-Feb-2022
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Christian Heritage Classical School (PCW No.2)		
<b>Reg. Ent. Ref. No.</b>	RN101182277		
<b>Facility/Site Region</b>	5-Tyler	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62004	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0254-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	America Ruiz
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit</b>	<b>Minimum</b>	\$50	<b>Maximum</b>
			\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	25.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$375
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Notes: Enhancement for one agreed order without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,859
Estimated Cost of Compliance	\$6,504

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,875
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$1,875

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,875
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$1,875
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Screening Date 25-Feb-2022

Docket No. 2022-0254-PWS-E

PCW

Respondent Christian Heritage Classical School (PCW No.2)

Policy Revision 5 (January 28, 2021)

Case ID No. 62004

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101182277

Media Public Water Supply

Enf. Coordinator America Ruiz

### 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> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <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) 25%

#### >> 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 without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 25%

Screening Date 25-Feb-2022

Docket No. 2022-0254-PWS-E

PCW

Respondent Christian Heritage Classical School (PCW No.2)

Policy Revision 5 (January 28, 2021)

Case ID No. 62004

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101182277

Media Public Water Supply

Enf. Coordinator America Ruiz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(d)(2)(B)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide ground storage capacity equal to 50% of the maximum daily demand ("MDD"). Specifically, the Facility serves a maximum daily population of 305 persons, requiring a ground storage capacity of 4,575 gallons. However, only 1,550 gallons of ground storage capacity was provided, indicating a 66% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (15.0%). Includes an 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes

Failure to provide adequate ground storage capacity may result in water outages which could expose 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 2 Number of violation days 36

Table with frequency categories: daily, weekly, monthly (marked with 'x'), quarterly, semiannual, annual, single event.

Violation Base Penalty \$1,500

Two monthly events are recommended, calculated from the date of the record review, January 20, 2022, to the date of screening, February 25, 2022.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Table with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer and rows: Extraordinary, Ordinary, N/A (marked with 'x').

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

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,859

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

# Economic Benefit Worksheet

**Respondent** Christian Heritage Classical School (PCW No.2)  
**Case ID No.** 62004  
**Reg. Ent. Reference No.** RN101182277  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	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)	\$6,504	4-Apr-2019	3-May-2023	4.08	\$89	\$1,770	\$1,859
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 provide a ground storage capacity equal to 50% of the MDD (\$2.15 per gallon x 3,025 gallons), calculated from the date of the investigation initially documenting the violation 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 \$6,504

**TOTAL** \$1,859

The TCEQ is committed to accessibility.

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



# Compliance History Report

Compliance History Report for CN603184805, RN101182277, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN603184805, CHRISTIAN HERITAGE CLASSICAL SCHOOL      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Regulated Entity:** RN101182277, CHRISTIAN HERITAGE SCHOOL      **Classification:** NOT APPLICABLE      **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 2715 FARM-TO-MARKET ROAD 1844 NEAR LONGVIEW, GREGG COUNTY, TEXAS

**TCEQ Region:** REGION 05 - TYLER

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
0920042

**Compliance History Period:** September 01, 2016 to August 31, 2021      **Rating Year:** 2021      **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** February 25, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 25, 2017 to February 25, 2022

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

**Name:** America Ruiz      **Phone:** (512) 239-2601

## 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: 05/25/2020 ADMINORDER 2019-0425-PWS-E (Findings Order-Agreed Order Without Denial)
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
  - Description: LCR RT MR 2nd 6M2018 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2018 to 12/31/2018 within the required timeline.
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
  - Description: LCR WQP MR 1st 6M2018 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2018 monitoring period at entry point location 2715 FM 1844; Longview (PBCU001) and the distribution system.
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
  - Description: LCR WQP MR 2nd 6M2017 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 2nd 6M2017 monitoring period at entry point location 2715 FM 1844; Longview (PBCU001) and the distribution system.
  - Classification: Moderate
  - Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)

30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(3)

Description: LCR WQP MR 1st 6M2017 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2017 monitoring period at entry point location 2715 FM 1844; Longview (PBCU001) and the distribution system.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(f)(1)(A)(ii)  
30 TAC Chapter 290, SubChapter F 290.117(i)(7)

Description: LCR SCC 06/01/2016 to 09/30/2016 - The system failed to submit the Study for Corrosion (SCC) in accordance with TCEQ rules 290.117(f) and 290.117(i) after exceeding the lead/copper action level from the end of the reduced monitoring period from 01/01/2016 to 12/31/2016 plus 365 days.

Classification: Moderate

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

Description: DLQOR MR PN 3Q2017 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the third quarter of 2017.

**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



from 07/01/2018 to 12/31/2018 within the required timeline.

7

Date: 04/24/2019 (1554915)

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

Description: Failure to document the amount of chemicals used weekly.

Classification: Minor

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to develop and maintain an up to date system monitoring plan. The plan

shall identify all bacteriological and chemical locations, describe the sampling frequency, and specify the analytical procedures and laboratories to be used to comply with monitoring requirements. The completed plan must be retained at each water plant, and made available for review during succeeding investigations.

Classification: Minor

Self Report? NO

For Informational Purposes Only

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

Description: Failure to install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.

Classification: Minor

Self Report? NO

For Informational Purposes Only

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

Description: Failure to collect and documented disinfectant residual tests from the distribution system at least once every seven days.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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

Description: Failure to notify the executive director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Public water systems shall submit plans and specifications for the proposed changes upon request.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(B)(ii)

Description: Failure to meet this Agency's Minimum Water System Capacity Requirements. These requirements include a ground storage capacity which is equal to 50% of the maximum daily demand.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.118(f)(3)

Description: Failure to meet the maximum secondary constituent level for corrosivity. 30 TAC 290.118(f)(3) states that a public water system that exceeds the secondary constituent levels in subsection (b) of this section commits a secondary constituents level violation. 30 TAC 290.118(b) states, the secondary constituent level for corrosivity is "non corrosive."

Classification: Moderate

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)  
30 TAC Chapter 290, SubChapter D 290.39(j)(2)

Description: Failure to notify the executive director of a change in treatment that could impact the corrosivity of the water.

Classification: Minor

Self Report? NO

For Informational Purposes Only

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

Description: Failure to protect the well unit with an intruder-resistant fence with locked gates, or a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers. The gates or wellhouses shall be locked during periods of darkness and when the plant is unattended.

Classification: Moderate

Self Report? NO

For Informational Purposes Only

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

Description: Failure to maintain an intruder-resistant fence in order to protect the ground

storage tank.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)  
Description: Failure to provide for inspection documentation that all chemicals used in treatment are NSF 60 certified.

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)  
Description: Failure to terminate the well blow off in a downward direction to minimize the risk of contaminates entering the well.

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)  
Description: Failure by the regulated entity to calibrate the well meter at least every three years.

8 Date: 07/24/2019 (1577620)

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)  
Description: Failure to document the amount of chemicals used weekly.

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)  
Description: Failure to install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)  
Description: Failure to collect and documented disinfectant residual tests from the distribution system at least once every seven days.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.118(f)(3)  
Description: Failure to meet the maximum secondary constituent level for corrosivity. 30 TAC 290.118(f)(3) states that a public water system that exceeds the secondary constituent levels in subsection (b) of this section commits a secondary constituents level violation. 30 TAC 290.118(b) states, the secondary constituent level for corrosivity is "non corrosive."

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)  
Description: Failure to protect the well unit with an intruder-resistant fence with locked gates, or a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers. The gates or wellhouses shall be locked during periods of darkness and when the plant is unattended.

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)  
Description: Failure to terminate the well blow off in a downward direction to minimize the risk of contaminates entering the well.

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)  
Description: Failure by the regulated entity to calibrate the well meter at least every three years.

9 Date: 01/31/2020 (1618632)

Classification: Minor

Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

Description: Failure to document the amount of chemicals used weekly.  
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.121

Description: Failure to develop and maintain an up to date system monitoring plan. The plan shall identify all bacteriological and chemical locations, describe the sampling frequency, and specify the analytical procedures and laboratories to be used to comply with monitoring requirements. The completed plan must be retained at each water plant, and made available for review during succeeding investigations.  
Classification: Minor

Self Report? NO For Informational Purposes Only

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

Description: Failure to collect and documented disinfectant residual tests from the distribution system at least once every seven days.  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.118(f)(3)

Description: Failure to meet the maximum secondary constituent level for corrosivity. 30 TAC 290.118(f)(3) states that a public water system that exceeds the secondary constituent levels in subsection (b) of this section commits a secondary constituents level violation. 30 TAC 290.118(b) states, the secondary constituent level for corrosivity is "non corrosive."  
Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)  
30 TAC Chapter 290, SubChapter D 290.39(j)(2)

Description: Failure to notify the executive director of a change in treatment that could impact the corrosivity of the water.  
Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failure to maintain an intruder-resistant fence in order to protect the ground storage tank.  
Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: Failure to provide for inspection documentation that all chemicals used in treatment are NSF 60 certified.  
Classification: Minor

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure by the regulated entity to calibrate the well meter at least every three years.

\* NOV's applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

## Appendix B

### All Investigations Conducted During Component Period February 25, 2017 and February 25, 2022

Item 1	March 21, 2019**	(1552487) For Informational Purposes Only
Item 2	March 22, 2019**	(1552856) For Informational Purposes Only
Item 3	April 19, 2019**	(1554915) For Informational Purposes Only
Item 4	August 23, 2019**	(1577620) For Informational Purposes Only
Item 5	January 27, 2020**	(1618632) For Informational Purposes Only

(1663944)

Item 6      September 17, 2020\*\* For Informational Purposes Only

(1788129)

Item 7      February 16, 2022 For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CHRISTIAN HERITAGE CLASSICAL  
SCHOOL  
RN101182277

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0254-PWS-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Christian Heritage Classical School (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 at 2715 Farm-to-Market Road 1844 near Longview, Gregg County, Texas (the "Facility"). The Facility provides water for human consumption, has one service connection, 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 a record review conducted on January 20, 2022, an investigator documented that:
  - a. The Facility serves a maximum daily population of 305 persons, requiring a ground storage capacity of 4,575 gallons. However, only 1,550 gallons of ground storage capacity was provided, indicating a 66% deficiency.
  - b. The Facility removed three, 250-gallon bladder tanks and added two, 10-gallon per minute ("gpm") service pumps, one, 1,550-gallon ground storage tank ("GST"), and one, 350-gallon bladder tank without notifying and obtaining approval from the Executive Director.

- c. The Respondent was using Fred's Bleach and Dollar General Bleach for disinfection, which does not conform to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60.
- d. The water was determined to be "corrosive" based on a raw water sample collected at Entry Point No. 1 on September 1, 2021 which, when evaluated, resulted in the following indices: Langelier index of -1.70, Ryzner index of 10.81, and Aggressive index of 9.95. According to the TCEQ Regional Office Drinking Water Sampling Guide, the water should be considered corrosive if any two of the following occur: a) Langelier index is -1.0 or less; b) Ryzner index is 8.5 or more; c) Aggressive index is less than 10; and d) pH is less than 7.

## 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 provide ground storage capacity equal to 50% of the maximum daily demand ("MDD"), in violation of 30 TEX. ADMIN. CODE § 290.45(d)(2)(B)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to notify the Executive Director prior to making any significant change or addition where the change in the existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance capacity, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351.
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to use an approved chemical or media for the disinfection of potable water that conforms to the ANSI/NSF Standard 60 for Drinking Water Treatment Chemicals, in violation of 30 TEX. ADMIN. CODE § 290.42(j).
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to meet the maximum secondary constituent level ("MSCL") for corrosivity of "non-corrosive," in violation of 30 TEX. ADMIN. CODE § 290.118(a) and (b).
6. 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.
7. An administrative penalty in the amount of \$2,100 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 Respondent paid the \$2,100 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. 7 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: Christian Heritage Classical School, Docket No. 2022-0254-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, begin using a disinfectant that is ANSI/NSF Standard 60 certified, in accordance with 30 TEX. ADMIN. CODE § 290.42.
  - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 180 days after the effective date of this Order:
    - i. Provide ground storage capacity equal to 50% of the MDD, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
    - ii. Submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to the removal of three, 250-gallon bladder tanks and the addition of two, 10-gpm service pumps, one, 1,550-gallon GST, and one, 350-gallon bladder tank, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports 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.

- d. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h 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 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- f. Within 285 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e.
- g. Within 1,095 days after the effective date of this Order, provide water that meets the MSCL for corrosivity and/or receive a written approval from the Executive Director to use the water source for public drinking water, in accordance with 30 TEX. ADMIN. CODE §290.118. The well completion data and all required monitoring test reports shall be submitted to:

Plan and Technical Review Section  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3038

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

- h. Within 1,110 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.g. 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:

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

with a copy to:

Water Section Manager  
Tyler Regional Office  
Texas Commission on Environmental Quality  
2916 Teague Drive  
Tyler, Texas 75701-3734

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 Order Compliance Team 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  
  
\_\_\_\_\_  
For the Executive Director

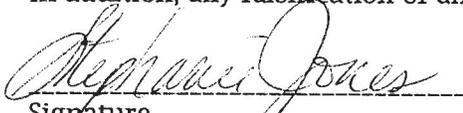
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Date  
2/24/2023  
\_\_\_\_\_  
Date

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 OAG 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 OAG 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

7-6-22  
\_\_\_\_\_  
Date

Stephanie Jones  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Christian Heritage Classical School

Head of School  
\_\_\_\_\_  
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.