

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2006-0967-PWS-E TCEQ ID: RN101196236 CASE NO.: 30178**  
**RESPONDENT NAME: YOUN OK KIM DBA AUNT ANNIES 5**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 16231 Farm-to-Market Road 3083, Conroe, Montgomery County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 25, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p><b>TCEQ Attorney:</b> Ms. Mary Hammer, Litigation Division, MC 175, (512) 239-2679  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p><b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villarreal, Enforcement Division, MC R-13, (210) 403-4033</p> <p><b>TCEQ Regional Contact:</b> Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581</p> <p><b>Respondent:</b> Mr. Youn Ok Kim, Owner, Aunt Annies 5, 16231 Farm-to-Market Road 3083, Conroe, TX 77302-5143</p> <p><b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b>                      May 1, 2006; July 12, 2006</p> <p><b>Date of NOV/NOE Relating to this Case:</b>                      August 25, 2005 (NOV); September 14, 2005 (NOV); October 3, 2005 (NOV); December 1, 2005 (NOV); December 21, 2005 (NOV); January 26, 2006 (NOV); March 22, 2006 (NOV); May 26, 2006 (NOV); June 15, 2006 (NOE)</p> <p><b>Background Facts:</b> An EDP RP was filed on November 29, 2006. The Respondent received notice of the EDP RP, as evidenced by the signature on the "green card," on December 1, 2006. The Respondent has not filed an answer or requested a hearing.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>PWS:</b></p> <ol style="list-style-type: none"> <li>Failed to perform routine monthly bacteriological sampling of the public water supply and failed to provide public notification of the failure to conduct monthly bacteriological sampling for the months of June 2005, July 2005, August 2005, October 2005, February 2006, and April 2006 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and TEX. HEALTH &amp; SAFETY CODE § 341.033(d)].</li> <li>Failed to collect all required repeat samples within 24 hours of being notified of a total coliform-positive result on a routine sample and failed to provide public notice of the failure to collect all required repeat samples within 24 hours of notification of the total coliform-positive result in November 2005 [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)].</li> <li>Failed to collect at least five routine bacteriological samples following total coliform-positive results the preceding month and failed to provide public notice of the failure to conduct proper bacteriological sampling in December 2005. [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A)].</li> <li>Failed to pay all annual and late Public Health Service fees for TCEQ Financial Administrative Account No. 91700573 for fiscal years 2005 and 2006 [30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].</li> </ol>	<p><b>Total Assessed:</b> \$2,940</p> <p><b>Total Deferred:</b>  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Due to General Revenue:</b> \$2,940</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalties but will be required to do so under the terms of this proposed Order.</p> <p><b>Site Compliance History Classification:</b>                      N/A</p> <p><b>Person Compliance History Classification:</b>                      N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Technical Requirements:</b></p> <ol style="list-style-type: none"> <li>Within 10 days, the Respondent shall begin performing monthly bacteriological sampling utilizing samples which are representative of the Facility's water system, according to the Facility's written Sampling Monitoring Plan.</li> <li>Within 30 days, the Respondent shall submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91700573.</li> </ol>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b> 26-Jun-2006	<b>Screening</b> 11-Jul-2006	<b>EPA Due</b> 01-Apr-2005
	<b>PCW</b> 11-Jul-2006		

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Youn Ok Kim dba Aunt Annies 5
<b>Reg. Ent. Ref. No.</b>	RN101196236
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	30178	<b>No. of Violations</b>	4
<b>Docket No.</b>	2006-0967-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Epifanio Villarreal
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$2,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	47% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$940</b>
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**Notes**  
The penalty enhancement is due to nine prior Notices of Violation ("NOVs") for violations that are same as or similar to the violations in the current enforcement action and one prior NOV that is dissimilar to the violations in the current enforcement action.

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

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

**Notes**  
The respondent does not meet the good faith criteria.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$470	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$450	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$2,940</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

<b>Final Penalty Amount</b>	<b>\$2,940</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$2,940</b>
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<b>DEFERRAL</b>	0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**  
No deferral is offered with a findings order.

<b>PAYABLE PENALTY</b>	<b>\$2,940</b>
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**Screening Date** 11-Jul-2006 **Docket No.** 2006-0967-PWS-E **PCW**  
**Respondent** Youn Ok Kim dba Aunt Annies 5 *Policy Revision 2 (September 2002)*  
**Case ID No.** 30178 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101196236  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Epifanio Villarreal

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	9	45%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** **47%**

>> **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**

The penalty enhancement is due to nine prior Notices of Violation ("NOVs") for violations that are same as or similar to the violations in the current enforcement action and one prior NOV that is dissimilar to the violations in the current enforcement action.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** **47%**

Screening Date 11-Jul-2006

Docket No. 2006-0967-PWS-E

PCW

Respondent Youn Ok Kim dba Aunt Annies 5

Policy Revision 2 (September 2002)

Case ID No. 30178

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101196236

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.033(d)

Violation Description Failed to perform routine monthly bacteriological sampling of the public water supply and failed to provide public notification of the failure to conduct monthly bacteriological sampling for the months of June 2005, July 2005, August 2005, October 2005, February 2006, and April 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failure to perform routine bacteriological sampling of the public water supply and failure to provide public notification could result in customers of the water supply being exposed to significant amounts of bacteriological contamination which would exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 6

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,500

Six monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$315

Violation Final Penalty Total \$2,205

This violation Final Assessed Penalty (adjusted for limits) \$2,205

### Economic Benefit Worksheet

Respondent: Youn Ok Kim dba Aunt Annies 5  
 Case ID No. 30178  
 Reg. Ent. Reference No. RN101196236  
 Media [Statute] Public Water Supply  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$150	01-Jun-2005	01-Aug-2005	1.0	\$8	\$150	\$158
Other (as needed)	\$150	01-Oct-2005	01-Apr-2006	1.0	\$8	\$150	\$158

Notes for AVOIDED costs  
 The avoided costs include the amount to perform routine bacteriological monitoring and provide public notice, calculated for the months of June 2005, July 2005, August 2005, October 2005, February 2006, and April 2006 in which no monitoring and notices were not performed.

Approx. Cost of Compliance \$300

**TOTAL** \$315

<b>Screening Date</b>	11-Jul-2006	<b>Docket No.</b>	2006-0967-PWS-E	<b>PCW</b>
<b>Respondent</b>	Youn Ok Kim dba Aunt Annies 5	Policy Revision 2 (September 2002)		
<b>Case ID No.</b>	30178	PCW Revision May 19, 2005		
<b>Reg. Ent. Reference No.</b>	RN101196236			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	2			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failed to collect all required repeat samples within 24 hours of being notified of a total coliform-positive result on a routine sample and failed to provide public notice of the failure to collect all required repeat samples within 24 hours of notification of the total coliform-positive result in November 2005.			
<b>Base Penalty</b>				\$1,000

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

OR	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual				
Potential	X			<b>Percent</b> 25%	

>> **Programmatic Matrix**

	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
					<b>Percent</b> <input style="width: 50px;" type="text"/>
<b>Matrix Notes</b>	Failure to properly sample and provide public notice could result in customers of the water supply being exposed to significant amounts of total coliform at levels that are protective of human health.				
<b>Adjustment</b>					-\$750

**Base Penalty Subtotal** \$250

**Violation Events**

Number of Violation Events	1														
mark only one use a small x	<table style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center; font-size: x-small;">daily</td><td style="border: 1px solid black; width: 50px;"></td></tr> <tr><td style="text-align: center; font-size: x-small;">monthly</td><td style="border: 1px solid black;"></td></tr> <tr><td style="text-align: center; font-size: x-small;">quarterly</td><td style="border: 1px solid black;"></td></tr> <tr><td style="text-align: center; font-size: x-small;">semiannual</td><td style="border: 1px solid black;"></td></tr> <tr><td style="text-align: center; font-size: x-small;">annual</td><td style="border: 1px solid black;"></td></tr> <tr><td style="text-align: center; font-size: x-small;">single event</td><td style="border: 1px solid black; text-align: center;">X</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	X	<b>Violation Base Penalty</b>	\$250
daily															
monthly															
quarterly															
semiannual															
annual															
single event	X														
One single event is recommended.															

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <span style="border: 1px solid black; padding: 2px;">\$50</span>	Violation Final Penalty Total <span style="border: 1px solid black; padding: 2px;">\$368</span>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <span style="border: 1px solid black; padding: 2px;">\$368</span>	

### Economic Benefit Worksheet

Respondent: Youn Ok Kim dba Aunt Annies 5  
 Case ID No. 30178  
 Reg. Ent. Reference No. RN101196236  
 Media [Statute] Public Water Supply  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	29-Nov-2005	30-Nov-2005	0.0	\$0	\$50	\$50
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amounts to perform the required bacteriological sampling and provide public notice, calculated for the day in which all repeat sampling and public notification should have been performed.

Approx. Cost of Compliance \$50

TOTAL \$50

<b>Screening Date</b>	11-Jul-2006	<b>Docket No.</b>	2006-0967-PWS-E	<b>PCW</b>
<b>Respondent</b>	Youn Ok Kim dba Aunt Annies 5		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	30178	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN101196236			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	3			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.109(c)(2)(F) and 290.122(c)(2)(A)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failed to collect at least five routine bacteriological samples following total coliform-positive results the preceding month and failed to provide public notice of the failure to conduct proper bacteriological sampling in December 2005.			
<b>Base Penalty</b>				\$1,000

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

OR	<b>Harm</b>				Percent
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	X			25%

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
<b>Matrix Notes</b>	Failure to properly sample and provide public notice could result in customers of the water supply being exposed to significant amounts of total coliform at levels that are protective of human health.				

**Adjustment** -\$750

**Base Penalty Subtotal** \$250

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$250

One monthly event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$105"/>	Violation Final Penalty Total <input type="text" value="\$368"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$368"/>	

### Economic Benefit Worksheet

**Respondent** Youn Ok Kim dba Aunt Annies 5  
**Case ID No.** 30178  
**Reg. Ent. Reference No.** RN101196236  
**Media [Statute]** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	01-Dec-2005	31-Dec-2005	1.0	\$5	\$100	\$105
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform bacteriological monitoring and provide public notice, calculated for the month in which no monitoring and no notice were performed.

Approx. Cost of Compliance \$100

**TOTAL** \$105

<b>Screening Date</b>	11-Jul-2006	<b>Docket No.</b>	2006-0967-PWS-E	<b>PCW</b>
<b>Respondent</b>	Youn Ok Kim dba Aunt Annies 5		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	30178			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101196236			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Epifanio Villarreal			
<b>Violation Number</b>	4			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 290.51(a)(3)			
<b>Secondary Rule Cite(s)</b>	Tex. Water Code § 5.702			
<b>Violation Description</b>	Failed to pay all annual and late Public Health Service (PHS) fees for TCEQ Financial Administration Account No. 91700573 for Fiscal Years 2005 and 2006.			
<b>Base Penalty</b>				\$1,000

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

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential				
					<b>Percent</b> <input style="width: 50px;" type="text"/>

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> <input style="width: 50px;" type="text"/>
<b>Matrix Notes</b>					

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

	<i>daily</i>	
	<i>monthly</i>	
	<i>quarterly</i>	
	<i>semiannual</i>	
	<i>annual</i>	
	<i>single event</i>	

*mark only one use a small x*

**Violation Base Penalty**

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

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
---	-----------------------------

<b>Estimated EB Amount</b> <input style="width: 50px;" type="text" value="\$0"/>	<b>Violation Final Penalty Total</b> <input style="width: 50px;" type="text" value="\$0"/>
--	--

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

### Economic Benefit Worksheet

Respondent Youn Ok Kim dba Aunt Annies 5  
 Case ID No. 30178  
 Reg. Ent. Reference No. RN101196236  
 Media [Statute] Public Water Supply  
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance \$0

**TOTAL** \$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN602850059      KIM, YOUN OK	Classification:	Rating:
Regulated Entity:	RN101196236      AUNT ANNIES 5	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1700573
Location:	16231 FM 3083 RD, Montgomery County		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	July 11, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 11, 2001 to July 11, 2006		

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

Name: Epi Villarreal Phone: 210-403-4033

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?      No
2. Has there been a (known) change in ownership of the site during the compliance period?      Yes
3. If Yes, who is the current owner?      Youn Ok Kim
4. If Yes, who was/were the prior owner(s)?      Hal Spence and Sandra Spence
5. When did the change(s) in ownership occur?      6/23/2005

### Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

03/22/2006	(483298)
06/21/2006	(483412)
03/06/2003	(24498)
01/25/2006	(483287)
08/25/2005	(483234)
12/18/2002	(19536)
10/03/2005	(483255)
05/26/2006	(483307)
09/14/2005	(482964)
12/01/2005	(483268)
12/21/2005	(483278)
06/20/2005	(396277)

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

Date: 10/03/2005      (483255)

Self Report? NO

Classification: Moderate

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

Description: Failure to collect any routine monitoring samples in 08/2005.

Self Report? NO

Classification: Moderate

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

Description: Failure to post a PN for not collecting any routine monitoring samples in 08/2005.

Date: 12/01/2005 (483268)

Self Report? NO

Classification: Moderate

Description: Failure to collect any routine monitoring samples in 10/2005.

Self Report? NO

Classification: Moderate

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

Description: Failure to post a PN for not collecting any routine monitoring samples in 10/2005.

Date: 06/17/2005 (396277)

Self Report? NO

Classification: Moderate

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

Description: Failure to provide a minimum pressure tank capacity of 220 gallons.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to make available sanitary control easements for the well at the time of inspection.

Date: 09/14/2005 (482964)

Self Report? NO

Classification: Moderate

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

Description: Failure to collect any routine monitoring samples in 06/2005.

Self Report? NO

Classification: Moderate

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

Description: Failure to post a PN for not collecting any routine monitoring samples in 06/2005.

Date: 03/22/2006 (483298)

Self Report? NO

Classification: Moderate

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

Description: Failure to collect any routine monitoring samples in 02/2006.

Self Report? NO

Classification: Moderate

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

Description: Failure to post a PN for not collecting any routine monitoring samples in 02/2006.

Date: 08/25/2005 (483234)

Self Report? NO

Classification: Moderate

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

Description: Failure to collect any routine monitoring samples in 07/2005.

Self Report? NO

Classification: Moderate

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

Description: Failure to post a PN for not collecting any routine monitoring samples in 07/2005.

Date: 01/25/2006 (483287)

Self Report? NO

Classification: Moderate

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

Description: Failure to collect any of the distribution samples in 12/2005 following a coliform found month.

Self Report? NO

Classification: Moderate

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

Description: Failure to post a PN for not collecting any of the distribution samples in 12/2005 following a coliform found month.

Date: 12/19/2002 (19536)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)  
 Description: Failure to supply a minimum pressure tank capacity of 220 gallons.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
 Description: Failure to provide a sanitary easement at the time of the inspection.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(C)  
 Description: Failure to perform at least once every seven days, chlorine residual test on water collected from various locations within the distribution system.  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
 Description: Failure to protect the vent opening on the holding tank with a 16-mesh or finer corrosion resistant screening.

Date: 05/26/2006 (483307)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
 Description: Failure to collect any routine monitoring samples in 04/2006.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
 Description: Failure to post a PN for not collecting any routine monitoring samples in 04/2006.

Date: 12/21/2005 (483278)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)  
 Description: Failure to collect any repeat samples in 11/2005 following a coliform found result.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
 Description: Failure to post a PN for not collecting any repeat samples in 11/2005 following a coliform found result.

- 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  
YOUN OK KIM DBA AUNT  
ANNIES 5, RN101196236

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER DOCKET NO. 2006-0967-PWS-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Youn Ok Kim dba Aunt Annies 5 ("Kim").

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

### FINDINGS OF FACT

1. Kim owns and operates a restaurant with a public water supply located at 16231 Farm-to-Market Road 3083 in Conroe, Montgomery County, Texas (the "Facility").
2. The Facility has one service connection, serves at least 25 people per day for at least 60 days per year, and provides water for human consumption.
3. During a record review conducted on May 1, 2006, a TCEQ Austin Regional Office investigator documented that Kim violated the following requirements:
  - a. Failed to perform routine monthly bacteriological sampling of the public water supply and failed to provide public notification of the failure to conduct monthly bacteriological sampling for the months of June 2005, July 2005, August 2005, October 2005, February 2006 and April 2006.

- b. Failed to collect all required repeat samples within 24 hours of being notified of a total coliform-positive result on a routine sample and failed to provide public notice of the failure to collect all required repeat samples within 24 hours of notification of the total coliform-positive result in November 2005.
  - c. Failed to collect at least five routine bacteriological samples following total coliform-positive results the preceding month and failed to provide public notice of the failure to conduct proper bacteriological sampling in December 2005.
4. During a record review conducted on July 12, 2006, a TCEQ Enforcement Coordinator documented that Kim failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91700573 for Fiscal Years 2005 and 2006.
5. Kim received notices of the violations on or about August 25, 2005, September 14, 2005, October 3, 2005, December 1, 2005, December 21, 2005, January 26, 2006, March 22, 2006, and May 26, 2006.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Youn Ok Kim dba Aunt Annies 5" (the "EDPRP") in the TCEQ Chief Clerk's office on November 29, 2006.
7. By letter dated November 29, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Kim with notice of the EDPRP. According to the return receipt "green card", Kim received notice of the EDPRP on December 1, 2006, as evidenced by the signature on the card.
8. More than 20 days have elapsed since Kim received notice of the EDPRP, provided by the Executive Director. Kim failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, the Facility is a public water system as defined in 30 TEX. ADMIN CODE § 290.38(47). As such, Kim is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3.a., Kim failed to perform routine monthly bacteriological sampling of the public water supply and failed to provide public notification of the failure to conduct monthly bacteriological sampling for the months of June 2005, July 2005, August 2005, October 2005, February 2006 and April 2006, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Finding of Fact No. 3.b., Kim failed to collect all required repeat samples within 24 hours of being notified of a total coliform-positive result on a routine sample and failed to provide public notice of the failure to collect all required repeat samples within 24 hours of notification of the total coliform-positive result in November 2005, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A).
4. As evidenced by Finding of Fact No. 3.c., Kim failed to collect at least five routine bacteriological samples following total coliform-positive results the preceding month and failed to provide public notice of the failure to conduct proper bacteriological sampling in December 2005, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A).
5. As evidenced by Finding of Fact No. 4, Kim failed to pay all annual and late Public Health Service fees for TCEQ Financial Administration Account No. 91700573 for Fiscal Years 2005 and 2006, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702.
6. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Kim with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
7. As evidenced by Finding of Fact No. 8, Kim has failed to file a timely answer to the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Kim and assess the penalty recommended by the Executive Director.
8. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Kim for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

9. An administrative penalty in the amount of two thousand nine hundred forty dollars (\$2,940.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
10. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

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

1. Kim is assessed an administrative penalty in the amount of two thousand nine hundred forty dollars (\$2,940.00) for violations of TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341 and rules of the TCEQ. The payment of this administrative penalty and Kim's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Youn Ok Kim dba Aunt Annies 5; Docket No. 2006-0967-PWS-E" to:

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

2. Kim shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Order, Kim shall begin performing monthly bacteriological sampling utilizing samples which are representative of the Facility's water system, according to the Facility's written Sampling Monitoring Plan, as required by 30 TEX. ADMIN. CODE § 290.109; and
  - b. Within 30 days after the effective date of this Order, Kim shall submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration

Account No. 91700573. The payment shall be sent with the notation "RE: Youn Ok Kim dba Aunt Annies 5, Financial Administration Account No. 91700573" to:

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

- c. Within 45 days after the effective date of this Order, Kim shall submit written certification of compliance with Ordering Provisions 2.a. and b. as described below.

The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

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

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

and

Stephen Smith, Water Section Manager  
Texas Commission on Environmental Quality  
Houston Regional Office  
5425 Polk Avenue, Suite H  
Houston, TX 77023-1452

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Kim. Kim 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 Kim shall be made in writing to the Executive Director. Extensions are not effective until Kim receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Kim if the Executive Director determines that Kim has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF MARY HAMMER**

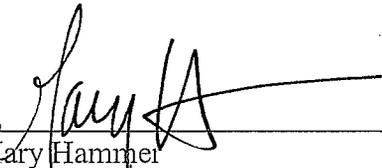
STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Mary Hammer. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Youn Ok Kim dba Aunt Annies 5” (the “EDPRP”) with the Office of the Chief Clerk on November 29, 2006.

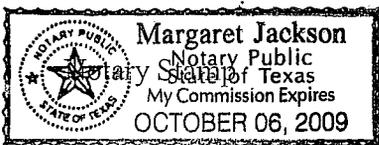
I sent the EDPRP to Kim at her last known address on November 29, 2006 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Kim received notice of the EDPRP on December 1, 2006, as evidenced by the signature on the card.

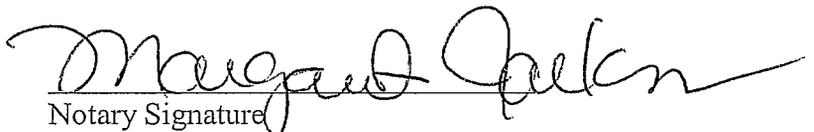
More than 20 days have elapsed since Kim received notice of the EDPRP. Kim failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”

  
\_\_\_\_\_  
Mary Hammer  
Attorney  
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 28 day of March, A.D., 2007.



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