

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2007-0743-MLM-E TCEQ ID: RN101228740 CASE NO.:33361  
RESPONDENT NAME: DOLORES A. LUKE DBA LITTLE BIG HORN SERVICES**

<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 checked="" 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 checked="" type="checkbox"/> WATER RIGHTS	<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

**SITE WHERE VIOLATION(S) OCCURRED:** 9700 Little Big Horn Drive, about 5 miles north of Silsbee, Hardin County

**TYPE OF OPERATION:** Public water supply system

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on December 10, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

- TCEQ Attorney:** Mr. Barham A. Richard, Litigation Division, MC 175, (512) 239-0107  
Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
- TCEQ Enforcement Coordinator:** Ms. Rebecca Clausewitz, Water Enforcement Section, MC R-13, (210) 403-4012
- TCEQ Regional Contact:** Mr. Ronald Hebert, Beaumont Regional Office, MC R-10, (409) 898-3838
- Respondent:** Ms. Dolores Luke, Owner, Little Big Horn Services, 8029 FM 92, Silsbee, Texas 77656
- Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**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 of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> February 13, 2007 and February 22, 2007 (investigation) April 25, 2007 (record review)</p> <p><b>Date of NOE Relating to this Case:</b> April 9, 2007</p> <p><b>Background Facts:</b></p> <p>The Executive Director filed an EDPRP on August 15, 2007. The Respondent received notice of the EDPRP on August 23, 2007, as evidenced by the signature on the "green card." 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>MLM</b></p> <p>1. Failed to develop and maintain a drought contingency plan for the public water supply [30 TEX. ADMIN. CODE § 288.20].</p> <p>2. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>3. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].</p> <p>4. Failed to maintain ANSI/NSF certification for all chemical additives used at the water supply [30 TEX. ADMIN. CODE § 290.42(j)].</p>	<p><b>Total Assessed:</b> \$1,730</p> <p><b>Total Deferred:</b> \$0</p> <p><b>Total Due to General Revenue:</b> \$1,730</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty, 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>Ordering Provision(s)</b></p> <p>1. Immediately, the Respondent shall:</p> <p>a. Begin maintaining a minimum chlorine residual of 0.2 mg/L of free chlorine throughout the distribution system at all times;</p> <p>b. Begin maintaining all operational records for the water supply so that they can be made available to Commission personnel at the time of investigations including but not limited to microbiological analysis results, chlorine residual monitoring results, dates that dead end mains were flushed, customer service inspection reports, and annual tank inspection reports.</p> <p>2. Within 30 days;</p> <p>a. Prepare and begin maintaining an up-to-date chemical and microbiological monitoring plan;</p> <p>b. Prepare and begin maintaining a thorough and up-to-date plant operations manual;</p> <p>c. Obtain and begin maintaining copies of all ANSI/NSF certifications for the chemical additives used at the Facility;</p> <p>d. Provide a concrete sealing block for the Facility's well that extends a minimum of three feet from the well head in all directions;</p> <p>e. Repair any water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances that are not in a watertight condition, including but not limited to, the leak on the well discharge pipe between the sample tap and the flow meter; and</p> <p>f. Prepare and begin maintaining a drought contingency plan for the public water supply.</p> <p>g. Pay all outstanding fees, including any associated penalties and interest.</p> <p>3. Within 90 days;</p> <p>a. Prepare and begin maintaining an up-to-date map of the distribution system;</p> <p>b. Provide a minimum well capacity of 1.5 gpm per connection; and</p>

<p>5. Failed to develop and maintain an accurate and up-to-date map of the distribution system so that all valves and mains can be easily located in an emergency [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p>		<p>c. Provide a minimum pressure tank capacity of 50 gallons per connection.</p>
<p>6. Failed to maintain a minimum chlorine residual of 0.2 mg/L of free chlorine throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>7. Failed to provide a concrete sealing block for the water system's well that extends a minimum of three feet from the well head in all directions [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</p> <p>8. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>9. Failed to provide a minimum well capacity of 1.5 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>10. Failed to provide a minimum pressure tank capacity of 50 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>11. Failed to maintain the water system's operational records and make those records available to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)].</p> <p>12. Failed to remit all PHS annual and late fees to the Commission in a timely manner [30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].</p>		



# Penalty Calculation Worksheet (PCW)

TCEQ

DATES	Assigned	12-Apr-2007	Screening	2-May-2007	EPA Due	
	PCW	4-May-2007				

### RESPONDENT/FACILITY INFORMATION

Respondent	Dolores A. Luke dba Little Big Horn Services		
Reg. Ent. Ref. No.	RN101228740		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

### CASE INFORMATION

Enf./Case ID No.	33361	No. of Violations	1	
Docket No.	2007-0743-MLM-E	Order Type	1660	
Media Program(s)	Water Rights	Enf. Coordinator	Rebecca Clausewitz	
Multi-Media		EC's Team	Enforcement Team 2	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$5,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 4% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No 0% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

Approx. Cost of Compliance Total EB Amounts  0% Enhancement\* Subtotal 6   
\*Capped at the Total EB \$ Amount

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL**  Reduction Adjustment

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

Notes

**PAYABLE PENALTY**

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Water Rights

Enf. Coordinator Rebecca Clausewitz

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 4%

>> 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 compliance history enhancement is due to two prior Notices of Violation ("NOVs") containing violations that are dissimilar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 4%

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No: RN101228740

Media [Statute] Water Rights

Enf. Coordinator Rebecca Clausewitz

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"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

<i>mark only one with an x</i>	daily	<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

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** Dolores A. Luke dba Little Big Horn Services  
**Case ID No.** 33361  
**Reg. Ent. Reference No.** RN101228740  
**Media** Water Rights  
**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
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	13-Feb-2007	30-Dec-2007	0.9	\$1	\$12	\$12
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**  
 The delayed costs include the amount to create a drought contingency plan for the water supply, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$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**  
 There are no avoided costs associated with this violation.

Approx. Cost of Compliance \$200
TOTAL \$12



# Penalty Calculation Worksheet (PCW)

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	12-Apr-2007	<b>Screening</b>	2-May-2007	<b>EPA Due</b>	
	<b>PCW</b>	4-May-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Dolores A. Luke dba Little Big Horn Services
<b>Reg. Ent. Ref. No.</b>	RN101228740
<b>Facility/Site Region</b>	10-Beaumont
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	33361	<b>No. of Violations</b>	11
<b>Docket No.</b>	2007-0743-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Rebecca Clausewitz
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1* **\$1,100**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 10% Enhancement *Subtotals 2, 3, & 7* **\$110**

Notes: The compliance history enhancement is due to two prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action.

**Culpability** No 0% Enhancement *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction *Subtotal 5* **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

**Total EB Amounts** \$3,418 **0% Enhancement\*** *Subtotal 6* **\$0**  
**Approx. Cost of Compliance** \$14,000 *\*Capped at the Total EB \$ Amount*

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$1,210**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** *Adjustment* **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

*Final Penalty Amount* **\$1,210**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$1,210**

**DEFERRAL** *Reduction Adjustment* **\$0**

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

Notes:

Deferral not offered with non-expedited cases.

**PAYABLE PENALTY** **\$1,210**

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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 (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> 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 compliance history enhancement is due to two prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No: RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x	daily	<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

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: Dolores A. Luke dba Little Big Horn Services

Case ID No. 33361

Reg. Ent. Reference No. RN101228740

Media: Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$200	13-Feb-2007	31-Dec-2007	0.9	\$9	n/a	\$9
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: The delayed costs includes the amount to prepare and begin maintaining an up-to-date chemical and microbiological monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$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: There are no avoided costs associated with this violation.

Approx. Cost of Compliance: -\$200      TOTAL: \$9

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

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

Violation Description Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

		Harm		
		Major	Moderate	Minor
Release Actual				
Potential				

Percent 0%

>> Programmatic Matrix

		Major	Moderate	Minor
Falsification		x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

79 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

## Economic Benefit Worksheet

**Respondent** Dolores A. Luke dba Little Big Horn Services  
**Case ID No.** 33361  
**Reg. Ent. Reference No.** RN101228740  
**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	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$200	13-Feb-2007	31-Dec-2007	0.9	\$9	n/a	\$9
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	The delayed costs include the amount to compile and begin maintaining a thorough and up-to-date plant operations manual, calculated from the date of the investigation to the estimated date of compliance.						
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
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	There are no avoided costs associated with this violation.						
Approx. Cost of Compliance	\$200			TOTAL		\$9	

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

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

Violation Description Failed to maintain an American National Standards Institute / National Sanitation Foundation ("ANSI/NSF") certification for all chemical additives used at the water supply.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

79 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

## Economic Benefit Worksheet

**Respondent** Dolores A. Luke dba Little Big Horn Services  
**Case ID No.** 33361  
**Reg. Ent. Reference No.** RN101228740  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$100	13-Feb-2007	31-Dec-2007	0.9	\$4	n/a	\$4
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

The delayed costs include the amount to obtain and begin maintaining copies of all ANSI/NSF certifications for the chemical additives, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
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

There are no avoided costs associated with this violation.

Approx. Cost of Compliance \$100

TOTAL \$4

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)

Violation Description Failed to develop and maintain an accurate and up-to-date map of the distribution system so that all valves and mains can be easily located in an emergency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 79

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

## Economic Benefit Worksheet

**Respondent** Dolores A. Luke dba Little Big Horn Services

**Case ID No.** 33361

**Reg. Ent. Reference No.** RN101228740

**Media** 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
<b>Delayed Costs</b>							
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	\$200	13-Feb-2007	1-Mar-2008	1.0	\$10	n/a	\$10
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

The delayed costs includes the amount to prepare and begin maintaining an up-to-date map of the distribution system, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$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

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$200

TOTAL

\$10

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to maintain a minimum chlorine residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, the free chlorine residual was measured to be 0.05 mg/L at 9777 Little Big Horn Road on February 13, 2007 and 0.07 mg/L at 9650 Little Big Horn Road on February 22, 2007.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Without adequate chlorination of the drinking water, customers of the water supply could be exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 Number of violation days 2

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$200

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,606

Violation Final Penalty Total \$220

This violation Final Assessed Penalty (adjusted for limits) \$220

## Economic Benefit Worksheet

Respondent: Dolores A. Luke dba Little Big Horn Services

Case ID No. 33361

Reg. Ent. Reference No: RN101228740

Media: Public Water Supply

Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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

There are no delayed costs associated with this violation.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$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)	\$2,400	13-Feb-2007	1-Dec-2007	1.7	\$206	\$2,400	\$2,606

Notes for AVOIDED costs

The avoided costs include the annual amount to properly chlorinate the water supply to maintain a minimum free chlorine residual of 0.2 mg/L, calculated from the date of the investigation to the estimated date of compliance.

Approx. Cost of Compliance

\$2,400

TOTAL

\$2,606

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(J)

Violation Description Failed to provide a concrete sealing block for the water system's well that extends a minimum of three feet from the well head in all directions. Specifically, the well's sealing block extends only 1.5 feet from the well head.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					10%
Potential		x			

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Matrix Notes Failure to have a sealing block that extends the full three feet in all directions could allow a significant amount of contaminants to enter the water supply, which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 79

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, February 13, 2007, to the date of screening, May 2, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

## Economic Benefit Worksheet

**Respondent** Dolores A. Luke dba Little Big Horn Services  
**Case ID No.** 33361  
**Reg. Ent. Reference No.** RN101228740  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$300	13-Feb-2007	31-Dec-2007	0.9	\$1	\$18	\$18
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** The delayed costs includes the amount to extend the well's sealing block an additional 1.5 feet in all directions, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$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** There are no avoided costs associated with this violation.

**Approx. Cost of Compliance** \$300 **TOTAL** \$18

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)

Violation Description Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, a leak was noted on the well discharge pipe between the sample tap and the flow meter.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					10%
Potential		x			

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Matrix Notes Failure to maintain a watertight system could result in low pressure or water shortages and the system's ability to provide a safe and reliable source of water could be compromised.

Adjustment \$900

\$100

Violation Events

		1	79	Number of violation days
mark only one with an x	daily			Violation Base Penalty \$100
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

One quarterly event is recommended, calculated from the date of the investigation, February 13, 2007, to the date of screening, May 2, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

## Economic Benefit Worksheet

**Respondent:** Dolores A. Luke dba Little Big Horn Services  
**Case ID No.:** 33361  
**Reg. Ent. Reference No.:** RN101228740  
**Media:** Public Water Supply  
**Violation No.:** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment	\$200	13-Feb-2007	31-Dec-2007	0.9	\$1	\$12	\$12
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

The delayed costs include the amount to repair the leak, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
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

There are no avoided costs associated with this violation.

Approx. Cost of Compliance	\$200	TOTAL	\$12
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Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(A)(i) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a minimum well capacity of 1.5 gallons per minute ("gpm") per connection. Specifically, with 28 connections, the system should be providing a minimum total well capacity of 42 gpm; however the system currently provides a total well capacity of only 29 gpm, which is a 31% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to meet the minimum well capacity requirements could result in water shortages or outages, and the system's ability to provide a safe and reliable source of water could be compromised.

Adjustment \$900

\$100

Violation Events

1

79 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, February 13, 2007, to the date of screening, May 2, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$366

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

## Economic Benefit Worksheet

**Respondent** Dolores A. Luke dba Little Big Horn Services  
**Case ID No.** 33361  
**Reg. Ent. Reference No.** RN101228740  
**Media** Public Water Supply  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	13-Feb-2007	1-Mar-2008	1.0	\$17	\$349	\$366
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

The delayed costs include the amount to increase well capacity to a minimum of 1.5 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
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

There are no avoided costs associated with this violation.

Approx. Cost of Compliance	\$5,000	TOTAL	\$366
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Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a minimum pressure tank capacity of 50 gallons per connection. Specifically, with 28 connections, the system should provide a minimum pressure tank capacity of 1400 gallons; however, the system currently provides a pressure tank capacity of only 1000 gallons, which is a 29% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					10%
Potential		x			

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Matrix Notes Failure to meet the minimum pressure tank capacity requirements could result in water shortages or outages, and the system's ability to provide a safe and reliable source of water could be compromised.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 79

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the date of the investigation, February 13, 2007, to the date of screening, May 2, 2007

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$366

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

## Economic Benefit Worksheet

**Respondent** Dolores A. Luke dba Little Big Horn Services  
**Case ID No.** 33361  
**Reg. Ent. Reference No.** RN101228740  
**Media** Public Water Supply  
**Violation No.** 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	13-Feb-2007	1-Mar-2008	1.0	\$17	\$349	\$366
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

The delayed costs include the amount to increase the pressure tank capacity to a minimum of 50 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$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

There are no avoided costs associated with this violation.

Approx. Cost of Compliance \$5,000

TOTAL \$366

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 10

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)

Violation Description Failed to maintain the water system's operational records and make those records available to Commission personnel at the time of the investigation. Specifically, the following records were not made available on the date of the investigation: microbiological analysis results, chlorine residual monitoring results, dates that dead-end mains were flushed, customer service inspection reports, and annual tank inspection reports.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					0%
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

Matrix Notes Over 70% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 79

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$110

This violation Final Assessed Penalty (adjusted for limits) \$110

## Economic Benefit Worksheet

**Respondent** Dolores A. Luke dba Little Big Horn Services  
**Case ID No.** 33361  
**Reg. Ent. Reference No.** RN101228740  
**Media** Public Water Supply  
**Violation No.** 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$400	13-Feb-2007	1-Dec-2007	0.8	\$16	n/a	\$16
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

The delayed costs include the amount to begin preparing and maintaining operational records, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$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

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$400

TOTAL

\$16

Screening Date 2-May-2007

Docket No. 2007-0743-MLM-E

PCW

Respondent Dolores A. Luke dba Little Big Horn Services

Policy Revision 2 (September 2002)

Case ID No. 33361

PCW Revision April 26, 2007

Reg. Ent. Reference No. RN101228740

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.51(a)(3) and Tex. Water Code § 5.702

Violation Description

Failed to remit all Public Health Service ("PHS") annual and late fees to the Commission in a timely manner, as documented during a record review conducted on April 25, 2007. Specifically, annual and late fees for fiscal year 2007 are outstanding for TCEQ FA Account No. 91000071.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Matrix Notes text area

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Please Select One

Violation Base Penalty \$0

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

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

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

## Economic Benefit Worksheet

**Respondent** Dolores A. Luke dba Little Big Horn Services  
**Case ID No.** 33361  
**Reg. Ent. Reference No.** RN101228740  
**Media** Public Water Supply  
**Violation No.** 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
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:	CN600668818 LUKE, DOLORES A	Classification:	Rating:
Regulated Entity:	RN101228740 LITTLE BIG HORN SERVICES	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1000071
	WATER LICENSING	LICENSE	1000071
Location:	8029 FM 92, SILSBEE, TX, 77656		
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	April 25, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 25, 2002 to April 25, 2007		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Rebecca Clausewitz	Phone:	(210) 403-4012

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

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

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.)

- |   |            |          |
|---|------------|----------|
| 1 | 11/19/2003 | (251765) |
| 2 | 10/05/2004 | (286436) |
| 3 | 04/09/2007 | (533154) |

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

Date: 09/24/2003 (251765)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)  
30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)

Description: Failure to meet this agency's "Minimum Water System Capacity Requirements".

Date: 11/19/2003 (251765)

Self Report? NO

Classification: Moderate

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

Description: Failure to adequately chlorinate the water. Repeat violation.

Self Report? NO

Classification: Minor

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

Description: Failure to provide an adequate sealing block for the water system's well.

Self Report? NO

Classification: Minor

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

Description: Failure to maintain flushing records.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to fix a water leak.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)  
30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)

Description: Failure to meet this agency's "Minimum Water System Capacity Requirements".

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

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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  
DOLORES A. LUKE DBA LITTLE  
BIG HORN SERVICES;  
RN101228740**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**DEFAULT ORDER  
DOCKET NO. 2007-0743-MLM-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 chs. 5, 7 and 11, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 70, 288, and 290, 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 Dolores A. Luke dba Little Big Horn Services ("Ms. Luke").

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

**FINDINGS OF FACT**

1. Ms. Luke owns and operates a public water system located at 9700 Little Big Horn Dr., About 5 mile North of Silsbee, Hardin County, Texas (the "Facility").
2. The Facility has 28 service connections and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(47).
3. During an investigation conducted on February 13, 2007, a TCEQ Beaumont Regional Office investigator documented that Ms. Luke:
  - a. Failed to develop and maintain a drought contingency plan for the public water supply;
  - b. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements;

- c. Failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference;
  - d. Failed to maintain an American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") certification for all chemical additives used at the water supply;
  - e. Failed to develop and maintain an accurate and up-to-date map of the distribution system so that all valves and mains can be easily located in an emergency;
  - f. Failed to maintain a minimum chlorine residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times;
  - g. Failed to provide a concrete sealing block for the water system's well that extends a minimum of three feet from the well head in all directions;
  - h. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition;
  - i. Failed to provide a minimum well capacity of 1.5 gallons per minute ("gpm") per connection;
  - j. Failed to provide a minimum pressure tank capacity of 50 gallons per connection; and
  - k. Failed to maintain the water system's operational records and make those records available to Commission personnel at the time of the investigation.
4. During a record review conducted on April 25, 2007, a TCEQ enforcement coordinator documented that Ms. Luke failed to remit all Public Health Service ("PHS") annual and late fees to the Commission in a timely manner.
  5. Ms. Luke received notice of the violations on or about April 9, 2007.
  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 Dolores A. Luke dba Little Big Horn Services" (the "EDPRP") in the TCEQ Chief Clerk's office on August 15, 2007.

7. By letter dated August 15, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Ms. Luke with notice of the EDPRP. According to the return receipt "green card," Ms. Luke received notice of the EDPRP on August 23, 2007, as evidenced by the signature on the card.
8. More than 20 days have elapsed since Ms. Luke received notice of the EDPRP, provided by the Executive Director. Ms. Luke 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, Ms. Luke is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5, 7 and 11, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 70, 288, and 290.
2. As evidenced by Finding of Fact No. 3.a., Ms. Luke failed to develop and maintain a drought contingency plan for the public water supply, in violation of 30 TEX. ADMIN. CODE § 288.20.
3. As evidenced by Finding of Fact No. 3.b., Ms. Luke failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
4. As evidenced by Finding of Fact No. 3.c., Ms. Luke failed to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
5. As evidenced by Finding of Fact No. 3.d., Ms. Luke failed to maintain ANSI/NSF certification for all chemical additives used at the water supply, in violation of 30 TEX. ADMIN. CODE § 290.42(j).
6. As evidenced by Finding of Fact No. 3.e., Ms. Luke failed to develop and maintain an accurate and up-to-date map of the distribution system so that all valves and mains can be easily located in an emergency, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
7. As evidenced by Finding of Fact No. 3.f., Ms. Luke failed to maintain a minimum chlorine residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c).

8. As evidenced by Finding of Fact No. 3.g., Ms. Luke failed to provide a concrete sealing block for the water system's well that extends a minimum of three feet from the well head in all directions, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J).
9. As evidenced by Finding of Fact No. 3.h., Ms. Luke failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
10. As evidenced by Finding of Fact No. 3.i., Ms. Luke failed to provide a minimum well capacity of 1.5 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
11. As evidenced by Finding of Fact No. 3.j., Ms. Luke failed to provide a minimum pressure tank capacity of 50 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
12. As evidenced by Finding of Fact No. 3.k., Ms. Luke failed to maintain the water system's operational records and make those records available to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3).
13. As evidenced by Finding of Fact No. 4, Ms. Luke failed to remit all PHS annual and late fees to the Commission in a timely manner, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702.
14. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director timely served Ms. Luke with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.104(a).
15. As evidenced by Finding of Fact No. 8, Ms. Luke failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Ms. Luke and assess the penalty recommended by the Executive Director.
16. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Ms. Luke 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.

17. An administrative penalty in the amount of one thousand seven hundred thirty dollars (\$1,730.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049.
18. 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. Ms. Luke is assessed an administrative penalty in the amount of one thousand seven hundred thirty dollars (\$1,730.00) for violations of the Texas Water Code, Health & Safety Code, and the rules of the TCEQ. The payment of this administrative penalty and Ms. Luke'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: Dolores A. Luke dba Little Big Horn Services; Docket No. 2007-0743-MLM-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. Ms. Luke shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, Ms. Luke shall:
    - i. Begin maintaining a minimum chlorine residual of 0.2 mg/L of free chlorine throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110; and
    - ii. Begin maintaining all operational records for the water supply so that they can be made available to Commission personnel at the time of investigations,

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including but not limited to, microbiological analysis results, chlorine residual monitoring results, dates that dead-end mains were flushed, customer service inspection reports, and annual tank inspection reports, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- b. Within 30 days after the effective date of the Commission Order, Ms. Luke shall:
- i. Prepare and begin maintaining an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121;
  - ii. Prepare and begin maintaining a thorough and up-to-date plant operations manual, in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - iii. Obtain and begin maintaining copies of all ANSI/NSF certifications for the chemical additives used at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.42;
  - iv. Provide a concrete sealing block for the Facility's well that extends a minimum of three feet from the well head in all directions, in accordance with 30 TEX. ADMIN. CODE § 290.41;
  - v. Repair any water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances that are not in a watertight condition, including but not limited to, the leak on the well discharge pipe between the sample tap and the flow meter, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - vi. Prepare and begin maintaining a drought contingency plan for the public water supply, in accordance with 30 TEX. ADMIN. CODE § 288.20; and
  - vii. Pay all outstanding fees, including any associated penalties and interest, with the notation "Dolores A. Luke dba Little Big Horn Services; TCEQ FA Account No. 91000071" to:

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

- c. Within 45 days after the effective date of this Order, submit written certification of compliance as described below in Ordering Provision 2.e, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a and 2.b.
- d. Within 90 days after the effective date of this Order:
- i. Prepare and begin maintaining an up-to-date map of the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.46;
  - ii. Provide a minimum well capacity of 1.5 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
  - iii. Provide a minimum pressure tank capacity of 50 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- e. Within 105 days after the effective date of the Commission Order, submit written certification and detailed supporting documentation, including photographs, receipts, and /or other records, to demonstrate compliance with Ordering Provision 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that 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.”

Ms. Luke shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

---

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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Ms. Luke. Ms. Luke 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. If Ms. Luke fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Ms. Luke's failure to comply is not a violation of this Order. Ms. Luke shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ms. Luke shall notify the Executive Director within seven days after Ms. Luke becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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 Ms. Luke shall be made in writing to the Executive Director. Extensions are not effective until Ms. Luke receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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 Ms. Luke if the Executive Director determines that Ms. Luke has not complied with one or more of the terms or conditions in this Order.
8. 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.
9. 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.

Dolores A. Luke dba Little Big Horn Services  
Docket No. 2007-0743-MLM-E  
Page 9

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**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

AFFIDAVIT OF BARHAM A. RICHARD

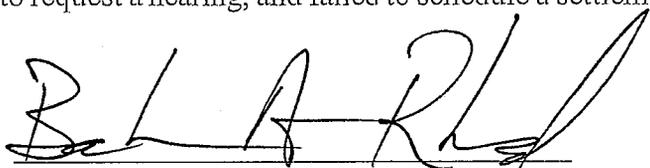
STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Dolores A. Luke dba Little Big Horn Services” (the “EDPRP”) was filed with the Office of the Chief Clerk on August 15, 2007.

The EDPRP was mailed to Ms. Luke at her last known address on August 15, 2007, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Ms. Luke received notice of the EDPRP on August 23, 2007, as evidenced by the signature on the card.

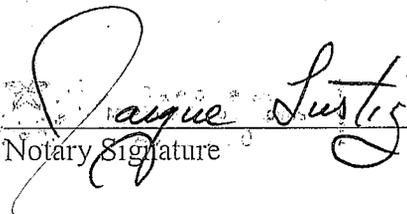
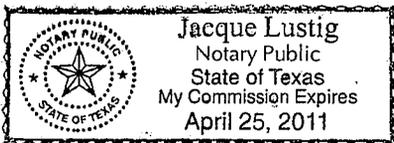
More than 20 days have elapsed since Ms. Luke received notice of the EDPRP. Ms. Luke failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”



Barham A. Richard, Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 12<sup>th</sup> day of September A.D., 2007.

  
Notary Signature