

**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 checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

<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 one additional pending enforcement action regarding this facility location (2008-1303-PWS-E).

**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 July 14, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Barham A. Richard, Litigation Division, MC 175, (512) 239-0107  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**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 Complaint Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> February 13, 2007 and February 22, 2007 (investigations); April 25, 2007 (record review)</p> <p><b>Date of NOE Relating to this Case:</b> April 4, 2007</p> <p><b>Background Facts:</b> The EDRP was filed August 15, 2007. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and a signed Agreed Order with initial payment was received on May 20, 2008. An agenda setting was withheld while consideration was given to combining the current case with a subsequent enforcement referral. Ultimately the cases were not combined because the Respondent requested a hearing in the second case.</p> <p><b>Current Compliance Status:</b> The Respondent has not yet submitted documentation certifying compliance with the Technical Requirements. The Respondent owes \$523.87 in past-due fees.</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><input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$146/\$1,730</p> <p>The Respondent paid \$146 of the administrative penalty amount. The remaining amount of \$1,584 shall be payable in 11 monthly payments of \$144 each.</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>The Respondent shall undertake the following technical requirements:</p> <p>1. Immediately:</p> <p>a. Begin maintaining a minimum chlorine residual of 0.2 mg/L of free chlorine throughout the distribution system at all times; and</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;</p> <p>f. Prepare and begin maintaining a drought contingency plan for the public water supply; and</p> <p>g. Pay all outstanding fees, including any associated penalties and interest.</p> <p>3. Within 45 days, submit documentation to certify compliance with the above Ordering Provisions.</p>

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<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>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 [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 [TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>9. Failed to provide a minimum well capacity of 1.5 gpm per connection [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 [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 [TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)].</p> <p>12. Failed to remit all Public Health Service ("PHS") annual and late fees to the Commission in a timely manner [TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].</p>		<p>4. 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>c. Provide a minimum pressure tank capacity of 50 gallons per connection.</p> <p>5. Within 105 days, certify compliance with Ordering Provisions 4.a. through 4.c.</p>

PCW #1



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

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

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

<b>CASE INFORMATION</b>			
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:

**Total EB Amounts**  0% Enhancement\* Subtotal 6   
 Approx. Cost of Compliance  \*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 1

Rule Cite(s)

30 Tex. Admin. Code § 288.20

Violation Description

Failed to develop and maintain a drought contingency plan for the public water supply.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent

0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent

10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment

\$4,500

\$500

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

\$500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total

\$520

This violation Final Assessed Penalty (adjusted for limits)

\$520

## 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

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

PCW #2



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision April 26, 2007

## 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	11
Docket No.	2007-0743-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

## 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**  **Subtotals 2, 3, & 7**

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**   **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply**  **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

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

**Total EB Amounts**  **Subtotal 6**   
**Approx. Cost of Compliance**  **\*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**   **Adjustment**

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**

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%
<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) 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 1

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that will be used to comply with the monitoring requirements.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	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 \$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.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

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 \$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.

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

\$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.

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**

\$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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	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
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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	\$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
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

There are no delayed costs associated with this violation.

**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)	\$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		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 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

79 Number of violation days

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 \$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
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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	\$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		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 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	
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 \$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.

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

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

Release	Harm		
	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	Overtime 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.

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 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		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 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

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.** 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		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

Over 70% 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 \$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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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	\$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			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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

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:	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) |  | Classification: | Moderate        |          |
| Self Report? | NO                                                                                                          |          |  |                 |                 |          |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)<br>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) |  | Classification: | Moderate        |          |
| Self Report? | NO                                                                                                          |          |  |                 |                 |          |
| 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)<br>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

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

**AGREED ORDER**  
**DOCKET NO. 2007-0743-MLM-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Dolores A. Luke dba Little Big Horn Services ("Ms. Luke") under the authority of TEX. WATER CODE chs. 5, 7, and 11, TEX. HEALTH & SAFETY CODE ch. 341, and 30 TEX. ADMIN. CODE chs. 70, 288, and 290. The Executive Director of the TCEQ, represented by the Litigation Division, and Ms. Luke, appear before the Commission and together stipulate that:

1. Ms. Luke owns and operates a public water system located at 9700 Little Big Horn Dr., about 5 miles North of Silsbee, Hardin County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070, and TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. WATER CODE chs. 5 and 11, TEX. HEALTH & SAFETY CODE ch. 341, and TCEQ rules.
3. The Commission and Ms. Luke agree that the Commission has jurisdiction to enter this Agreed Order, and that Ms. Luke is subject to the Commission's jurisdiction.
4. Ms. Luke received notice of the violations alleged in Section II ("Allegations") on or about April 9, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ms. Luke of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of one thousand seven hundred thirty dollars (\$1,730.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ms. Luke has paid one hundred forty-six dollars (\$146.00) of the administrative penalty. The remaining amount of one thousand five hundred eighty-four dollars (\$1,584.00) of the administrative penalty shall be payable in 11 monthly payments of one hundred forty-four dollars (\$144.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Ms. Luke fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Ms. Luke's failure to meet the payment schedule of this Agreed Order constitutes the failure by Ms. Luke to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Ms. Luke have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Ms. Luke has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

1. Ms. Luke is alleged to have violated:
  - a. 30 TEX. ADMIN. CODE § 288.20, by failing to develop and maintain a drought contingency plan for the public water supply, as documented on February 13, 2007;

- b. 30 TEX. ADMIN. CODE § 290.121(a) and (b) by failing 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 as documented on February 13, 2007;
- c. 30 TEX. ADMIN. CODE § 290.42(l) by failing to compile and maintain a thorough and up-to-date plant operations manual for operator review and reference, as documented on February 13, 2007;
- d. 30 TEX. ADMIN. CODE § 290.42(j) by failing to maintain an American National Standards Institute / National Sanitation Foundation (“ANSI/NSF”) certification for all chemical additives used at the water supply, as documented on February 13, 2007;
- e. 30 TEX. ADMIN. CODE § 290.46(n)(2) by failing 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, as documented on February 13, 2007;
- f. 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c) by failing to maintain a minimum chlorine residual of 0.2 milligrams per liter (“mg/L”) of free chlorine throughout the distribution system at all times, as documented on February 13, 2007 and February 22, 2007. 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;
- g. 30 TEX. ADMIN. CODE § 290.41(c)(3)(J) by failing 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, as documented on February 13, 2007. Specifically, the well’s sealing block extends only 1.5 feet from the well head;
- h. 30 TEX. ADMIN. CODE § 290.46(m)(4) by failing to maintain all water treatment units, storage, and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition, as documented on February 13, 2007. Specifically, a leak was noted on the well discharge pipe between the sample tap and flow meter;
- i. 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c) by failing to provide a minimum well capacity of 1.5 gallons per minute (“gpm”) per connection, as documented on February 13, 2007. 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;

- j. 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c) by failing to provide a minimum pressure tank capacity of 50 gallons per connection, as documented on February 13, 2007. 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;
- k. 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3) by failing to maintain the water system's operational records and make those records available to Commission personnel at the time of the February 13, 2007 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; and
- l. 30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702 by failing 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.

### III. DENIALS

Ms. Luke generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Ms. Luke pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Ms. Luke's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" 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 Agreed 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, 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 this Agreed 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, Texas 78711-3088

- c. Within 45 days after the effective date of this Agreed Order, Ms. Luke shall submit written certification of compliance as described below in Ordering Provision 2.e, and include detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b.
- d. Within 90 days after the effective date of this Agreed Order, Ms. Luke shall:
  - 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 this Agreed 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 Ordering Provision Nos. 2.a. through 2.b and 2.d to:

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

and

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

3. The provisions of this Agreed Order shall apply to and be binding upon Ms. Luke. Ms. Luke is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Ms. Luke fails to comply with any of the Ordering Provisions in this Agreed 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 Agreed 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.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written

and substantiated showing of good cause. All requests for extensions by 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.

6. This Agreed Order, issued by the Commission, shall not be admissible against Ms. Luke in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Ms. Luke, or three days after the date on which the Commission mails notice of the Order to Ms. Luke, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

"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 Ordering Provision Nos. 2.a. through 2.b and 2.d to:

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

and

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

3. The provisions of this Agreed Order shall apply to and be binding upon Ms. Luke. Ms. Luke is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against Ms. Luke in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
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Dolores A. Luke dba Little Big Horn Services  
DOCKET NO. 2007-0743-MLM-E  
Page 9

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Bergeron Perdue

8/22/08

For the Executive Director

Date

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

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

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

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution

Dolores Luke  
Signature

19 May 08  
Date

Dolores Luke  
Name (Printed or typed)

Owner/Operator  
Title

Authorized representative of  
Dolores A. Luke dba Little Big Horn Services