

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62181  
Dolores Luke dba Little Big Horn Services  
RN101228740  
Docket No. 2022-0412-MLM-E

**Order Type:**  
Default Order

**Media:**  
MLM: PWS and WR

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
9700 Little Big Horn Drive, near Silsbee, Hardin County

**Type of Operation:**  
public water system

**Other Significant Matters:**  
Additional Pending Enforcement Actions: Yes, Case no. 63883  
Past-Due Penalties: None  
Past-Due Fees: None  
Other: None  
Interested Third Parties: None

**Texas Register Publication Date:** July 21, 2023

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$1,491

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

**Total Due to General Revenue:** \$1,491

**Compliance History Classifications:**  
Person/CN - Not Applicable  
Site/RN - Not Applicable

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

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

**Date(s) of Investigation:** February 2, 2022

**Date(s) of NOV(s):** February 2, 2022

**Date(s) of NOE(s):** March 31, 2022

**Dolores Luke dba Little Big Horn Services**

RN101228740

Docket No. 2022-0412-MLM-E

**Violation Information**

1. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids [30 TEX. ADMIN. CODE § 290.46(m)(4)].
2. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(i)(III)].
3. Failed to provide the Executive Director with a list of all the operators and operating companies that the public water system (PWS) uses on an annual basis [30 TEX. ADMIN. CODE § 290.46(p)(2)].
4. Failed to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities [TEX. HEALTH & SAFETY CODE § 341.0351 and 30 TEX. ADMIN. CODE § 290.39(j)].
5. Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation (ANSI/NSF) Standard 60 for Drinking Water Treatment Chemicals [30 TEX. ADMIN. CODE § 290.42(j)].
6. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].
7. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].
8. Failed to review and update, as appropriate, the drought contingency plan at least every five years [30 TEX. ADMIN. CODE § 288.20(c)].

**Corrective Actions/Technical Requirements****Corrective Action(s) Completed:**

1. Submitted a completed Operator Notice Form containing a list of all the operators and operating companies that the PWS uses on an annual basis by April 19, 2022;
2. Submitted the missing information from the plant operations manual by April 19, 2022; and
3. Removed the excessive vegetation from the fence and barbed wire, and tightened the loose barbed wire by April 19, 2022.

**Technical Requirements:**

1. Within 30 days:
  - a. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, the record for the amount of each chemical used each week.
  - b. Begin using a disinfectant that is ANSI/NSF Standard 60 certified.
  - c. Review and update the drought contingency plan as appropriate.
2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.c.
3. Within 60 days begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including the four leaks in the distribution lines at 9328 Little Big Horn Drive, 9420 Little Big Horn Drive, 735 Cluster Road, and 9476 Little Big Horn Drive.
4. Within 75 days submit written certification to demonstrate compliance with Technical Requirement No. 3.

**Dolores Luke dba Little Big Horn Services**

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5. Within 180 days submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including replacing one of the 557-gallon pressure tanks with a 900-gallon pressure tank.

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

6. Within 195 days submit written certification to demonstrate compliance with Technical Requirement No. 5.
7. Within 270 days obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director.
8. Within 285 days submit written certification to demonstrate compliance with Technical Requirement No. 7.

**Litigation Information**

**Date Petition(s) Filed:** November 7, 2022 (lost in mail); December 5, 2022  
**Date(s) of Service:** December 15, 2022  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Casey Kurnath, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363  
**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575  
**TCEQ Enforcement Coordinator:** Samantha Salas, Enforcement Division, 512-239-1543  
**TCEQ Regional Contact:** Ronald Hebert, Beaumont Regional Office, 409-898-3838  
**Respondent Contact:** Dolores Luke, owner, 8029 FM 92, Silsbee, Texas 77656  
Respondent's Attorney: N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	4-Apr-2022	<b>Screening</b>	6-Apr-2022	<b>EPA Due</b>	
	<b>PCW</b>	7-Apr-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Dolores Luke dba Little Big Horn Services (PCW No. 1)
<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>	62181	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0412-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Water Rights	<b>Enf. Coordinator</b>	Samantha Salas
		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$250
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	37.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$92
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Notes: Enhancement for one NOV with dissimilar violations and one adjudicated final court judgement without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$696  
 Estimated Cost of Compliance: \$2,500  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$342
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

<b>Final Penalty Amount</b>	\$342
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$342
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$342
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<b>Screening Date</b>	6-Apr-2022	<b>Docket No.</b>	2022-0412-MLM-E	<b>PCW</b>
<b>Respondent</b>	Dolores Luke dba Little Big Horn Services (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62181			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101228740			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Salas			

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 37%

>> **Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with dissimilar violations and one adjudicated final court judgement without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 37%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 37%

<b>Screening Date</b> 6-Apr-2022	<b>Docket No.</b> 2022-0412-MLM-E	<b>PCW</b>
<b>Respondent</b> Dolores Luke dba Little Big Horn Services (PCW No. 1)		<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b> 62181		<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b> RN101228740		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Samantha Salas		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="0.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Dolores Luke dba Little Big Horn Services (PCW No. 1)  
**Case ID No.** 62181  
**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	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,500	12-Dec-2018	2-Dec-2022	3.98	\$33	\$663	\$696
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to repair the leaks in the distribution lines (\$500 per leak), calculated from the date of the investigation initially documenting the violations to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,500

**TOTAL** \$696





# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	4-Apr-2022	<b>Screening</b>	6-Apr-2022	<b>EPA Due</b>	
	<b>PCW</b>	7-Apr-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Dolores Luke dba Little Big Horn Services (PCW No. 2)
<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>	62181	<b>No. of Violations</b>	6
<b>Docket No.</b>	2022-0412-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Water Rights	<b>Enf. Coordinator</b>	Samantha Salas
		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$280
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	37.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$103
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Notes: Enhancement for one NOV with dissimilar violations and one adjudicated final court judgement without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$14
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$843  
 Estimated Cost of Compliance: \$3,760  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$369
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

<b>Final Penalty Amount</b>	\$369
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$464
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$464
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<b>Screening Date</b>	6-Apr-2022	<b>Docket No.</b>	2022-0412-MLM-E	<b>PCW</b>
<b>Respondent</b>	Dolores Luke dba Little Big Horn Services (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62181			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101228740			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Salas			

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 37%

>> **Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with dissimilar violations and one adjudicated final court judgement without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 37%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 37%

<b>Screening Date</b> 6-Apr-2022	<b>Docket No.</b> 2022-0412-MLM-E	<b>PCW</b>
<b>Respondent</b> Dolores Luke dba Little Big Horn Services (PCW No. 2)		<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b> 62181		<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b> RN101228740		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Samantha Salas		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x	
					<b>Percent</b> <input type="text" value="1.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Dolores Luke dba Little Big Horn Services (PCW No. 2)  
**Case ID No.** 62181  
**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	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	12-Dec-2018	2-Nov-2022	3.89	\$9	n/a	\$9
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$45

**TOTAL** \$9

<b>Screening Date</b> 6-Apr-2022	<b>Docket No.</b> 2022-0412-MLM-E	<b>PCW</b>
<b>Respondent</b> Dolores Luke dba Little Big Horn Services (PCW No. 2)		<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b> 62181		<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b> RN101228740		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Samantha Salas		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Dolores Luke dba Little Big Horn Services (PCW No. 2)  
**Case ID No.** 62181  
**Reg. Ent. Reference No.** RN101228740  
**Media Violation No.** Public Water Supply  
 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$45	20-Dec-2018	19-Apr-2022	3.33	\$7	n/a	\$7

**Notes for DELAYED costs** The delayed cost includes the estimated amount to provide the Executive Director with a written list of all operators and operating companies that the public water system employs, calculated from the date of the investigation initially documenting the violation to the date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$45

**TOTAL** \$7

<b>Screening Date</b>	6-Apr-2022	<b>Docket No.</b>	2022-0412-MLM-E	<b>PCW</b>
<b>Respondent</b>	Dolores Luke dba Little Big Horn Services (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62181			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101228740			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Salas			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="0.0%"/>	
	<b>Release</b>	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	<b>Percent</b> <input type="text" value="10.0%"/>
	<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

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Dolores Luke dba Little Big Horn Services (PCW No. 2)  
**Case ID No.** 62181  
**Reg. Ent. Reference No.** RN101228740  
**Media Violation No.** Public Water Supply  
 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	20-Dec-2018	30-Jun-2023	4.53	\$679	n/a	\$679

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to notify and receive approval from the Executive Director for the significant changes to the water system, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$3,000

**TOTAL** \$679



<b>Screening Date</b>	6-Apr-2022	<b>Docket No.</b>	2022-0412-MLM-E	<b>PCW</b>
<b>Respondent</b>	Dolores Luke dba Little Big Horn Services (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62181			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101228740			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Salas			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for Drinking Water Treatment Chemicals. Specifically, no ANSI/NSF Standard 60 certification was provided for the hypochlorite used at the water plant.

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b> <input type="text" value="3.0%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="0.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Dolores Luke dba Little Big Horn Services (PCW No. 2)  
**Case ID No.** 62181  
**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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$125	20-Dec-2018	2-Nov-2022	3.87	\$24	n/a	\$24

Notes for DELAYED costs

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

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$125

**TOTAL** \$24

<b>Screening Date</b>	6-Apr-2022	<b>Docket No.</b>	2022-0412-MLM-E	<b>PCW</b>
<b>Respondent</b>	Dolores Luke dba Little Big Horn Services (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62181			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101228740			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Salas			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the manual did not include emergency contact information, emergency protocols for man-made and natural disasters, and monthly operation procedures.

**Base Penalty**

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>	<b>Percent</b> <input type="text" value="1.0%"/>

Matrix Notes

Less than 30% of the rule requirements were not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

**Violation Subtotal**

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

Estimated EB Amount  Violation Final Penalty Total

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

## Economic Benefit Worksheet

**Respondent** Dolores Luke dba Little Big Horn Services (PCW No. 2)  
**Case ID No.** 62181  
**Reg. Ent. Reference No.** RN101228740  
**Media Violation No.** Public Water Supply  
 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$45	20-Dec-2018	19-Apr-2022	3.33	\$7	n/a	\$7

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain a thorough and up-to-date plant operations manual, calculated from the date of the investigation initially documenting the violation to the date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

**TOTAL** \$7

<b>Screening Date</b> 6-Apr-2022	<b>Docket No.</b> 2022-0412-MLM-E	<b>PCW</b>
<b>Respondent</b> Dolores Luke dba Little Big Horn Services (PCW No. 2)		Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b> 62181		PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b> RN101228740		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Samantha Salas		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

		Harm			
		Major	Moderate	Minor	
<b>OR</b>	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="3.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	x	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	x
N/A	<input type="text"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Dolores Luke dba Little Big Horn Services (PCW No. 2)  
**Case ID No.** 62181  
**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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	20-Dec-2018	19-Apr-2022	3.33	\$6	\$111	\$117
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to remove the excessive vegetation from the fence and barbed wire and tighten or replace the loose barbed wire, calculated from the date of the investigation initially documenting the violation to the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$500

**TOTAL** \$117



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	4-Apr-2022	<b>Screening</b>	6-Apr-2022	<b>EPA Due</b>	
	<b>PCW</b>	7-Apr-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Dolores Luke dba Little Big Horn Services (PCW No. 3)
<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>	62181	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0412-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Rights	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Public Water Supply	<b>Enf. Coordinator</b>	Samantha Salas
		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

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

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

<b>Compliance History</b>	37.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$185
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Notes: Enhancement for one NOV with dissimilar violations and one adjudicated final court judgement without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$10  
 Estimated Cost of Compliance: \$50  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$685
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

<b>Final Penalty Amount</b>	\$685
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$685
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$685
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<b>Screening Date</b>	6-Apr-2022	<b>Docket No.</b>	2022-0412-MLM-E	<b>PCW</b>
<b>Respondent</b>	Dolores Luke dba Little Big Horn Services (PCW No. 3)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	62181			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101228740			
<b>Media</b>	Water Rights			
<b>Enf. Coordinator</b>	Samantha Salas			

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	1	35%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 37%

>> **Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one NOV with dissimilar violations and one adjudicated final court judgement without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 37%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 37%



<b>Screening Date</b> 6-Apr-2022	<b>Docket No.</b> 2022-0412-MLM-E	<b>PCW</b>
<b>Respondent</b> Dolores Luke dba Little Big Horn Services (PCW No. 3)		<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b> 62181		<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b> RN101228740		
<b>Media</b> Water Rights		
<b>Enf. Coordinator</b> Samantha Salas		

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

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

## Economic Benefit Worksheet

**Respondent** Dolores Luke dba Little Big Horn Services (PCW No. 3)  
**Case ID No.** 62181  
**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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$50	20-Dec-2018	2-Nov-2022	3.87	\$10	n/a	\$10

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to review the drought contingency plan and update as needed, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

#### ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$50

**TOTAL** \$10



# Compliance History Report

Compliance History Report for CN600668818, RN101228740, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600668818, Dolores A. Luke	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Regulated Entity:</b>	RN101228740, LITTLE BIG HORN SERVICES	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	9700 LITTLE BIG HORN DRIVE NEAR SILSBEE, HARDIN COUNTY, TEXAS				
<b>TCEQ Region:</b>	REGION 10 - BEAUMONT				
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1000071				

<b>Compliance History Period:</b>	September 01, 2016 to August 31, 2021	<b>Rating Year:</b>	2021	<b>Rating Date:</b>	09/01/2021
<b>Date Compliance History Report Prepared:</b>	April 05, 2022				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	April 05, 2017 to April 05, 2022				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Samantha Salas			<b>Phone:</b>	(512) 239-1543

## Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five-year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |

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

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

- Effective Date: 04/11/2019 COURTORDER (Final Judgement-After Hearing/Trial)  
Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)  
Rqmt Prov: OP 2.b.i. ORDER  
Description: Failure to compose and maintain a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the water system will use to comply with the monitoring requirements.  
Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
Rqmt Prov: OP 2.b.ii. ORDER  
Description: Failure to compile a thorough and up-to-date a plant operations manual for operator review and reference.  
Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)  
Rqmt Prov: OP 2.b.iii. ORDER  
Description: Failure to obtain copies of all American National Standards Institute/National Sanitation Foundation "ANSI/NSF" Standard 60 certifications for chemical additives used at the facility.  
Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)  
Rqmt Prov: OP 2.b.iv. ORDER  
Description: Failure to provide a concrete sealing block that extends a minimum of three feet from the well casing in all directions.  
Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)

Rqmt Prov: 2.b.v. ORDER

Description: Failure to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition. Specifically, the leak on the well discharge pipe between the sample tap and the flow meter was not repaired.

Classification: Major

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

Rqmt Prov: OP 2.d.i. ORDER

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

Classification: Major

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

Rqmt Prov: OP 2.d.ii. ORDER

Description: Failure to provide a minimum well capacity of 1.5 gallons per minute (gpm) per connection.

Classification: Major

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

Rqmt Prov: OP 2.d.iii. ORDER

Description: Failure to provide a minimum pressure tank capacity of 50 gallons per connection.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR MCL Violation 03/2011 - System exceeded a Maximum Contaminant Level (MCL) Violation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR MCL Violation 04/2011 - System exceeded a Maximum Contaminant Level (MCL) Violation.

Classification: Minor

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

Description: Failure to calibrate the well meter.

Classification: Minor

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

Description: Failure to provide records of annual tank inspections.

Classification: Major

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

Description: Failure by the Little Big Horn Water System to have records accessible for review during the investigation and available upon request.

Classification: Major

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

Description: Failure by the Little Big Horn Water System to provide a minimum of 0.2 milligrams per liter (mg/L) of free chlorine in distribution at all times.

Classification: Major

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

Description: Failure by the Little Big Horn Water System to institute special precautions in the event of inadequate chlorine residuals by issuing a Boil Water Notice within 24 hrs.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR MCL Violation 09/2015 - System exceeded a maximum contaminant level.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR MCL Violation 08/2015 - System exceeded a maximum contaminant level.

Classification: Moderate

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

Description: DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

## B. Criminal convictions:

N/A

*Compliance History Report for CN600668818, RN101228740, Rating Year 2021 which includes Compliance History (CH) components from April 05, 2017, through April 05, 2022.*

**C. Chronic excessive emissions events:**

N/A

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

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 02/02/2022 (1797534)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)
- Description: Failure by Little Big Horn Services to maintain a record of the date, location, nature of all complaints made to the water system, and any subsequent action taken by the water system.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)
- Description: Failure by Little Big Horn Services to maintain record of bacteriological samples.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
- Description: Failure by Little Big Horn Services to maintain all valves in good working condition.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
- Description: Failure by Little Big Horn Services to maintain records regarding which dead end mains are flushed on a monthly basis.

**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 LUKE DBA LITTLE BIG  
HORN SERVICES.  
RN101228740**

**§  
§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2022-0412-MLM-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition, filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 11 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Dolores Luke dba Little Big Horn Services (“Respondent”).

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

### **FINDINGS OF FACT**

1. Respondent owns and operates a public water system (“PWS”) located at 9700 Little Big Horn Drive near Silsbee, Hardin County, Texas (the “Facility”). The Facility provides water for human consumption, has approximately 24 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(51).
2. During an investigation conducted on February 2, 2022, an investigator documented that Respondent:
  - a. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, four leaks were noted in the distribution lines at 9328 Little Big Horn Drive, 9420 Little Big Horn Drive, 735 Cluster Road, and 9476 Little Big Horn Drive;
  - b. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the record for the amount of each chemical used each week was not maintained on-site for review;
  - c. Failed to provide the Executive Director with a list of all the operators and operating companies that the PWS uses on an annual basis;
  - d. Failed to notify the Executive Director prior to making any significant change or addition to the system’s production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, Respondent did not notify the Executive Director prior to replacing one of the 557-gallon pressure tanks with a 900-gallon pressure tank;

- e. Failed to use an approved chemical or media for the disinfection of potable water that conforms to the American National Standards Institute/National Sanitation Foundation (“ANSI/NSF”) Standard 60 for Drinking Water Treatment Chemicals. Specifically, no ANSI/NSF Standard 60 certification was provided for the hypochlorite used at the water plant;
  - f. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference. Specifically, the manual did not include emergency contact information, emergency protocols for man-made and natural disasters, and monthly operation procedures;
  - g. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system’s facilities and equipment. Specifically, most of the fence was covered with excessive vegetation and had loose barbed wire that was tangled with excessive vegetation; and
  - h. Failed to review and update, as appropriate, the drought contingency plan at least every five years.
3. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
- a. Respondent submitted a completed Operator Notice Form containing a list of all the operators and operating companies that the PWS uses on an annual basis by April 19, 2022;
  - b. Respondent submitted the missing information from the plant operations manual by April 19, 2022; and
  - c. Respondent removed the excessive vegetation from the fence and barbed wire, and tightened the loose barbed wire by April 19, 2022.
4. 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 Luke dba Little Big Horn Services” (the “EDPRP”) in the TCEQ Chief Clerk’s office on December 5, 2022.
5. By letter dated December 5, 2022, sent to Respondent’s last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to USPS.com “Track & Confirm” delivery confirmation records, Respondent received notice of the EDPRP on December 15, 2022.
6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 11, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the

Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(i)(III).

4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the Executive Director with a list of all the operators and operating companies that the PWS uses on an annual basis, in violation of 30 TEX. ADMIN. CODE § 290.46(p)(2).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of TEX. HEALTH & SAFETY CODE § 341.0351 and 30 TEX. ADMIN. CODE § 290.39(j).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to use an approved chemical or media for the disinfection of potable water that conforms to ANSI/NSF Standard 60 for Drinking Water Treatment Chemicals, in violation of 30 TEX. ADMIN. CODE § 290.42(j).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to 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).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to review and update, as appropriate, the drought contingency plan at least every five years, in violation of 30 TEX. ADMIN. CODE § 288.20(c).
10. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842, and 30 TEX. ADMIN. CODE § 70.104(b)(1).
11. As evidenced by Finding of Fact No. 6 Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842, and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, TEX. WATER CODE § 11.0842, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
12. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a) and TEX. WATER CODE § 11.0842(a), the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
13. An administrative penalty in the amount of one thousand four hundred ninety-one dollars (\$1,491.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b) and TEX. WATER CODE § 11.0842(c).
14. 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. Respondent is assessed an administrative penalty in the amount of one thousand four hundred ninety-one dollars (\$1,491.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The



Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.

2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Dolores Luke dba Little Big Horn Services; Docket No. 2022-0412-MLM-E" to:

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

3. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, the record for the amount of each chemical used each week, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Begin using a disinfectant that is ANSI/NSF Standard 60 certified, in accordance with 30 TEX. ADMIN. CODE § 290.42; and
    - iii. Review and update the drought contingency plan as appropriate, in accordance with 30 TEX. ADMIN. CODE § 288.20.
  - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i to demonstrate compliance with Ordering Provision Nos. 3.a.i. through 3.a.iii.
  - c. Within 60 days after the effective date of this Order, begin maintaining all distribution system lines, storage and pressure maintenance facilities, water treatment units and all related appurtenances in a watertight condition, including the four leaks in the distribution lines at 9328 Little Big Horn Drive, 9420 Little Big Horn Drive, 735 Cluster Road, and 9476 Little Big Horn Drive, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. to demonstrate compliance with Ordering Provision No. 3.c.
  - e. Within 180 days after the effective date of this Order, submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including replacing one of the 557-gallon pressure tanks with a 900-gallon pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports shall be submitted to:

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

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

- f. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. to demonstrate compliance with Ordering Provision No. 3.e.
- g. Within 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- h. Within 285 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i. to demonstrate compliance with Ordering Provision No. 3.g.
- i. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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

and:

Section Manager, Public Drinking Water  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- 4. All relief not expressly granted in this Order is denied.
- 5. The provisions of this Order shall apply to and be binding upon Respondent.
- 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent 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 Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. 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.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV’T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF CASEY KURNATH

“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 Luke dba Little Big Horn Services’ (the “EDPRP”) was filed in the TCEQ Chief Clerk’s office on December 5, 2022.

The EDPRP was mailed to Respondent's last known address on December 5, 2022, via certified mail, return receipt requested, postage prepaid. According to USPS.com “Track & Confirm” delivery confirmation records, Respondent received notice of the EDPRP on December 15, 2022.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.”

"My name is Casey Kurnath and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.”

Executed in Travis County,

State of Texas,

on the 12th day of June, 2023

*Casey Kurnath*

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Declarant