EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2003-0389-PST-E TCEQ ID NO: RN101436038 CASE NO.: 2773
RESPONDENT NAME: DATARI CORPORATION DBA ONE STOP MOBIL

ORDER TYPE:		
_1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
_X_FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	_X_PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 4024 Nasa Road 1, El Lago, Harris County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: __X__ Yes ____ No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on September 24, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939
Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
TCEQ Enforcement Coordinator: Mr. Rajesh Acharya, Waste Enforcement Section, MC 128, (512) 239-0577
TCEQ Regional Contact: Ms. Nicole M. Bealle, Houston Regional Office, MC R-12, (713) 767-3623
Respondent: Mr. Rafeeq R. Meghani, Registered Agent, Datari Corporation, 28102 Tomball Parkway, Tomball, Texas 77375
Respondent's Attorney: Not represented by counsel.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** May 20, 2002 and March 12, 2003 **Date of NOV/NOE Relating to this Case:** May 29, 2002 (NOV), May 21, 2003 (NOE) **Background Facts:** An EDPRP, EDFARP and EDSARP were filed and served in this case. The Respondent did not file an Answer. The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report. **PST** 1) Failed to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].	**Total Assessed:** $3,150 **Total Deferred:** $0 ___Expedited Settlement ___Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Due to General Revenue:** $3,150 This is a Default Order. The Respondent has not actually paid any of the assessed penalties but will be required to do so under the terms of this proposed Order. **Site Compliance History Classification:** ___ High _X_ Avg. ___ Poor ___ N/A **Person Compliance History Classifications:** ___ High _X_ Avg. ___ Poor ___ N/A **Major Source:** ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	The Executive Director recognizes that the Respondent no longer owns or operates the facility.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision December 8, 2006*

TCEQ

DATES					
Assigned	13-Mar-2003				
PCW	27-Feb-2007	Screening	13-Mar-2003	EPA Due	11-Jul-2003

RESPONDENT/FACILITY INFORMATION

Respondent	Datari Corporation dba One Stop Mobil		
Reg. Ent. Ref. No.	RN101436038		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	2773	No. of Violations	1
Docket No.	2003-0389-PST-E	Order Type	Findings
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Mike Limos
Multi-Media		EC's Team	EnforcementTeam 8
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **$3,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 5% Enhancement *Subtotals 2, 3, & 7* **$150**

Notes: Enhancement due to one NOV for same or similar violations at this site within the past five years.

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

Notes: Respondent does not meet the culpability criteria.

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

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

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

0% Enhancement* *Subtotal 6* **$0**

Total EB Amounts	$2,048
Approx. Cost of Compliance	$1,950

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$3,150**

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

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

Notes:

Final Penalty Amount **$3,150**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$3,150**

DEFERRAL 0% Reduction *Adjustment* **$0**

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **$3,150**

Screening Date	13-Mar-2003	**Docket No.** 2003-0389-PST-E	**PCW**
Respondent	Datari Corporation dba One Stop Mobil		*Policy Revision 2 (September 2002)*
Case ID No.	2773		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN101436038		
Media [Statute]	Petroleum Storage Tank		
Enf. Coordinator	Mike Limos		

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*)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement due to one NOV for same or similar violations at this site within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date	13-Mar-2003	**Docket No.** 2003-0389-PST-E	**PCW**
Respondent	Datari Corporation dba One Stop Mobil		*Policy Revision 2 (September 2002)*
Case ID No.	2773		*PCW Revision December 8, 2006*
Reg. Ent. Reference No.	RN101436038		
Media [Statute]	Petroleum Storage Tank		
Enf. Coordinator	Mike Limos		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 37.815(a) and (b)

Violation Description Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks.

Base Penalty $10,000

>> 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 $9,000

$1,000

Violation Events

Number of Violation Events 3

365 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $3,000

Three single events are recommended (one event per tank).

Economic Benefit (EB) for this violation

Estimated EB Amount $2,048

Statutory Limit Test

Violation Final Penalty Total $3,150

This violation Final Assessed Penalty (adjusted for limits) $3,150

Economic Benefit Worksheet

Respondent Datari Corporation dba One Stop Mobil
Case ID No. 2773
Reg. Ent. Reference No. RN101436038
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
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]	$1,950	20-May-2001	20-May-2002	1.0	$98	$1,950	$2,048
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Estimated cost to provide financial assurance for the three petroleum USTs. Date required is one year prior to the record review date. Final date is one year later as this is an annual requirement.						

Approx. Cost of Compliance $1,950 **TOTAL** $2,048

COMPLIANCE HISTORY

Customer/Respondent/Owner-Operator: Datari Corporation Classification: Average

Regulated Entity/ID Nos.: One Stop Mobil, PST Facility ID No. 005422 Site Rating: 2.0

Location [physical address or description of location (street, highway, FM, etc.) including city or nearest city, and county]: 4024 Nasa Road 1, El Lago, Harris County Repeat Violator: (y/n) n

TCEQ Region No. 12

Date Compliance History Prepared: 4/10/03

Agency Decision Requiring Compliance History (mark one):

- [ ] the issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit
- [X] enforcement
- [ ] the use of announced investigations (Field Ops)
- [ ] participation in innovative programs

Compliance Period: 4/10/98 - 4/10/03

TCEQ staff person to contact for additional information regarding this compliance history:

Name: Mike Limos Phone: 239-5839

Site Compliance History Components

1.Has the site been in existence and/or operation for the full five year compliance period? [X] Yes [ ] No [ ] Unk

2. Has there been a (known) change in ownership of the site during the compliance period? [ ] Yes [ ] No [X] Unk

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 **during the portion of the five-year compliance history the site was owned by the person who is the subject of this compliance history:**

A. Final enforcement orders, court judgments, and consent decrees of the state of Texas and the federal government

1. Effective Date: N/A Type of Action:
   Violation Citation 1: Classification:
   Violation Description:

B. Any criminal convictions of the state of Texas and the federal government.
   Conviction Date: N/A
   Count 1:

C. Chronic excessive emissions events: None

D. The dates of investigations.
   1. 5/20/02
   2. 3/12/03

E. Written notices of violation (NOV)

1. Date: 5/29/02 Self-reported? ☐ Yes ☒ No

Violation Citation 1: 30 TAC 37.870 Classification: Moderate

Violation Description: Failure to provide an acceptable financial assurance mechanism upon request of the ED.

Violation Citation 2: 30 TAC 37.815 Classification: Moderate

Violation Description: Failure to demonstrate financial assurance.

F. Environmental audits.

1. Notice of Intent Date: N/A

Disclosure Date:

Violation Citation 1: Classification:

Violation Description:

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

State: N/A

Site Name:

Location:

Type of Action:

Effective Date:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING DATARI CORPORATION DBA ONE STOP MOBIL; RN101436038	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER
DOCKET NO. 2003-0389-PST-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. WATER CODE § 7.054, and chs. 7 and 26, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is Datari Corporation dba One Stop Mobil ("Datari").

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

FINDINGS OF FACT

1. At the time of the violation, Datari owned and operated a convenience store with retail sales of gasoline located at 4024 Nasa Road 1, in El Lago, Harris County, Texas (the "Facility").

2. Datari's three underground storage tanks ("USTs") were not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Datari's USTs contained a regulated substance as defined in the rules of the Commission.

3. During a record review inspection conducted on May 20, 2002, TCEQ Financial Administration Staff documented that Datari failed to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.

4. Datari received notice of the violation on or about June 6, 2002.

5. 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 Datari Corporation dba One Stop Mobil (the "EDPRP") in the TCEQ Chief Clerk's office on September 7, 2004.

6. By letter dated September 7, 2004, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Datari with notice of the EDPRP. According to the return receipt "green card", Datari received notice of the EDPRP on or about (exact date illegible) September 13, 2004, as evidenced by the signature on the green card.

7. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Datari Corporation dba One Stop Mobil (the "EDFARP") in the TCEQ Chief Clerk's office on January 6, 2006.

8. By letter dated January 6, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Datari with notice of the EDFARP. According to the return receipt "green card", Datari received notice of the EDFARP on January 9, 2006, as evidenced by the signature on the green card.

9. The Executive Director filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Datari Corporation dba One Stop Mobil (the "EDSARP") in the TCEQ Chief Clerk's office on May 22, 2007.

10. By letter dated May 22, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Datari with notice of the EDSARP. According to the return receipt "green card", Datari received notice of the EDSARP on May 23, 2007, as evidenced by the signature on the green card.

11. More than 20 days have elapsed since Datari received notice of the EDPRP, the EDFRAP and the EDSARP, provided by the Executive Director. Datari failed to file an answer to the EDPRP, the EDFARP and the EDSARP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Datari is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE CH. 26, §§ 7.002 and 5.013, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3, Datari failed to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property

damage caused by accidental releases arising from the operation of petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).

3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served Datari with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).

4. As evidenced by Finding of Fact Nos. 7 and 8, the Executive Director has timely served Datari with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).

5. As evidenced by Finding of Fact Nos. 9 and 10, the Executive Director has timely served Datari with proper notice of the EDSARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).

6. As evidenced by Finding of Fact No. 11, Datari has failed to file a timely answer to the EDPRP, the EDFARP, and the EDSARP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Datari and assess the penalty recommended by the Executive Director.

7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Datari for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

8. An administrative penalty and fees in the amount of three thousand one hundred fifty dollars ($3,150.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

9. 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. Datari is assessed an administrative penalty in the amount of three thousand one hundred fifty dollars ($3,150.00) for violations of TEX. WATER CODE ch. 26 and rules of the TCEQ. The

payment of this administrative penalty and Datari's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Datari Corporation dba One Stop Mobil; Docket No. 2003-0389-PST-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. All relief not expressly granted in this Order is denied.

3. The provisions of this Order shall apply to and be binding upon Datari.

4. If Datari fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Datari's failure to comply is not a violation of this Order. Datari shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Datari shall notify the Executive Director within seven days after Datari 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 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 Datari shall be made in writing to the Executive Director. Extensions are not effective until Datari receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Datari if the Executive Director determines that Datari has not complied with one or more of the terms or conditions in this Order.

7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____

For the Commission

AFFIDAVIT OF REBECCA M. COMBS

STATE OF TEXAS §
§
COUNTY OF Travis §

"My name is Rebecca M. Combs. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Datari Corporation dba One Stop Mobil' (the "EDFARP") was filed with the Office of the Chief Clerk on September 7, 2004.

The EDPRP was sent to Datari at its last known address on September 7, 2004 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card", Datari received notice of the EDPRP on or about (exact date is illegible) September 13, 2004, as evidenced by the signature on the green card.

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

Rebecca M. Combs

Rebecca M. Combs
Attorney
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 28 day of June, 2007.

Margaret Jackson

Notary Stamp

Margaret Jackson
Notary Public
State of Texas
My Commission Expires
OCTOBER 06, 2009

Notary Signature