



**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b>                      May 22, 2006</p> <p><b>Date of NOE Relating to this Case:</b>                      August 1, 2006 (NOE)</p> <p><b>Background Facts:</b></p> <p>The EDPRP was mailed to Respondent at its last known address on January 4, 2007, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on January 6, 2007, as evidenced by the signature on the card.</p> <p><b>DCL:</b></p> <p>Failed to complete and submit to the TCEQ the required registration form for the Facility [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p>	<p><b>Total Assessed:</b> \$1,209</p> <p><b>Total Deferred:</b> \$0</p> <p><b>Total Due to General Revenue:</b> \$1,209</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Within 15 days, complete and submit the required dry cleaner registration form for the Facility.</li> <li>2. Within 30 days, submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance.</li> </ol>



**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b> 07-Aug-2006	<b>Screening</b> 08-Aug-2006	<b>EPA Due</b> <input type="text"/>
	<b>PCW</b> 04-Nov-2006		

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	SNS Enterprises, Inc dba Fashion Touch
<b>Reg.-Ent.-Ref.-No.</b>	RN102188869
<b>Facility/Site Region</b>	12-Houston <input type="text"/>
<b>Major/Minor Source</b>	Minor Source <input type="text"/>

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	30682	<b>No. of Violations</b>	1
<b>Docket No.</b>	2006-1149-DCL-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Drycleaner	<b>Enf. Coordinator</b>	Deana Holland
<b>Multi-Media</b>	<input type="text"/>	<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$50

### Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,185
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	2% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>
<b>Notes</b>	<input type="text" value="Enhancement for one NOV without same or similar violation."/>	
<b>Culpability</b>	No <input type="text"/> 0% Enhancement	<b>Subtotal 4</b>
<b>Notes</b>	<input type="text" value="The respondent does not meet the culpability criteria."/>	
<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>
	<small>Before NOV    NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	
Ordinary	<input type="text"/>	
N/A	x <small>(mark with a small x)</small>	
<b>Notes</b>	<input type="text" value="The respondent does not meet the good faith criteria."/>	
<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>
	<small>*Capped at the Total EB \$ Amount</small>	
Total EB Amounts	\$18	
Approx. Cost of Compliance	\$250	
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,209
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>Adjustment</b>	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)</small>		
<b>Notes</b>	<input type="text"/>	
	<b>Final Penalty Amount</b>	\$1,209
<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,209
<b>DEFERRAL</b>	<b>Adjustment</b>	\$0
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
<b>Notes</b>	<input type="text" value="This is not an expedited case."/>	
<b>PAYABLE PENALTY</b>		\$1,209

Screening Date 08-Aug-2006

Docket No. 2006-1149-DCL-E

PCW

Respondent SNS Enterprises, Inc dba Fashion Touch

Policy Revision 2 (September 2002)

Case ID No. 30682

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102188869

Media [Statute] Drycleaner

Enf. Coordinator Deana Holland

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
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)	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		Yes/No	Adjust.
	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) **2%**

>> 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 for one NOV without same or similar violation.

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

Screening Date 08-Aug-2006

Docket No. 2006-1149-DCL-E

PCW

Respondent SNS Enterprises, Inc dba Fashion Touch

Policy Revision 2 (September 2002)

Case ID No. 30682

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102188869

Media [Statute] Drycleaner

Enf. Coordinator Deana Holland

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 337.10(a)

Secondary Rule Cite(s) Tex. Health & Safety Code § 374.102

Violation Description The respondent failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

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

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 237

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

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$1,209

This violation Final Assessed Penalty (adjusted for limits) \$1,209

### Economic Benefit Worksheet

Respondent SNS Enterprises, Inc dba Fashion Touch  
 Case ID No. 30682  
 Reg. Ent. Reference No. RN102188869  
 Media [Statute] Drycleaner  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Description No commas or \$							
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	\$250	01-Sep-2005	30-Jan-2007	1.4	\$18	n/a	\$18
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date that the completed registration form was due and the final date is the date the respondent is projected to come into compliance.						
<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs	n/a						
Approx. Cost of Compliance	\$250					TOTAL	\$18

## Compliance History

Customer/Respondent/Owner-Operator:	CN602814170    SNS Enterprises, Inc	Classification: AVERAGE	Rating: 0.50
Regulated Entity:	RN102188869    FASHION TOUCH	Classification: AVERAGE	Site Rating: 0.50
ID Number(s):	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HX2999L
	INDUSTRIAL-AND-HAZARDOUS-WASTE GENERATION	EPA-ID	TXD021470562
Location:	3402 CHIMNEY ROCK RD, HOUSTON, TX, 77056	Rating Date: September 01 05	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	August 07, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 07, 2001 to August 07, 2006		

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

Name: Deana Holland Phone: 239-2504

### Site Compliance History Components

- |  |  |
|--|--|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes  |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | Yes  |
| 3. If Yes, who is the current owner?   | <u>SNS Enterprises, Inc</u>  |
| 4. If Yes, who was/were the prior owner(s)?  | <u>L &amp; L NATIONAL INC</u><br><u>BOSS CLEANERS, INC.</u><br><u>SNS Enterprises, Inc</u> |
| 5. When did the change(s) in ownership occur?  | <u>02/28/2005</u><br><u>06/13/2005</u>   |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 03/22/2004 | (262906) |
| 2 | 04/02/2005 | (376287) |
| 3 | 07/21/2005 | (401028) |
| 4 | 04/26/2005 | (378231) |
| 5 | 08/03/2006 | (487384) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |  |          |                          |
|--------------|--|----------|--------------------------|
| Date:        | 04/26/2005   | (378231) |                          |
| Self Report? | NO   |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 101, SubChapter A 101.20(2)   |          |                          |
|              | 40 CFR Part 63, Subpart M 63.324(e)  |          |                          |
| Description: | Failure to have a copy of the operating manual for the dry cleaning machine on site. |          |                          |
- 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  
SNS ENTERPRISES, INC. DBA  
FASHION TOUCH;  
RN102188869

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT ORDER**  
**DOCKET NO. 2006-1149-DCL-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 374, 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 SNS Enterprises, Inc. dba Fashion Touch ("SNS").

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

**FINDINGS OF FACT**

1. SNS owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility located at 3402 Chimney Rock Road, Houston, Harris County, Texas (the "Facility").
2. The Facility is a retail commercial establishment that operates in whole or in part for the purpose of cleaning garments or other fabrics using a process that involves any use of dry cleaning solvents. As such, the Facility is a dry cleaning facility as defined in TEX. HEALTH & SAFETY CODE § 374.001(7).
3. During an investigation conducted on May 22, 2006, a TCEQ Harlingen Regional Office investigator documented that SNS failed to complete and submit to the TCEQ the required registration form for the Facility.
4. SNS received notice of the violation on or about August 6, 2006.

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 SNS Enterprises, Inc. dba Fashion Touch" (the "EDPRP") in the TCEQ Chief Clerk's office on January 4, 2007.
6. By letter dated January 4, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served SNS with notice of the EDPRP. According to the return receipt "green card," SNS received notice of the EDPRP on January 6, 2007.
7. More than 20 days have elapsed since SNS received notice of the EDPRP, provided by the Executive Director. SNS failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact Nos. 1 and 2, SNS is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, SNS failed to complete and submit to the TCEQ the required registration form for the Facility, in violation of 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102.
3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served SNS 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 No. 7, SNS failed to file a timely answer to the EDPRP, 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 SNS and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against SNS 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.

6. An administrative penalty in the amount of one thousand two hundred nine dollars (\$1,209.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and 7.0525(c).
7. 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. SNS is assessed an administrative penalty in the amount of one thousand two hundred nine dollars (\$1,209.00) for violations of the Texas Water Code, the Texas Health & Safety Code, and the rules of the TCEQ. The payment of this administrative penalty and SNS'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: SNS Enterprises, Inc. dba Fashion Touch; Docket No. 2006-1149-DCL-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. SNS shall undertake the following technical requirements:
  - a. Within 15 days of the effective date of this Order, SNS shall complete and submit the required dry cleaner registration form for the Facility, in accordance with 30 TEX. ADMIN. CODE ch. 337 to:

Dry Cleaning Registration Team  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- b. Within 30 days after the effective date of this Order, SNS shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with ordering provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

SNS shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. to:

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

with a copy to:

Lorinda Gardner, AirWaste Section Manager  
Texas Commission on Environmental Quality  
Harlingen Regional Office  
1804 W. Jefferson Avenue  
Harlingen, Texas 78550-5247

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon SNS. SNS is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If SNS 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, SNS's failure to comply is not a violation of this Order. SNS shall have

the burden of establishing to the Executive Director's satisfaction that such an event has occurred. SNS shall notify the Executive Director within seven days after SNS becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by SNS shall be made in writing to the Executive Director. Extensions are not effective until SNS 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 SNS if the Executive Director determines that SNS has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

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**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

AFFIDAVIT OF LENA ROBERTS

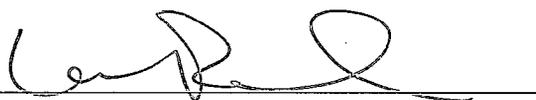
STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

“My name is Lena Roberts. 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 SNS Enterprises, Inc. dba Fashion Touch” (the “EDPRP”) was filed with the Office of the Chief Clerk on January 4, 2007.

The EDPRP was mailed to SNS at its last known address on January 4, 2007, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” SNS received notice of the EDPRP on January 6, 2007, as evidenced by the signature on the card.

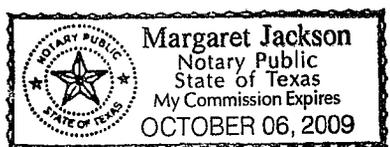
More than 20 days have elapsed since SNS received notice of the EDPRP. SNS failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”



Lena Roberts, Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Lena Roberts, 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 29<sup>th</sup> day of March, A.D., 2007.



Notary Signature