EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2 DOCKET NO.: 2006-1164-DCL-E TCEQ ID: RN104462528 CASE NO.: 30700 RESPONDENT NAME: GILBERTO D. RETA DBA RASSO CLEANERS

ODDED WITH		
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	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	X DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCCUR TYPE OF OPERATION: Dry Cleaning fa	RED: 202 Pleasanton Road, San Antonio, Bexa	r County
SMALL BUSINESS: X Yes	No	
regarding this facility location.	ere are no complaints. There is no record of add	
COMMENTS RECEIVED: The Texas Re	gister comment period expired on June 25, 2007	7. No comments were received.
CONTACTS AND MAILING LIST: TCEQ Attorney: Benjamin O. Th Ms. Jennifer Co TCEQ Enforcement Coordinator TCEQ Regional Contact: Mr. He Respondent: Mr. Gilberto D. Reta	ompson, Litigation Division, MC 175, (512) 239 ok, Litigation Division, MC 175, (512) 239-187 Ms. Dana Shuler, Waste Enforcement Section mry Karnei, San Antonio Regional Office, MC Roundry, Rasso Cleaners, 202 Pleasanton Road, esented by counsel on this enforcement matter.	9-1297 3 , MC 128, (512) 239-2505 R-13, (210) 403-4010

RESPONDENT NAME: GILBERTO D. RETA DBA RASSO CLEANERS DOCKET NO.: 2006-1164-DCL-E

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation:	Total Assessed: \$1,185	
Complaint _X Routine Enforcement Follow-up Records Review	Total Deferred: \$0 Total Due to General Revenue: \$1,185	The Respondent submitted the required registration form on June 16, 2006.
Date of Complaints Relating to this Case: None	This is a default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this proposed	
Dates of Investigation Relating to this Case: June 7, 2006	Order	
Date of NOE Relating to this Case: August 2, 2006	Site Compliance History Classification: N/A Person Compliance History Classification: N/A	
Background Facts: An EDPRP was filed on January 31, 2007. The Respondent received	Major Source: YesX_No	
notice of the EDPRP on or about February 7, 2007. The Respondent has not filed an answer or requested a hearing.	Applicable Penalty Policy: September 2002	
The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.		
DCL		
Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ facility [30 Tex. ADMIN. CODE § 337.11(e) and Tex. HEALTH & SAFETY CODE § 374.102].		•
	·	·

	P	enalty Calculation V	Vorkshee	et (PCW)	•
Policy Revision 2				,	PCW Revision May 19, 2005
EQ					
TES Assigned	07-Aug-2006	A E TOTAL CARGONAL			
PCW	21-Jun-2007	Screening 09-Aug-2006	EPA Due		·

DECDONDENT/EACH	EXINEORUATION	Griffich regio a NICLEA	A SURIOUS			
RESPONDENT/FACIL	Gilberto D. Reta dba Rasso Cleaners		orses, muldeninde or 2 act photospoor			
Reg. Ent. Ref. No.		::				
Facility/Site Region		<	Maj	or/Minor Source	Minor Source	K
	1000					
CASE INFORMATION						
Enf./Case ID No.	2006-1164-DCL-E			No. of Violations Order Type		I V
Media Program(s)	The state of the s	 	ı	Enf. Coordinator		
Multi-Media	Drydeaner				Enforcement Tea	am 7
Admin. Penalty \$ Li	mit Minimum \$0 Maximum	1	\$50			[restable
	Penalty Calcul	atior	า Se	ection		
TOTAL BASE PEN	IALTY (Sum of violation base pena	lties)			Subtotal 1	\$1,185
alan karal dan kerangan menangan salah da						ASALTINA VENEZEZIONE
	-/-) TO SUBTOTAL 1					entrici de la Logi.
	obtained by multiplying the Total Base Penalty (Subtotal listory 0%				otals 2, 3, & 7	\$0
Compliance	iistory.	Linair	eillene	in a series of the series of t	Jiais 2, 3, 8 /	Character Conference of 49
Notes	No adjustment for complia	nce hi	story.		,	
					l	
Culpability	No [S] 0%	Enhanc	ement		Subtotal 4	
	Property Comment of the Comment	and ordering a copyright	· Pariti	AND THE COLUMN TO SEE THE SECOND SECO		200 Sept Sept (1980) 1 (1980) 1 (1980) 1 (1980) 1 (1980) 1 (1980) 1 (1980) 1 (1980) 1 (1980) 1 (1980) 1 (1980)
Notes	The respondent does not meet the	culpa	bility	criteria.		
				A SHIP IS NOT THE REAL PROPERTY OF THE PARTY		
Good Faith El	fort to Comply 0%	Reduct	ion 🐫		Subtotal 5	********** \$ 0
	Before NOV NOV to EDPRP/Settlement Offer				·	
Extraordinary						
Ordinary N/A	X (mark with a small x)			•		
	(mark with a Shian x)		1.300			
Notes	No good faith reduction in a d	efault s	situati	on.		
L		and the second of the second o	100000000000000000000000000000000000000			
Economic Be	nefit 0%	Enhanc	ement'		Subtotal 6	ilia / 81 14 \$0
2000 - 2000 - 200	Total EB Amounts \$10	*Сарр	ed at ti	he Total EB \$ Amount		
Approx. Co	ost of Compliance \$250					
			postal Cr			MB-1-11-11-11-11-11-11-11-11-11-11-11-11-
SUM OF SUBTOT	ALS 1-/-				inal Subtotal	\$1,185
	AS JUSTICE MAY REQUIRE		rammar Arrivata		Adjustment	\$0
	al Subtotal by the indicated percentage. (Enter number	only: e c	~ _30 f	- 30%)	Adjustillerit	
Reduces of enhances the file	ial Gubtotal by the indicated percentage. (Enter humber	only, e.g	g00 K	n -5076.7		
Notes						
L	STATE OF THE PROTECTION OF THE			Final Pe	nalty Amount	\$1,185
STATUTORY LIMI	TADJUSTMENT			Final Asse	essed Penalty	\$1,185
DEFERRAL		M		Reduction	Adjustment	\$0
Reduces the Final Assessed	Penalty by the indicted percentage. (Enter number only	; e.g. 20	for 209	% reduction.)		
Notes	This is not an expedite	d case	9.			

\$1,185

PAYABLE PENALTY

Page 2 of 4 06/22/07 C:\WINDOWS\TEMP\GilbertoDRetadbaRassoCleaners(PCW)(LDRevised6_07).qpw

Docket No. 2006-1164-DCL-E Screening Date 09-Aug-2006

PCW

Case ID No. 30700

Respondent Gilberto D. Reta dba Rasso Cleaners

Policy Revision 2 (September 2002) PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104462528 Media [Statute] Drycleaner

Enf. Coordinator Dana Shuler

		Compliance History Worksheet			
	• ,	story Site Enhancement (Subtotal 2)		Adjust.	English Awards
ľ	Component	Number of Enter Written NOVs with same or similar violations as those in the current	Number Here		
	NOVs	- 0	0%		
		enforcement action (number of NOVs meeting criteria) Other written NOVs	0.000	0%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%	
-	Orders	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	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%	
	Consent Decrees	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 Any criminal convictions of this state or the federal government (number	0	0%	
	Convictions	0	0%		
ľ	Emissions	of counts) Chronic excessive emissions events (number of events)	7 0	0%	
		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%	
	Audits	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 Er	ter Yes or No		
		Environmental management systems in place for one year or more	No	0%	
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No 💮	0%	
ļ	Other	Participation in a voluntary pollution reduction program	: No	0%	
ANIANAMANAMA		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
_		Adjustment Percen	tage (Sul	btotal 2)	0%
> Rep	eat Violator	(Subtotal 3)			
[V/A	Adjustment Percen	tage (Sul	btotal 3)	0%
> Cor	npliance His	story Person Classification (Subtotal 7)			
L	V/A	Adjustment Percen	tage (Sul	btotal 7)	0%
(npliance His Compliance story Notes	story Summary No adjustment for compliance history.			
		Total Adjustment Percentage (Sub	totals 2,	3, & 7)	0%

Page 3 of 4 06/22/07	C:\WINDOWS	S\TEMP\Gilberto	DRetadbaRassoCleaners(PCV	V)(LDRevise	ed6_07).qpw
Screening Date	09-Aug-2006	Doc	ket No. 2006-1164-DCL-E		PGW -
Respondent	Gilberto D. Reta	dba Rasso Clea	ners	Policy Rev	ision·2 (September 2002)
Case ID No.	30700			PC	W Revision May 19, 2005
Reg. Ent. Reference No.	RN104462528				•
Media [Statute]	Drycleaner				
Enf. Coordinator	Dana Shuler				
Violation Number	1 1				•
Primary Rule Cite(s)			in. Code § 337.11(e)		
Secondary Rule Cite(s)		Tex. Health &	Safety Code § 374.102		
Violation Description		required registra	ne facility's registration by com tion form to the TCEQ for a dry op station facility.		
			Ва	se Penalty[\$50
>> Environmental, Pro	perty and Hu	man Health N	Natrix		
	Har			528 -	
Release	Major Moder	ate Minor			
OR Actual			Percent	٦	•
Potential	ACTOR HER WAR IN SECTION		Percent		
>> Programmatic Matr	iya ole				
Falsification	Major Moder	ate Minor			
	×		Percent 10%	5]	•
				.	
Matrix Notes	100% of the	e rule requiremen	nt was not met.		
		1 S. A. F. J. J.	Adjustment	-\$45	
			Base Penalt	y Subtotal [\$5
Violation Events	do seguidos de ac	n den bester			
Violation Events					
Number of Violati	on Events 237	7 - 3			
					•
	daily X				• •
mark only one	monthly quarterly		Violation Ba	se Penalty	\$1,185
use a small x	semiannual				
	annual				
	single event				•
Record Company Company (Company Company Compan	agus eggs signes via en everces est. In	ung pagganggak ni Nakatak sa sa sa	r diegreen oor were dynkoppen proportiese de Greek en Winsels		
			re recommended from the		
Septembe		e to the April 26, letter dated Mai	2006 deadline established by ch 24, 2006.		
Marine Ma					•
Economic Benefit (EB) for this v	iolation	Statutory Limit	Test	
Estimated E	3 Amount	\$10	Violation Final Pe	nalty Total [\$1,185
	Thie	violation Final	Assessed Penalty (adjusted	for limits)	\$1,185
	11115	o.a.ioii i ilai		3,	4.,700
·		.•	,		

C:\WINDOWS\TEMP\GilbertoDRetadbaRassoCleaners(PCW)(LDRevised6_07).qpw Page 4 of 4 **Economic Benefit Worksheet** Respondent Gilberto D. Reta dba Rasso Cleaners Case ID No. 30700 Reg. Ent. Reference No. RN104462528 Media [Statute] Drycleaner Percent Years of Violation No. 1 Interest: Depreciation 5.0 Onetime EΒ Interest Date Final Item Costs Cost Date Saved Amount Required Description No commas or **Delayed Costs** \$0 0.0 Equipment \$0 \$0 \$0 Buildings 0.0 \$0 \$0 \$0 Other (as needed) 0.0 0.0 \$0 \$0 \$0 Engineering/construction 0.0 \$0 \$0 n/a \$0 Record Keeping System 0.0 \$0 \$0 \$0 0.0 n/a Training/Sampling \$0 \$0 Remediation/Disposal 0.0 n/a \$250 | 01-Sep-2005 0.8 \$10 n/a \$10 Permit Costs 0.0 \$0 Other (as needed) \$0 The estimated cost to register a dry cleaning or drop station facility annually. The date Notes for DELAYED costs required is the date that the completed registration form was due and the final date is the date the respondent came into compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** \$0 0.0 Disposal 0.0 \$0 \$0 \$0 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 Other (as needed) Notes for AVOIDED costs n/a

TOTAL

\$10

\$250

Approx. Cost of Compliance

Compliance History

Custome	er/Respondent/Owner-Operator:	CN603046020	GILBE	RTO D RETA		Classification:	Rating:
Regulate	ed Entity:	RN104462528	RASS	O CLEANERS		Classification:	Site Rating:
ID Numb	per(s):	INDUSTRIAL AND GENERATION INDUSTRIAL AND			EPA ID ID NUMBEI	3	TXR000073650 F1915
Location:		GENERATION 202 PLEASANTO	N RD, SA	AN ANTONIO, TX, 7	3214		
TCEQ R	egion:	REGION 13 - SAN	ANTON	IIO			
Date Co	mpliance History Prepared:	August 10, 2006					
Agency I	Decision Requiring Compliance History:	Enforcement					
Complia	nce Period:	August 10, 2001 to	August	10, 2006			
TCEQ S	taff Member to Contact for Additional Infor	mation Regarding th	is Comp	liance History			
Name:	Anita Keese	Pho	ne:	(956) 430-6034			
		Site Co	mnlian	ce History Comp	onents		
1 Was th	ne site been in existence and/or operation		-		Yes		
	nere been a (known) change in ownership				No		
	, who is the current owner?	C	•	•	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		
Compo	nents (Multimedia) for the Site :						
A.	Final Enforcement Orders, court judgen	nents, and consent d	ecrees o	of the state of Texas	and the federal	government.	
	N/A						
В.	Any criminal convictions of the state of N/A	Texas and the federa	al govern	ment.			
C.	Chronic excessive emissions events.						
	N/A						•
D.	The approval dates of investigations. (C 1 08/02/2006 (480601)	CEDS Inv. Track. N	0.)				
E.	Written notices of violations (NOV). (CC	EDS Inv. Track. No.)		•		
	N/A				. '		
F.	Environmental audits.						
G.	Type of environmental management sys	stems (EMSs).					
	N/A						
H.	Voluntary on-site compliance assessme	ent dates.					
	N/A						
l.	Participation in a voluntary pollution red	uction program.					•
	N/A	•					
J.	Early compliance.						
•	N/A				٠.		
Sites Out	tside of Texas N/A			•			

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	· §	
CONCERNING	§	TEXAS COMMISSION ON
GILBERTO D. RETA DBA RASSO	§	••
CLEANERS,	§	ENVIRONMENTAL QUALITY
RN104462528	§	

DEFAULT ORDER DOCKET NO. 2006-1164-DCL-E

At its	agenda, the Texas Commission on Environmental Quality,
("Commission" or "TCEQ"	") considered the Executive Director's Preliminary Report and Petition
	ER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the
	opriate relief, including the imposition of an administrative penalty. The
	et of this Order is Gilberto D. Reta dba Rasso Cleaners ("Mr. Reta").

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

FINDINGS OF FACT

- 1. Mr. Reta owns, in accordance with Tex. Health & Safety Code § 374.001(12), and operates a dry cleaning facility located at 202 Pleasanton Road, San Antonio, Bexar County, Texas (the "Facility").
- 2. The Facility is a retail commercial establishment that operates or has operated, in whole or in part for the purpose of cleaning garments or other fabrics using a process that involves the 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 inspection on June 7, 2006, a TCEQ San Antonio Regional Office investigator documented that Mr. Reta failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for the Facility.
- 4. Mr. Reta received notice of the violation on or about August 7, 2006.
- 5. The Executive Director recognizes that Mr. Reta submitted the required registration form for the Facility on June 16, 2006.

- 6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Gilberto D. Reta dba Rasso Cleaners" (the "EDPRP") in the TCEQ Chief Clerk's office on February 9, 2007.
- 7. By letter dated February 9, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Reta with notice of the EDPRP. According to the return receipt "green card", Mr. Reta received notice of the EDPRP on February 10, 2007, as evidenced by the signature on the card.
- 8. More than 20 days have elapsed since Mr. Reta received notice of the EDPRP, provided by the Executive Director. Mr. Reta 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, Mr. Reta is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE § 374.102 and the rules of the Commission.
- 2. As evidenced by Finding of Fact No. 3, Mr. Reta failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for the Facility, in violation of 30 Tex. ADMIN. CODE § 337.11(e); and Tex. HEALTH & SAFETY CODE § 374.102.
- 3. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Mr. Reta 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. 8, Mr. Reta has 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 Mr. Reta 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 Mr. Reta 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 one hundred eighty-five dollars (\$1,185.00) 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.
- 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. Mr. Reta is assessed an administrative penalty in the amount of one thousand one hundred eighty-five dollars (\$1,185.00) for violations of Tex. Health & Safety Code ch. 374 and rules of the TCEQ. The payment of this administrative penalty and Mr. Reta'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: Gilberto D. Reta dba Rasso Cleaners; Docket No. 2006-1164-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. All relief not expressly granted in this Order is denied.
- 3. The provisions of this Order shall apply to and be binding upon Mr. Reta. Mr. Reta is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 4. If Mr. Reta 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, Mr. Reta's failure to comply is not a violation of this Order. Mr. Reta shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Reta shall notify the Executive Director within seven days after Mr. Reta

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 Mr. Reta shall be made in writing to the Executive Director. Extensions are not effective until Mr. Reta 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 Mr. Reta if the Executive Director determines that Mr. Reta 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	COMN	MISSION	ON EI	VVIRONI	MENTAL	QUALITY
		,,	~	. , , , _ , _ , _ , _	,	X

For the Commission

AFFIDAVIT OF BENJAMIN O. THOMPSON

STATE OF TEXAS

§

COUNTY OF TRAVIS

8

"My name is Benjamin O. Thompson. 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, I 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 Gilberto D. Reta dba Rasso Cleaners" (the "EDPRP") with the Office of the Chief Clerk on February 9, 2007.

I sent the EDPRP to Mr. Reta at his last known address on February 9, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Mr. Reta received notice of the EDPRP on February 10, 2007, as evidenced by the signature on the card.

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

Benjamin Ö. Thompson

Attorney

Texas Commission on Environmental Quality

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

Given under my hand and seal of office this day of MMC, A.D., 2007.

Notary Stamp

Donna Mae Delgado
Notary Public
State of Texas
My Commission Expires
JUNE 22, 2008