

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-1613-IWD-E TCEQ ID: RN104580378 CASE NO.: 26298
RESPONDENT NAME: LAURA STRAWBRIDGE DBA K&L CARWASH

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 200 4th Street, Graham, Young County</p> <p>TYPE OF OPERATION: Carwash</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: One complaint was received on April 5, 2005, alleging that the carwash water from the facility was discharging to the city street and causing damage to the street. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: The complainant has not indicated a desire to protest this action or to speak at agenda. No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Jacquelyn Boutwell, Litigation Division, MC 175, (512) 239-5846 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Ms. Pamela Campbell, Water Enforcement Section, MC 169, (512) 239-4493 TCEQ Regional Contact: Mr. Cliff Moore, Abilene Regional Office, MC R-3 Respondent: Ms. Laura Strawbridge, K&L Carwash, RR 1 Box 631, Graham, Texas 76450 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: April 5, 2005</p> <p>Dates of Investigation Relating to this Case: June 28, 2005</p> <p>Date of NOE Relating to this Case: July 3, 2005</p> <p>Background Facts:</p> <p>This case was referred to the Litigation Division on December 30, 2005. The EDPRP was filed May 2, 2006. The first class mail and certified mail for the EDPRP was returned as undeliverable as addressed and unable to forward. Multiple attempts to serve the Respondent were made; service was achieved on February 14, 2008, as evidenced by the signature on the return receipt "green card." No answer or hearing request has been filed in response to the EDPRP.</p> <p>Current Compliance Status: Not yet in compliance</p> <p>IWD:</p> <p>Failed to obtain an authorization from the TCEQ to discharge process wastewater from a commercial carwash into or adjacent to water in the state [TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$2,100</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$2,100</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 proposed Order.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Technical Requirements</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Immediately stop operating without authorization. 2. Within 180 days either: <ol style="list-style-type: none"> a) submit written certification that an authorization to operate has been obtained; or b) submit written certification that the Facility has tied-in to the City of Graham Wastewater Treatment Facility.



Penalty Calculation Worksheet (PCW)

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

DATES	Assigned PCW	05-Jul-2005 27-Dec-2005	Screening	02-Aug-2005	EPA Due	
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RESPONDENT/FACILITY INFORMATION			
Respondent	Laura Strawbridge dba K&L Carwash		
Reg. Ent. Ref. No.	RN104580378		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	26298	No. of Violations	1
Docket No.	2005-1613-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Pamela Campbell
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	5% Enhancement	Subtotals 2, 3, & 7
Notes	The respondent received one NOV for the same or similar violations.	
Culpability	0% Enhancement	Subtotal 4
Notes	The respondent does not meet the culpability criteria.	
Good Faith Effort to Comply	0% Reduction	Subtotal 5
	<small>Before NOV NOV to EDRP/Settlement Offer</small>	
Extraordinary		
Ordinary		
N/A	x	<small>(mark with a small x)</small>
Notes	The respondent is not yet in compliance.	
Economic Benefit	0% Enhancement*	Subtotal 6
	<small>*Capped at the Total EB \$ Amount</small>	
Total EB Amounts	\$271	
Approx. Cost of Compliance	\$3,500	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,100
OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment
<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)</small>		
Notes		
	Final Penalty Amount	\$2,100
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,100
DEFERRAL		Adjustment
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
Notes	This is not an expedited case.	
PAYABLE PENALTY		\$2,100

Screening Date 02-Aug-2005 **Docket No.** 2005-1613-IWD-E **PCW**
Respondent Laura Strawbridge dba K&L Carwash *Policy Revision 2 (September 2002)*
Case ID No. 26298 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN104580378
Media [Statute] Water Quality
Enf. Coordinator Pamela Campbell

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 (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
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 judgements 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	0	0%
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</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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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 The respondent received one NOV for the same or similar violations.

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

Screening Date 02-Aug-2005	Docket No. 2005-1613-IWD-E	PCW
Respondent Laura Strawbridge dba K&L Carwash	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 26298	<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No. RN104580378		
Media [Statute] Water Quality		
Enf. Coordinator Pamela Campbell		
Violation Number <input type="text" value="1"/>		
Primary Rule Cite(s)	Tex. Water Code § 26.121(a)	
Secondary Rule Cite(s)		
Violation Description	Failure to obtain authorization to discharge process wastewater from a commercial carwash into or adjacent to water in the state, as documented during the June 28, 2005 investigation.	
Base Penalty		<input type="text" value="\$10,000"/>

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

Harm				
Release	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>daily</i>	<input type="text"/>
<i>monthly</i>	<input checked="" type="checkbox"/>
<i>quarterly</i>	<input type="text"/>
<i>semiannual</i>	<input type="text"/>
<i>annual</i>	<input type="text"/>
<i>single event</i>	<input type="text"/>

Violation Base Penalty

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 Laura Strawbridge dba K&L Carwash
Case ID No. 26298
Reg. Ent. Reference No. RN104580378
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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	\$3,000	06-Apr-2005	01-Jun-2006	1.2	\$12	\$231	\$242
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	\$500	06-Apr-2005	01-Jun-2006	1.2	\$29	n/a	\$29
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs This is the estimated cost the respondent would incur to apply for a water quality permit for the facility or to tie-in to the City of Graham's wastewater treatment facility.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$3,500

TOTAL \$271

Compliance History

Customer/Respondent/Owner-Operator: CN602820276 LAURA STRAWBRIDGE Classification: AVERAGE Rating: 1.50
Regulated Entity: RN104580378 K&L CARWASH Classification: AVERAGE Site Rating: 1.50
ID Number(s): _____
Location: 200 4TH ST, GRAHAM, TX, 76450 Rating Date: September 01 05 Repeat Violator: NO
TCEQ Region: REGION 03 - ABILENE
Date Compliance History Prepared: September 21, 2005
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 21, 2000 to September 21, 2005
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Pamela Campbell Phone: 512 239-4493

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 06/30/2005 (398075)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 04/18/2005 (377709) Classification: Moderate
Self Report? NO
Citation: TWC Chapter 26.121(a)(1)
Description: Failure to obtain authorization to discharge process wastewater into or adjacent to water in the state.
 - 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
LAURA STRAWBRIDGE DBA
K&L CARWASH;
RN104580378**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2005-1613-IWD-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 chs. 7 and 26 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 Laura Strawbridge dba K&L Carwash ("Laura Strawbridge").

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

FINDINGS OF FACT

1. Laura Strawbridge owns and operates a carwash located at 200 4th Street in Graham, Young County, Texas (the "Facility").
2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any state water under the Texas Water Code
3. During an investigation conducted on June 28, 2005, a TCEQ Abilene Regional Office investigator documented that Laura Strawbridge failed to obtain an authorization from the TCEQ to discharge process wastewater from a commercial carwash into or adjacent to water in the state.
4. Laura Strawbridge received notice of the violation on or about July 8, 2005.
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 Laura Strawbridge dba K&L Carwash" (the "EDPRP") in the TCEQ Chief Clerk's office on February 7, 2008.

6. By letter dated February 7, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Laura Strawbridge with notice of the EDPRP. According to the return receipt "green card," Laura Strawbridge received notice of the EDPRP on February 14, 2008, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Laura Strawbridge received notice of the EDPRP, provided by the Executive Director. Laura Strawbridge 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, Laura Strawbridge is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Laura Strawbridge failed to obtain an authorization from the TCEQ to discharge process wastewater from a commercial carwash into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a).
3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Laura Strawbridge 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, Laura Strawbridge 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 Laura Strawbridge 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 Laura Strawbridge for violations of the Texas Water 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 two thousand one hundred dollars (\$2,100.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

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. Laura Strawbridge is assessed an administrative penalty in the amount of two thousand one hundred dollars (\$2,100.00) for violations of state statutes and the rules of the TCEQ. The payment of this administrative penalty and Laura Strawbridge'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: Laura Strawbridge dba K&L Carwash; Docket No. 2005-1613-IWD-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. Laura Strawbridge shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Order, Laura Strawbridge shall cease operating without authorization, and
 - b. Within 180 days after the effective date of this Order, Laura Strawbridge shall either:
 - i) submit written certification that an authorization to operate has been obtained, or
 - ii) submit written certification that the Facility has tied-in to the City of Graham Wastewater Treatment Facility.
 - c. The certification shall include written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b. 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."

Laura Strawbridge shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b. 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:

Cliff Moore, Water Section Manager
Texas Commission on Environmental Quality
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Austin, Texas 79602-7833

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Laura Strawbridge. Laura Strawbridge 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 Laura Strawbridge 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, Laura Strawbridge's failure to comply is not a violation of this Order. Laura Strawbridge shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Laura Strawbridge shall notify the Executive

Director within seven days after Laura Strawbridge 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 Laura Strawbridge shall be made in writing to the Executive Director. Extensions are not effective until Laura Strawbridge 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 Laura Strawbridge if the Executive Director determines that Laura Strawbridge 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF JACQUELYN BOUTWELL

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Jacquelyn Boutwell. 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 Laura Strawbridge dba K&L Carwash” (the “EDPRP”) was filed with the Office of the Chief Clerk on February 7, 2008.

The EDPRP was mailed to Laura Strawbridge at her last known address on February 7, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Laura Strawbridge received notice of the EDPRP on February 14, 2008 as evidenced by the signature on the card.

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


Jacquelyn Boutwell, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jacquelyn Boutwell, 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 day of August, A.D., 2008.


Notary Signature

