EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1961-MSW-E TCEQ ID: RN104807359 CASE NO.: 31664

RESPONDENT NAME: ROYCE RICHARDSON

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
X MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__ DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Interstate Highway 35 near mile marker 319, near Bruceville, McLennan County

TYPE OF OPERATION: Cattle transporter

SMALL BUSINESS: _X_ Yes ____ No

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

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 October 6, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Mr. Mike Meyer, Waste Enforcement Section, MC 128, (512) 239-4492
TCEQ Regional Contact: Mr. Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3001
Respondent: Mr. Royce Richardson, 1254 Applegate Road, Bowie, Texas 76230
Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up X Records Review **Date of Complaint Relating to this Case:** None **Dates of Investigation Relating to this Case:** October 19, 2005, October 20, 2005, and August 8, 2006 **Date of NOE Relating to this Case:** October 26, 2006 **Background Facts:** This case was referred to the Litigation Division on February 20, 2007. The EDPRP was filed on July 2, 2007, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that the Respondent received notice of the EDPRP. The Respondent has failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference. **Current Compliance Status:** The Respondent has not submitted a spill incident report to the TCEQ. **MSW:** Failed to submit written information describing the details of a discharge or spill and supporting the adequacy of the response action to the appropriate TCEQ regional manager within 30 working days of the discovery of the reportable discharge or spill [30 TEX. ADMIN. CODE § 327.5(c)].	**Total Assessed:** $1,100 **Total Deferred:** $0 __ Expedited Settlement __ Financial Inability to Pay __ SEP Conditional Offset **Total Due to General Revenue:** $1,100 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. **Site Compliance History Classification** N/A **Person Compliance History Classification** N/A **Major Source:** __ Yes X No **Applicable Penalty Policy:** September 2002	**Ordering Provisions** The Respondent shall undertake the following technical requirements: 1. Within 15 days, submit a spill incident report describing the details of the spill and supporting the adequacy of the response action to the TCEQ Waco office regional manager. 2. Within 30 days, submit written notarized certification to demonstrate compliance with the above Ordering Provision.

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES					
Assigned	30-Oct-2006				
PCW	28-Oct-2008	Screening	08-Nov-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Royce Richardson		
Reg. Ent. Ref. No.	RN104807359		
Facility/Site Region	9-Waco	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	31664	No. of Violations	1
Docket No.	2006-1961-MSW-E	Order Type	1660
Media Program(s)	Municipal Solid Waste	Enf. Coordinator	Marlin Bullard
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 10% Enhancement *Subtotals 2, 3, & 7* $100

Notes: The respondent has received two NOVs with same or similar violations.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The 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 a small x)*

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

Economic Benefit 0% Enhancement* *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$39
Approx. Cost of Compliance	$350

SUM OF SUBTOTALS 1-7 Final Subtotal $1,100

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 $1,100

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $1,100

DEFERRAL Reduction Adjustment $0

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

Notes: No deferral because this is a non-expedited case.

PAYABLE PENALTY $1,100

Screening Date 08-Nov-2006 **Docket No.** 2006-1961-MSW-E **PCW**

Respondent Royce Richardson *Policy Revision 2 (September 2002)*

Case ID No. 31664 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN104807359

Media [Statute] Municipal Solid Waste

Enf. Coordinator Marlin Bullard

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)*	2	10%
	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*	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) **10%**

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

No ***Adjustment Percentage (Subtotal 3)*** **0%**

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

N/A ***Adjustment Percentage (Subtotal 7)*** **0%**

>> **Compliance History Summary**

Compliance History Notes The respondent has received two NOVs with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **10%**

Screening Date 08-Nov-2006 **Docket No.** 2006-1961-MSW-E **PCW**

Respondent Royce Richardson *Policy Revision 2 (September 2002)*

Case ID No. 31664 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN104807359

Media [Statute] Municipal Solid Waste

Enf. Coordinator Marlin Bullard

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 327.5(c)

Secondary Rule Cite(s)

Violation Description Failure to submit written information describing the details of a discharge or spill and supporting the adequacy of the response action, to the appropriate TCEQ regional manager within 30 working days of the discovery of the reportable discharge or spill, as documented during a record review investigation conducted on August 8, 2006. Specifically, the respondent failed to submit a written spill incident report describing the details of a spill of sixty gallons of diesel fuel and supporting the adequacy of the the response action, to the TCEQ Waco office regional manager within 30 working days of the spill.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1

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

Violation Base Penalty $1,000

One single event is recommended.

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

Estimated EB Amount $39 **Violation Final Penalty Total** $1,100

This violation Final Assessed Penalty (adjusted for limits) $1,100

Economic Benefit Worksheet

Respondent Royce Richardson
Case ID No. 31664
Reg. Ent. Reference No. RN104807359
Media [Statute] Municipal Solid Waste
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)	$350	18-Nov-2005	28-Jun-2007	1.6	$2	$38	$39
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: Estimated cost to generate a spill incident report and to submit it to the appropriate regional manager. The Date Required is the date a written report of the spill should have been submitted to the TCEQ Waco office regional manager. The Final Date is the estimated date of compliance.

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: $350

TOTAL $39

Compliance History

Customer/Respondent/Owner-Operator:	CN602955726	RICHARDSON, ROYCE	Classification:	Rating:
Regulated Entity:	RN104807359	RICHARDSON, ROYCE	Classification:	Site Rating:

ID Number(s):

Location: 1254 APPLEGATE ROAD, BOWIE, TEXAS 76230

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: December 06, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 06, 2001 to December 06, 2006

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

Name: Marling Bullard Phone: (254) 761-3038

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 01/06/2006 (435608)
2 10/26/2006 (458764)

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

Date: 01/03/2006 (435608)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 327 327.5(c)[G]
Description: Failure to submit a written report of the spill within 30 working days.

Date: 03/17/2006 (439585)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 327 327.5(c)[G]
Description: Failure to submit a written report of the spill to the Waco Regional Office within 30 working days of the incident.

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 ROYCE RICHARDSON, RN104807359	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER
DOCKET NO. 2006-1961-MSW-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, TEX. HEALTH & SAFETY CODE ch. 361, 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 Royce Richardson ("Mr. Richardson").

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

FINDINGS OF FACT

1. Mr. Richardson owns and operates a cattle transport truck that discharged fuel on Interstate Highway 35 near mile marker 319, near Bruceville, McLennan County, Texas (the "Site").

2. The Site involves the release of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.

3. During an inspection conducted on October 19, 2005 and October 20, 2005, and a record review conducted on August 8, 2006, a TCEQ Waco Regional Office investigator documented that Mr. Richardson failed to submit written information describing the details of a discharge or spill and supporting the adequacy of the response action, to the appropriate TCEQ regional manager within 30 working days of the discovery of the reportable discharge or spill. Specifically, Mr. Richardson failed to submit a written spill incident report describing the details of a spill of sixty gallons of diesel fuel and supporting the adequacy of the response action, to the TCEQ Waco regional manager within 30 working days of the spill.

4. Mr. Richardson received notice of the violation on or about January 8, 2006 and March 22, 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 Royce Richardson" (the "EDPRP") in the TCEQ Chief Clerk's office on July 2, 2007.

6. By letter dated July 2, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Richardson with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed". The first class mail has not been returned, indicating that Mr. Richardson received notice of the EDPRP.

7. More than 20 days have elapsed since Mr. Richardson received notice of the EDPRP, provided by the Executive Director. Mr. Richardson 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. Richardson is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3, Mr. Richardson failed submit written information describing the details of a discharge or spill and supporting the adequacy of the response action, to the appropriate TCEQ regional manager within 30 working days of the discovery of the reportable discharge or spill, in violation of 30 TEX. ADMIN. CODE § 327.5(c).

3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served Mr. Richardson with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).

4. As evidenced by Finding of Fact No. 7, Mr. Richardson 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. Richardson 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. Richardson 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 dollars ($1,100.00) 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. Mr. Richardson is assessed an administrative penalty in the amount of one thousand one hundred dollars ($1,100.00) for violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 361, and the rules of the TCEQ. The payment of this administrative penalty and Mr. Richardson'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: Royce Richardson; Docket No. 2006-1961-MSW-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. Mr. Richardson shall undertake the following technical requirements:

   a. Within 15 days after the effective date of this Order, Mr. Richardson shall submit a spill incident report describing the details of the spill and supporting the adequacy of the response action, to the TCEQ Waco office regional manager, in accordance with 30 TEX. ADMIN. CODE § 327.5(c).

   b. Within 30 days after the effective date of this Order, Mr. Richardson shall submit written certification as described below, and include detailed supporting

documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 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."

The Certification shall be submitted to:

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

and

Frank Burleson, Waste Section Manager
Texas Commission on Environmental Quality
Waco Regional Office
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710

3. All relief not expressly granted in this Order is denied.

4. The provisions of this Order shall apply to and be binding upon Mr. Richardson. Mr. Richardson is ordered to give notice of this Order to personnel who maintain day-to-day control over the Site operations referenced in this Order.

5. If Mr. Richardson 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. Richardson's failure to comply is not a violation of this Order. Mr. Richardson shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Richardson shall notify the Executive Director within seven

days after Mr. Richardson 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 Mr. Richardson shall be made in writing to the Executive Director. Extensions are not effective until Mr. Richardson 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 Mr. Richardson if the Executive Director determines that Mr. Richardson 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 DINNIAH M. CHAHIN

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

"My name is Dinniah M. Chahin. 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 and Requiring Certain Actions of Royce Richardson" (the "EDPRP") with the Office of the Chief Clerk on July 2, 2007.

I sent the EDPRP to Mr. Richardson at his last known address on July 2, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed". The first class mail has not been returned, indicating the respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

Dinniah Chahin

Dinniah M. Chahin
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Dinniah M. Chahin, 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 16th day of August A.D., 2008.

Linda Boeing
Notary Public
State of Texas
My Commission Expires
NOVEMBER 16, 2009

Notary Stamp

Linda Boeing

Notary Signature