

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2006-0985-LII-E TCEQ ID: RN103605911 CASE NO.: 30328
RESPONDENT NAME: MARK SQUIRES DBA ROYAL LANDSCAPES

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 checked="" type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input 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: 2600 Westhollow Drive, No. 1621, Houston, Harris County</p> <p>TYPE OF OPERATION: Landscape irrigation system</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There was one complaint. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: The complainant has not indicated the desire to protest this action or speak at agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on September 24, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Mary Hammer, Litigation Division, MC 175, (512) 239-2496 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, Air Enforcement Section, R-4, (817) 588-5890 TCEQ Regional Contact: Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581 Respondent: Mr. Mark Squires, Owner, Royal Landscapes, 2600 Westhollow Drive, Apt. 1621, Houston, Texas 77082 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: February 10, 2004</p> <p>Dates of Investigation Relating to this Case: February 16, 2006 and May 1, 2006</p> <p>Dates of NOV/NOE Relating to this Case: February 23, 2006 (NOV) and June 9, 2006 (NOE)</p> <p>Background Facts:</p> <p>The Executive Director filed an EDPRP on December 18, 2006. The USPS returned the wrapper sent by certified mail as "undeliverable as addressed." The Executive Director filed an EDPRP on March 22, 2007, with an updated address for the Respondent. The USPS returned the wrapper sent by certified mail on March 22, 2007, as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>LII</p> <p>Failed to refrain from advertising or representing himself to the public as a person who can perform services for which a license or registration is required when not possessing a current license or registration [30 TEX. ADMIN. CODE§ 30.5(b) and TEX WATER CODE § 37.003].</p>	<p>Total Assessed: \$263</p> <p>Total Deferred: \$0</p> <p>Total Due to General Revenue: \$263</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 the proposed Order.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Technical Requirement(s)</p> <p>Immediately, the Respondent shall cease representing or advertising to the public that he can perform a service for which a license is required until/unless possessing a valid irrigation license or registration.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	05-Jul-2006	Screening	18-Jul-2006	EPA Due	
	PCW	23-Oct-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Mark Squires dba Royal Landscapes
Reg. Ent. Ref. No.	RN103605911
Facility/Site Region	12-Houston <
Major/Minor Source	Minor Source <

CASE INFORMATION			
Enf./Case ID No.	30328	No. of Violations	1
Docket No.	2006-0985-LII-E	Order Type	1660 <
Media Program(s)	Irrigators <	Enf. Coordinator	Ruben Soto
Multi-Media		EC's Team	Enforcement Team 1 <
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 5% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No < 0% Enhancement Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

Before NOV NOV to EDDRP/Settlement Offer

Extraordinary

Ordinary

N/A x (mark with a small x)

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts
 Approx. Cost of Compliance

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 18-Jul-2006 **Docket No.** 2006-0985-LII-E **PCW**
Respondent Mark Squires dba Royal Landscapes *Policy Revision 2 (September 2002)*
Case ID No. 30328 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN103605911
Media [Statute] Irrigators
Enf. Coordinator Ruben Soto

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 (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 <i>(number of audits for which notices were disclosed)</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)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

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

Screening Date 18-Jul-2006 **Docket No.** 2006-0985-LII-E **PCW**
Respondent Mark Squires dba Royal Landscapes *Policy Revision 2 (September 2002)*
Case ID No. 30328 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN103605911
Media [Statute] Irrigators
Enf. Coordinator Ruben Soto
Violation Number
Primary Rule Cite(s)
Secondary Rule Cite(s)
Violation Description
Base Penalty

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

		Harm			
Release		Major	Moderate	Minor	
OR	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**

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

Matrix Notes

Adjustment
Base Penalty Subtotal

Violation Events

Number of Violation Events
mark only one use a small x

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

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 Mark Squires dba Royal Landscapes
 Case ID No. 30328
 Reg. Ent. Reference No. RN103605911
 Media [Statute] Irrigators
 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				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	\$450	16-Feb-2006	28-Feb-2007	1.0	\$23	n/a	\$23
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated amount required to obtain a valid irrigation license, calculated from the date of the first record review documenting noncompliance through the expected 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 TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN602125874 SQUIRES, MARK K	Classification:	Rating:
Regulated Entity:	RN103605911 SQUIRES, MARK K	Classification:	Site Rating:
ID Number(s):	LANDSCAPE IRRIGATION LICENSING	LICENSE	LI0011693
	LANDSCAPE IRRIGATION LICENSING	LICENSE	LI0009615
	BACKFLOW PREVENTION ASSEMBLY	LICENSE	BP0007811
	TESTER LICENSING		
Location:			
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: Brian Lehmkuhle Phone: (512) 239-4482

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</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.)

N/A

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

Date: 02/23/2006 (456108)

Self Report? NO

Classification: Moderate

Citation:

- 2F TWC Chapter 37, SubChapter L 37.003
- 30 TAC Chapter 30, SubChapter A 30.5(b)
- 30 TAC Chapter 30, SubChapter D 30.111(b)
- 30 TAC Chapter 344, SubChapter A 344.4(a)

Description:

Failure by a person to refrain from advertising or representing themselves to the public that it can perform services for which a license is required unless holding a current license [see also description]

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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MARK SQUIRES DBA
ROYAL LANDSCAPES,
RN103605911

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2006-0985-LII-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 37, TEX. OCC. CODE ch. 1903, 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 Mark Squires dba Royal Landscapes ("Squires").

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

FINDINGS OF FACT

1. Squires owns and operates a landscaping business located at 2600 Westhollow Drive, No. 1621 in Houston, Harris County, Texas (the "Operation").
2. Squires sells, designs, consults, installs, maintains, alters, repairs, and/or services landscape irrigation systems, as defined in TEX. OCC. CODE § 1903.251.
3. During record reviews conducted on February 16, 2006 and May 1, 2006, a TCEQ Central Office investigator documented that Squires violated TEX. WATER CODE § 37.003 by failing to refrain from advertising or representing himself to the public as a person who can perform services for which a license or registration is required when not possessing a current license or registration. Specifically, Squires advertised, including on web sites, irrigation installation services while not possessing a license or registration.
4. Squires received notices of the violations on or about February 28, 2006 and June 14, 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 Mark

Squires dba Royal Landscapes” (the “EDPRP”) in the TCEQ Chief Clerk’s office on December 18, 2006 and on March 22, 2007.

6. By letter dated March 22, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Squires 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 Squires received notice of the EDPRP.
7. More than 20 days have elapsed since Squires received notice of the EDPRP, provided by the Executive Director. Squires 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 Findings of Fact Nos. 1 and 2, Squires is subject to TCEQ jurisdiction pursuant to TEX. OCC. CODE ch. 1903, TEX. WATER CODE ch. 37, 30 TEX. ADMIN. CODE chs. 30 and 344 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Squires failed to refrain from advertising or representing himself to the public as a person who can perform services for which a license or registration is required when not possessing a current license or registration, in violation of 30 TEX. ADMIN. CODE § 30.5(b) and TEX. WATER CODE § 37.003.
3. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Squires 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. 9, Squires 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 Squires 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 Squires 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 two hundred sixty-three dollars (\$263.00) 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. Squires is assessed an administrative penalty in the amount of two hundred sixty-three dollars (\$263.00) for violations of TEX. WATER CODE ch. 37 and rules of the TCEQ. The payment of this administrative penalty and Squires'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: Mark Squires dba Royal Landscapes; Docket No. 2006-0985-LII-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. Squires shall undertake the following technical requirements:
 - a. Immediately upon the effective date of the Commission Order, Squires shall cease representing or advertising to the public that he can perform a service for which a license is required until/unless possessing a valid irrigation license or registration; and
 - b. Within 15 days after the effective date of the Commission Order, Squires shall submit written certification as described below and include a list of all web sites and other advertising methods used, as well as other detailed supporting documentation, 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

with a copy to:

Manager, Regulatory Compliance Section
Compliance Support Division, MC-178
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Squires. Squires is ordered to give notice of this Order to personnel who maintain day-to-day control over the Operation referenced in this Order.
5. If Squires 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, Squires's failure to comply is not a violation of this Order. Squires shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Squires shall notify the Executive Director within seven days after Squires 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 Squires shall be made in writing to the Executive Director. Extensions are not effective until Squires 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 Squires if the Executive Director determines that Squires 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.

Mark Squires dba Royal Landscapes
Docket No. 2006-0985-LII-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF MARY HAMMER

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Mary Hammer. 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 Mark Squires dba Royal Landscapes” (the “EDPRP”) with the Office of the Chief Clerk on December 18, 2006 and March 22, 2007.

I sent the EDPRP to Squires at his last known address on December 18, 2006 and March 22, 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 on March 22, 2007 as “unclaimed”. The first class mail sent on March 22, 2007 has not been returned, indicating the respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

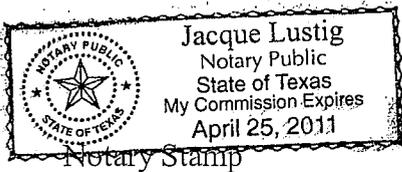
More than 20 days have elapsed since Squires received notice of the EDPRP. Squires failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference”.



Mary Hammer
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Mary Hammer, 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 6th day of July, A.D., 2007.





Notary Signature