

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2

DOCKET NO.: 2006-1247-DCL-E TCEQ ID: RN104492129 & RN104061486 CASE NO.: 30760
RESPONDENT NAME: DARK ANGEL INVESTMENTS, INC. DBA BET CLEANERS AND DBA DELUXE CLEANERS

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 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 checked="" type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 11711 Shadow Creek Parkway, Ste. 101, Pearland, Brazoria County (Facility 1) and 11750 South Highway 6, Sugarland, Fort Bend County (Facility 2)</p> <p>TYPE OF OPERATION: Dry Cleaning Drop Stations</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facilities.</p> <p>INTERESTED PARTIES: 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 9, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Benjamin O. Thompson, Litigation Division, MC 175, (512) 239-1297 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Cari-Michel La Caille, Enforcement Division, Section II, MC 219, (512) 239-1387 TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623 Respondent: Mr. Jack Nguyen, Registered Agent, Dark Angel Investments, Inc., 5703 Pebble Bank Lane, Houston, Texas 77041 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 type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case:</p> <p>Dates of Investigations Relating to this Case: May 24, 2006 and May 25, 2006</p> <p>Dates of NOE Relating to this Case: August 11, 2006 and August 14, 2006</p> <p>Background Facts: This case involves two dry cleaning drop stations owned and operated by the Respondent. An EDPRP was filed on February 8, 2007. The Respondent received notice of the EDPRP on or about February 12, 2007. The Respondent has not filed an answer or requested a hearing.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>DCL</p> <p>1. Failed to complete and submit the required form to the TCEQ for Facility 1 [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102].</p> <p>2. Failed to complete and submit the required form to the TCEQ for Facility 2 [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102].</p>	<p>Total Assessed: \$1,980</p> <p>Total Deferred: \$0</p> <p>Total Due to General Revenue: \$1,980</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: 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>Ordering Provision(s)</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 15 days, complete and submit the required drycleaner and/or drop station registration forms for the facilities. 2. Within 30 days, submit written certification of compliance with Ordering Provision 1.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	14-Aug-2006	Screening	15-Aug-2006	EPA Due	
	PCW	08-Dec-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Dark Angel Investments, Inc. dba Bet Cleaners
Reg. Ent. Ref. No.	RN104492129
Facility/Site Region	12-Houston
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30760	No. of Violations	1
Docket No.	2006-1247-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Cari-Michel La Caille
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,035
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: The respondent has not had any other enforcement actions within the last five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)
Notes	The respondent does not meet good faith criteria.	

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$17	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,035
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$1,035
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,035
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral offered for non-expedited orders.

PAYABLE PENALTY	\$1,035
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Screening Date 15-Aug-2006	Docket No. 2006-1247-DCL-E	PCW
Respondent Dark Angel Investments, Inc. dba Bet Cleaners		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 30760		<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No. RN104492129		
Media [Statute] Drycleaner		
Enf. Coordinator Cari-Michel La Caille		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	<i>Enter Number Here</i>	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	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</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) 0%

>> Repeat Violator (Subtotal 3)

N/A < **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 not had any other enforcement actions within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date	15-Aug-2006	Docket No.	2006-1247-DCL-E	PCW
Respondent	Dark Angel Investments, Inc. dba Bet Cleaners		Policy Revision 2 (September 2002)	
Case ID No.	30760	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN104492129			
Media [Statute]	Drycleaner			
Enf. Coordinator	Cari-Michel La Caille			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 337.10(a)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 374.102			
Violation Description	The respondent failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.			
Base Penalty				\$50

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	Percent 10%

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

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input checked="" type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>

Violation Base Penalty \$1,035

Two hundred seven daily events are recommended from 30 days after the date the change in ownership occurred, October 1, 2005 to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$17"/>	Violation Final Penalty Total <input type="text" value="\$1,035"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,035"/>	

Economic Benefit Worksheet

Respondent: Dark Angel Investments, Inc. dba Bet Cleaners
Case ID No.: 30760
Reg. Ent. Reference No.: RN104492129
Media [Statute]: Drycleaner
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
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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	\$250	01-Oct-2005	30-Jan-2007	1.3	\$17	n/a	\$17
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date that the completed registration form was due and the final date is the date the respondent is projected to come into compliance.

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 \$250

TOTAL \$17

Compliance History

Customer/Respondent/Owner-Operator: CN603055914 Dark Angel Investments, Inc. Classification: Rating:
Regulated Entity: RN104492129 BET CLEANERS Classification: Site Rating:
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE GENERATION
Location: 11711 SHADOW CREEK PKWY STE 101, PEARLAND, TX, 77584
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: August 15, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 15, 2001 to August 15, 2006

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

Name: N/A Phone: 512-239-1387

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner?

Dark Angel Investments, Inc.

4. If Yes, who was/were the prior owner(s)?

N.B. Ngo Investments, Inc

5. When did the change(s) in ownership occur?

09/01/2005

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 1 08/11/2006 (497183)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- 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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	14-Aug-2006		
	PCW	08-Dec-2006	Screening	16-Aug-2006
			EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Dark Angel Investments, Inc. dba Deluxe Cleaners
Reg. Ent. Ref. No.	RN104061486
Facility/Site Region	12-Houston
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30760	No. of Violations	1
Docket No.	2006-1247-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Cari-Michel La Caille
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$945
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: The respondent has not had any other enforcement actions within the last five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The respondent does not meet good faith criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$16	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$945
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$945
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$945
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral offered for non-expedited orders.

PAYABLE PENALTY	\$945
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Screening Date	16-Aug-2006	Docket No.	2006-1247-DCL-E	PCW
Respondent	Dark Angel Investments, Inc. dba Deluxe Cleaners	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30760	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN104061486			
Media [Statute]	Drycleaner			
Enf. Coordinator	Cari-Michel La Caille			

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>	0	0%
	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)</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%
Other	<i>Please Enter Yes or No</i>		
	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	16-Aug-2006	Docket No.	2006-1247-DCL-E	PCW
Respondent	Dark Angel Investments, Inc. dba Deluxe Cleaners		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	30760	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN104061486			
Media [Statute]	Drycleaner			
Enf. Coordinator	Cari-Michel La Caille			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 337.10(a)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 374.102			
Violation Description	The respondent failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.			
Base Penalty	\$50			

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Matrix Notes	100% of the rule requirement was not met.				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input checked="" type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>

Violation Base Penalty

One hundred eighty-nine daily events are recommended from 30 days after the date the change in ownership occurred, October 19, 2005 to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$16"/>	Violation Final Penalty Total <input type="text" value="\$945"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$945"/>	

Economic Benefit Worksheet

Respondent: Dark Angel Investments, Inc. dba Deluxe Cleaners
Case ID No.: 30760
Reg. Ent. Reference No.: RN104061486
Media [Statute]: Drycleaner
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
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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	\$250	19-Oct-2005	30-Jan-2007	1.3	\$16	n/a	\$16
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date that the completed registration form was due and the final date is the date the respondent is projected to come into compliance.

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 \$250

TOTAL \$16

Compliance History

Customer/Respondent/Owner-Operator:	CN603055914	Dark Angel Investments, Inc.	Classification:	Rating:
Regulated Entity:	RN104061486	DELUXE CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION			
Location:	11750 S HIGHWAY 6, SUGAR LAND, TX, 77478			
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	August 16, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 16, 2001 to August 16, 2006			

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

Name: Cari-Michel La Caille Phone: 512-239-1387

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Dark Angel Investments, Inc.
4. If Yes, who was/were the prior owner(s)? An Thun Lee
5. When did the change(s) in ownership occur? 09/19/2005

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 08/14/2006 (497461)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - 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
DARK ANGEL INVESTMENTS,
INC. DBA BET CLEANERS AND
DBA DELUXE CLEANERS,
RN104492129 AND RN104061486

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2006-1247-DCL-E

At its _____ agenda, the Texas Commission on Environmental Quality, (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition filed pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Dark Angel Investments, Inc. dba Bet Cleaners and dba Deluxe Cleaners (“Dark Angel”).

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

FINDINGS OF FACT

1. Dark Angel owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates dry cleaning drop station facilities at the following locations (the “Facilities”):
 - a. Bet Cleaners, 11711 Shadow Creek Parkway, Suite 101, Pearland, Brazoria County, Texas (“Facility 1”); and
 - b. Deluxe Cleaners, 11750 South Highway 6, Sugarland, Fort Bend County, Texas (“Facility 2”).
2. The Facilities are retail commercial establishments the primary business of which are to act as collection points for the drop-off and pick-up of garments or other fabrics that are sent to a dry cleaning facility for processing. As such, the Facilities are dry cleaning drop stations as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).
3. During an inspection on May 24, 2006, a TCEQ Houston Regional Office investigator documented that Dark Angel failed to complete and submit the required registration form to the TCEQ for Facility 1.

4. During an inspection on May 25, 2006, a TCEQ Houston Regional Office investigator documented that Dark Angel failed to complete and submit the required registration form to the TCEQ for Facility 2.
5. Dark Angel received notice of the violations on or about August 16, 2006 and August 19, 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 and Requiring Certain Actions of Dark Angel Investments, Inc. dba Bet Cleaners and dba Deluxe Cleaners" (the "EDPRP") in the TCEQ Chief Clerk's office on February 8, 2007.
7. By letter dated February 8, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Dark Angel with notice of the EDPRP. According to the return receipt "green card," Dark Angel received notice of the EDPRP on February 12, 2007, as evidenced by the signature on the card.
8. More than 20 days have elapsed since Dark Angel received notice of the EDPRP, provided by the Executive Director. Dark Angel 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, Dark Angel is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.054, TEX. HEALTH & SAFETY CODE ch. 374 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Dark Angel failed to complete and submit the required registration form to the TCEQ for Facility 1, in violation of 30 TEX. ADMIN. CODE § 337.10(a); and TEX. HEALTH & SAFETY CODE § 374.102.
3. As evidenced by Finding of Fact No. 4, Dark Angel failed to complete and submit the required registration form to the TCEQ for Facility 2, in violation of 30 TEX. ADMIN. CODE § 337.10(a); and TEX. HEALTH & SAFETY CODE § 374.102.
4. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Dark Angel with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).

5. As evidenced by Finding of Fact No. 8, Dark Angel 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 Dark Angel and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Dark Angel 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.
7. An administrative penalty in the amount of one thousand nine hundred eighty dollars (\$1,980.00) 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.
8. 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. Dark Angel is assessed an administrative penalty in the amount of one thousand nine hundred eighty dollars (\$1,980.00) for violations of TEX. HEALTH & SAFETY CODE ch. 374 and rules of the TCEQ. The payment of this administrative penalty and Dark Angel'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: Dark Angel Investments, Inc. dba Bet Cleaners and dba Deluxe Cleaners; Docket No. 2006-1247-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. Dark Angel shall undertake the following technical requirements:
- a. Within 15 days after the effective date of this Order, Dark Angel shall complete and submit the required drycleaner and/or drop station registration forms for the Facilities, in accordance with 30 TEX. ADMIN. CODE ch. 337 to:

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

- b. Within 30 days after the effective date of this Order, Dark Angel shall submit written certification of compliance with Ordering Provision 2.a. as described below:

The certification shall include detailed supporting documentation including receipt, and/or other records to demonstrate compliance, 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

Nicole Bealle, Waste Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
2524 Polk Avenue, Suite H
Houston, Texas 77023-1452

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Dark Angel. Dark Angel 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 Dark Angel 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, Dark Angel's failure to comply is not a violation of this Order. Dark Angel shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Dark Angel shall notify the Executive Director within seven days after Dark Angel 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 Dark Angel shall be made in writing to the Executive Director. Extensions are not effective until Dark Angel 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 Dark Angel if the Executive Director determines that Dark Angel 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 BENJAMIN O. THOMPSON

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“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 and Requiring Certain Actions of Dark Angel Investments, Inc. dba Bet Cleaners and dba Deluxe Cleaners” (the “EDPRP”) with the Office of the Chief Clerk on February 8, 2007.

I sent the EDPRP to Dark Angel at its last known address on February 8, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Dark Angel received notice of the EDPRP on February 12, 2007, as evidenced by the signature on the card.

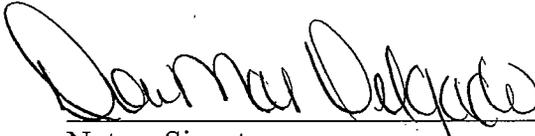
More than 20 days have elapsed since Dark Angel received notice of the EDPRP. Dark Angel failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference”.



Benjamin O. 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 11th day of April, A.D., 2007.



Notary Signature

Notary Stamp

