



**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> May 26, 2006, June 1, 2006, and July 26, 2006</p> <p><b>Date of NOEs Relating to this Case:</b> July 19, 2006, and August 29, 2006</p> <p><b>Background Facts:</b></p> <p>The EDRP was filed on March 16, 2007, and sent to the Respondent via certified mail and first class mail. The certified mail was returned by the USPS marked "unclaimed" on May 4, 2007. The first class mail has not been returned. The Respondent failed to answer the EDRP.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>DCL</b></p> <p>1. Failed to renew the drop station facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility [30 TEX. ADMIN CODE § 337.11(e) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p> <p>2. Failed to renew the dry cleaning facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility [30 TEX. ADMIN CODE § 337.11(e) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p> <p>3. Failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24000551 for fiscal years 2004 and 2005 [30 TEX. ADMIN CODE § 337.14(c) and TEX. WATER CODE § 5.702].</p>	<p><b>Total Assessed:</b> \$2,370</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Due to General Revenue:</b> \$2,370</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><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Executive Director recognizes that the Dry Cleaning Facility located at 1870 South W. W. White Road, San Antonio, Texas, was registered and has been operating under new ownership since September 11, 2006.</p> <p><b>Technical Requirements:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Within 15 days, complete and submit the required drop station registration form for the Drop Station Facility located at 4848 Rittiman Road.</li> <li>2. Within 30 days, submit payment of all outstanding fees, including any associated penalties and interest.</li> <li>3. Within 45 days, submit written certification of compliance with Ordering Provision Nos. 1 and 2 above.</li> </ol>

**Penalty Calculation Worksheet (PCW)**

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

<b>DATES</b>	Assigned <b>06-Sept-2006</b>	Screening <b>13-Sept-2006</b>	EPA Due <input style="width: 80%;" type="text"/>
	PCW <b>23_Oct-2006</b>		

**RESPONDENT/FACILITY INFORMATION**

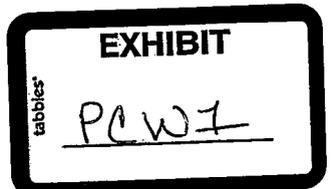
Respondent	Vance E. Gifford dba Giffords Cleaners		
Reg. Ent. Ref. No.	RN103955811		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor Source

**CASE INFORMATION**

Enf./Case ID No.	30467	No. of Violations	1
Docket No.	2006-1049-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Michael Meyer
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,185</b>
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>
Notes	No adjustments are recommended based on compliance history.	
<b>Culpability</b>	No <input type="checkbox"/> 0% Enhancement	<b>Subtotal 4</b>
Notes	The respondent does not meet the culpability criteria.	
<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>
	<small>Before NOV    NOV to EDPRP/Settlement Offer</small>	
Extraordinary		
Ordinary		
N/A	X <small>(mark with a small x)</small>	
Notes	The respondent does not meet the good faith criteria.	
<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>
	<small>*Capped at the Total EB \$ Amount</small>	
Total EB Amounts	\$18	
Approx. Cost of Compliance	\$250	
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,185</b>
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>
<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)</small>		
Notes		
	<b>Final Penalty Amount</b>	<b>\$1,185</b>
<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,185</b>
<b>DEFERRAL</b>	<input type="checkbox"/> Reduction	<b>Adjustment</b>
<small>Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>		
Notes	Deferral not offered for non-expedited settlement.	
<b>PAYABLE PENALTY</b>		<b>\$1,185</b>



**Screening Date** 13-Sept-2006 **Docket No.** 2006-1049-DCL-E **PCW**  
**Respondent** Vance E. Gifford dba Giffords Cleaners *Policy Revision 2 (September 2002)*  
**Case ID No.** 30467 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN103955811  
**Media [Statute]** Drycleaner  
**Enf. Coordinator** Michael Meyer

**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%
<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**

No adjustments are recommended based on compliance history.

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

**Screening Date** 13-Sept-2006

**Docket No.** 2006-1049-DCL-E

**PCW**

**Respondent** Vance E. Gifford dba Giffords Cleaners

*Policy Revision 2 (September 2002)*

**Case ID No.** 30467

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN103955811

**Media [Statute]** Drycleaner

**Enf. Coordinator** Michael Meyer

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**Matrix Notes**

**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**

**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 Vance E. Gifford dba Giffords Cleaners  
 Case ID No. 30467  
 Reg. Ent. Reference No. RN103955811  
 Media [Statute] Drycleaner  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

<b>Item</b>	<b>Item Cost</b>	<b>Date Required</b>	<b>Final Date</b>	<b>Yrs</b>	<b>Interest Saved</b>	<b>Onetime Costs</b>	<b>EB Amount</b>
<b>Description</b>	No commas or \$						

**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-Sep-2005	30-Jan-2007	1.4	\$18	n/a	\$18
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

**TOTAL**

# Compliance History

Customer/Respondent/Owner-Operator: CN602457418 GIFFORD, VANCE E Classification: AVERAGE Rating: 1.50  
Regulated Entity: RN103955811 GIFFORDS CLEANERS Classification: AVERAGE Site Rating: 3.01  
BY DEFAULT  
ID Number(s):  
Location: 4848 RITTIMAN RD, SAN ANTONIO, TX, 78218  
TCEQ Region: REGION 13 - SAN ANTONIO  
Date Compliance History Prepared: September 06, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: September 07, 2002 to September 06, 2007  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Michael Meyer Phone: (512) 239-4492

## 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 08/29/2006 (509623)  
N/A  
2 02/16/2007 (535088)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - 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

EXHIBIT

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Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned PCW</b>	24-Jul-2006	<b>Screening</b>	26-Jul-2006	<b>EPA Due</b>	
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Vance E. Gifford dba Giffords Cleaners
<b>Reg. Ent. Ref. No.</b>	RN103955860
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	30467	<b>No. of Violations</b>	2
<b>Docket No.</b>	2006-1049-DCL-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Drycleaner	<b>Enf. Coordinator</b>	Michael Meyer
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$50

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$1,185

### 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

**Notes** No adjustments are recommended based on compliance history.

**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 EDRP/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

<b>Total EB Amounts</b>	\$11	<i>*Capped at the Total EB \$ Amount</i>
<b>Approx. Cost of Compliance</b>	\$250	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$1,185

**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** \$1,185

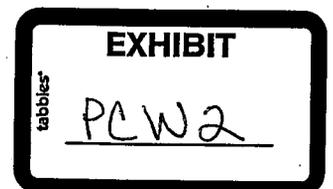
**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$1,185

**DEFERRAL** **Adjustment** \$0

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

**Notes** Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** \$1,185



**Screening Date** 26-Jul-2006

**Docket No.** 2006-1049-DCL-E

**PCW**

**Respondent** Vance E. Gifford dba Giffords Cleaners

Policy Revision 2 (September 2002)

**Case ID No.** 30467

PCW Revision May 19, 2005

**Reg. Ent. Reference No.** RN103955860

**Media [Statute]** Drycleaner

**Enf. Coordinator** Michael Meyer

**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 judgments 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 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%
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**

No adjustments are recommended based on compliance history.

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

**Screening Date** 26-Jul-2006

**Docket No.** 2006-1049-DCL-E

**PCW**

**Respondent** Vance E. Gifford dba Giffords Cleaners

*Policy Revision 2 (September 2002)*

**Case ID No.** 30467

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN103955860

**Media [Statute]** Drycleaner

**Enf. Coordinator** Michael Meyer

**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**

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

**Matrix Notes**

**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**

**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** Vance E. Gifford dba Giffords Cleaners  
**Case ID No.** 30467  
**Reg. Ent. Reference No.** RN103955860  
**Media [Statute]** Drycleaner  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Percent Interest	Years of Depreciation
						5.0	15
						Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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-Sept-2005	20-Jul-2006	0.9	\$11	n/a	\$11
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 submitted a registration application.

<b>Avoided Costs</b>		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 \$11**

**Screening Date** 26-Jul-2006

**Docket No.** 2006-1049-DCL-E

**PCW**

**Respondent** Vance E. Gifford dba Giffords Cleaners

*Policy Revision 2 (September 2002)*

**Case ID No.** 30467

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN103955860

**Media [Statute]** Drycleaner

**Enf. Coordinator** Michael Meyer

**Violation Number**

**Primary Rule Cite(s)**

30 Tex. Admin. Code § 337.14(c)

**Secondary Rule Cite(s)**

Tex. Water Code § 5.702

**Violation Description**

Failure to pay outstanding dry cleaning fees for TCEQ Financial Account No. 24000551 for fiscal years 2004 and 2005, as documented during a record review conducted on July 26, 2006.

**Base Penalty**

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

**Harm**

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>				

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<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 Vance E. Gifford dba Giffords Cleaners  
 Case ID No. 30467  
 Reg. Ent. Reference No. RN103955860  
 Media [Statute] Drycleaner  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	N/A						

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:	CN602457418      GIFFORD, VANCE E	Classification:	Rating:
Regulated Entity:	RN103955860      GIFFORDS CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE      EPA ID		TXR000070615
	GENERATION		
Location:	INDUSTRIAL AND HAZARDOUS WASTE      ID NUMBER		F1913
	GENERATION		
TCEQ Region:	1870 S WW WHITE RD, SAN ANTONIO, TX, 78220		
Date Compliance History Prepared:	REGION 13 - SAN ANTONIO		
Agency Decision Requiring Compliance History:	July 24, 2006		
Compliance Period:	Enforcement		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History	July 21, 2001 to July 21, 2006		

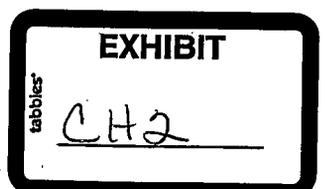
Name: Michael Meyer Phone: (512) 239-4492

### 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 07/19/2006 (481038)
  - 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  
VANCE E. GIFFORD DBA  
GIFFORDS CLEANERS,  
RN103955860 & RN103955811

§  
§  
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§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT ORDER**  
**DOCKET NO. 2006-1049-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 chs. 5 and 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 Vance E. Gifford dba Giffords Cleaners ("Mr. Gifford").

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

**FINDINGS OF FACT**

1. Mr. Gifford owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a drop station located at 4848 Rittiman Road, San Antonio, Bexar County, Texas (the "Drop Station Facility").
2. The Drop Station Facility is a retail commercial establishment the primary business of which is to act as a collection point 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 Drop Station Facility is a dry cleaning drop station as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).
3. Mr. Gifford owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility located at 1870 South W. W. White Road, San Antonio, Bexar County, Texas (the "Dry Cleaning Facility").
4. The Dry Cleaning Facility is a retail commercial establishment that operates or has operated, in whole or in part, for the purpose of cleaning garments or other fabrics using a process that involves any use of dry cleaning solvents. As such, the Dry Cleaning Facility is a dry cleaning facility as defined in TEX. HEALTH & SAFETY CODE § 374.001(7).

5. During an inspection conducted on May 26, 2006, a TCEQ San Antonio Regional Office investigator documented that Mr. Gifford failed to renew the Drop Station Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility.
6. During an inspection conducted on June 1, 2006, a TCEQ San Antonio Regional Office investigator documented that Mr. Gifford failed to renew the Dry Cleaning Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility.
7. During a record review conducted on July 26, 2006, TCEQ Enforcement Division staff documented that Mr. Gifford failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24000551 for fiscal years 2004 and 2005.
8. Mr. Gifford received notice of the violation in paragraph 5 on or about September 5, 2006.
9. Mr. Gifford received notice of the violation in paragraph 6 on or about July 24, 2006.
10. Mr. Gifford received notice of the violation in paragraph 7 on or about August 7, 2006.
11. The Executive Director recognizes that the Dry Cleaning Facility located at 1870 South W. W. White Road, San Antonio, Bexar County, Texas, was registered and has been operating under new ownership since September 11, 2006.
12. 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 Vance E. Gifford dba Giffords Cleaners" (the "EDPRP") in the TCEQ Chief Clerk's office on March 16, 2007.
13. By letter dated March 16, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Gifford 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. Gifford received notice of the EDPRP.
14. More than 20 days have elapsed since Mr. Gifford received notice of the EDPRP, provided by the Executive Director. Mr. Gifford 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 through 4, Mr. Gifford is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 7; TEX. HEALTH & SAFETY CODE ch. 374; and the rules of the Commission.
2. As evidenced by Finding of Fact No. 5., Mr. Gifford failed to renew the Drop Station Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102.
3. As evidenced by Finding of Fact No. 6., Mr. Gifford failed to renew the Dry Cleaning Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102.
4. As evidenced by Finding of Fact No. 7., Mr. Gifford failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24000551 for fiscal years 2004 and 2005, in violation of 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702.
5. As evidenced by Finding of Fact Nos. 12 and 13, the Executive Director has timely served Mr. Gifford with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
6. As evidenced by Finding of Fact No. 14, Mr. Gifford 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. Gifford and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Gifford 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.
8. An administrative penalty in the amount of two thousand three hundred seventy dollars (\$2,370.00) 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(c).

9. 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. Gifford is assessed an administrative penalty in the amount of two thousand three hundred seventy dollars (\$2,370.00) for violations of TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 374, and rules of the TCEQ. The payment of this administrative penalty and Mr. Gifford'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: Vance E. Gifford dba Giffords Cleaners; Docket No. 2006-1049-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. Mr. Gifford shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Order, Mr. Gifford shall complete and submit the required drop station registration form for the Drop Station Facility located at 4848 Rittiman Road, in accordance with 30 TEX. ADMIN. CODE ch. 337 to:

Dry Cleaning 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, Mr. Gifford shall submit payment of all outstanding fees, including any associated penalties and interest with the notation, "Vance E. Gifford dba Giffords Cleaners, TCEQ Financial Account No. 24000551," 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

- c. Within 45 days after the effective date of this Order, Mr. Gifford shall submit written certification of compliance with Ordering Provision Nos. 2.a. and 2.b. as described below:

The certification shall, include detailed supporting documentation including receipts, 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

Henry Karnei, Jr., Waste Section Manager  
Texas Commission on Environmental Quality  
San Antonio Regional Office  
14250 Judson Road  
San Antonio, Texas 78233-4480

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. Gifford. Mr. Gifford 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 Mr. Gifford 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. Gifford's failure to comply is not a violation of this Order. Mr. Gifford shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Gifford shall notify the Executive Director within seven days after Mr. Gifford 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. Gifford shall be made in writing to the Executive Director. Extensions are not effective until Mr. Gifford 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. Gifford if the Executive Director determines that Mr. Gifford 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.

Vance E. Gifford dba Giffords Cleaners  
DOCKET NO. 2006-1049-DCL-E  
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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF XAVIER GUERRA**

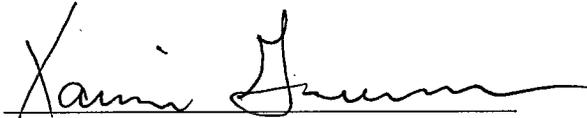
STATE OF TEXAS           §  
  §  
COUNTY OF BEXAR       §

“My name is Xavier Guerra. 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 Vance E. Gifford dba Giffords Cleaners” (the “EDPRP”) with the Office of the Chief Clerk on March 16, 2007.

I sent the EDPRP to Mr. Gifford at his last known address on March 16, 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. Gifford received notice of the EDPRP. Mr. Gifford failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference”.



Xavier Guerra  
Attorney  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Xavier Guerra, 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 16<sup>th</sup> day of May, A.D., 2007.



Notary Signature

