

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: None</p> <p>Dates of Investigation Relating to this Case: May 23, 2006; June 1, 2006 and August 7, 2006</p> <p>Date of NOV Relating to this Case: July 27, 2006 and August 30, 2006</p> <p>Background Facts: The case was referred to the Litigation Division on January 18, 2007. An EDPRP was filed on February 12, 2007. The Respondent received notice of the EDPRP on or about February 26, 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 registration 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 registration form to the TCEQ for Facility 2 [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102].</p> <p>3. Failed to pay Dry Cleaner Registration Fees for TCEQ Financial Administration Account No. 24002797 for fiscal year 2004 and 2005 and associated late fees [30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702].</p>	<p>Total Assessed: \$2,370</p> <p>Total Deferred: \$0</p> <p>Total Due to General Revenue: \$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>Site Compliance History Classification: Facility 1: Average Facility 2: N/A</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>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 payment for all outstanding drycleaner and/or drop station registration fees, including any associated penalties with interest.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	31-Jul-2006	Screening	12-Aug-2006	EPA Due	
	PCW	24-Oct-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Willie Scales dba Starchy Down Cleaners Kirkwood
Reg. Ent. Ref. No.	RN104964648
Facility/Site Region	12-Houston <input checked="" type="checkbox"/> Major/Minor Source
	Minor Source <input checked="" type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	30740	No. of Violations	2
Docket No.	2006-1240-DCL-E	Order Type	1660 <input checked="" type="checkbox"/>
Media Program(s)	Drycleaner <input checked="" type="checkbox"/>	Enf. Coordinator	Libby Hogue
Multi-Media		EC's Team	Enforcement Team 4 <input checked="" type="checkbox"/>
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$50

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 0% 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 EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	<input type="text" value="\$18"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$250"/>	

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 0% 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 12-Aug-2006 **Docket No.** 2006-1240-DCL-E **PCW**
Respondent Willie Scales dba Starchy Down Cleaners Kirkwood *Policy Revision 2 (September 2002)*
Case ID No. 30740 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN104964648
Media [Statute] Drycleaner
Enf. Coordinator Libby Hogue

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 <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

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



Adjustment Percentage (Subtotal 3)

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



Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

Respondent does not have any other enforcement actions having occurred within the last five years.

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

Screening Date 12-Aug-2006 **Docket No.** 2006-1240-DCL-E **PCW**

Respondent Willie Scales dba Starchy Down Cleaners Kirkwood *Policy Revision 2 (September 2002)*

Case ID No. 30740 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN104964648

Media [Statute] Drycleaner

Enf. Coordinator Libby Hogue

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**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			10%

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

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 237

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

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline 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 \$18

Violation Final Penalty Total \$1,185

This violation Final Assessed Penalty (adjusted for limits) \$1,185

Economic Benefit Worksheet

Respondent Willie Scales dba Starchy Down Cleaners Kirkwood
 Case ID No. 30740
 Reg. Ent. Reference No. RN104964648
 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
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	31-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 \$250

TOTAL \$18

Screening Date 12-Aug-2006

Docket No. 2006-1240-DCL-E

PCW

Respondent Willie Scales dba Starchy Down Cleaners Kirkwood

Policy Revision 2 (September 2002)

Case ID No. 30740

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104964648

Media [Statute] Drycleaner

Enf. Coordinator Libby Hogue

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	Percent
<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 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 Willie Scales dba Starchy Down Cleaners Kirkwood
 Case ID No. 30740
 Reg. Ent. Reference No. RN104964648
 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
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs N/A

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$0 \$0

Compliance History

Customer/Respondent/Owner-Operator:	CN602716748 Willie Scales	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN104964648 STARCHY DOWN CLEANERS KIRKWOOD	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000069955
Location:	9803 S KIRKWOOD RD, HOUSTON, TX, 77099	Rating Date: 9/1/2005	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	August 11, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 31, 2001 to July 31, 2006		

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

Name: Libby Hogue Phone: 512-239-1165

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? | <u>Willie Scales</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>STARCH DOWN CLEANERS, INC.</u> |
| 5. When did the change(s) in ownership occur? | <u>07/15/2005</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.)
1 07/27/2006 (485682)
 - 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

Penalty Calculation Worksheet (PCW)



Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	05-Sep-2006	Screening	14-Sep-2006	EPA Due	
	PCW	24-Oct-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Willie Scales dba Starchy Down Cleaners
Reg. Ent. Ref. No.	RN104415781
Facility/Site Region	12-Houston
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30740	No. of Violations	1
Docket No.	2006-1240-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Libby Hogue
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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7**

0% Enhancement

Notes

Culpability **Subtotal 4**

0% Enhancement

Notes

Good Faith Effort to Comply **Subtotal 5**

0% Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

Economic Benefit **Subtotal 6**

0% Enhancement*

Total EB Amounts	\$18
Approx. Cost of Compliance	\$250

*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 **Adjustment**

0% Reduction

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

Notes

PAYABLE PENALTY

Screening Date 14-Sep-2006 **Docket No.** 2006-1240-DCL-E **PCW**
Respondent Willie Scales dba Starchy Down Cleaners *Policy Revision 2 (September 2002)*
Case ID No. 30740 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN104415781
Media [Statute] Drycleaner
Enf. Coordinator Libby Hogue

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 (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 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

Respondent does not have any other enforcement actions having occurred within the last five years.

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

Screening Date 14-Sep-2006

Docket No. 2006-1240-DCL-E

PCW

Respondent Willie Scales dba Starchy Down Cleaners

Policy Revision 2 (September 2002)

Case ID No. 30740

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104415781

Media [Statute] Drycleaner

Enf. Coordinator Libby Hogue

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

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

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 237

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

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline 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 \$18

Violation Final Penalty Total \$1,185

This violation Final Assessed Penalty (adjusted for limits) \$1,185

Economic Benefit Worksheet

Respondent Willie Scales dba Starchy Down Cleaners
 Case ID No. 30740
 Reg. Ent. Reference No. RN104415781
 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
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	31-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 **\$250** TOTAL **\$18**

Compliance History

Customer/Respondent/Owner-Operator: CN602716748 Willie Scales Classification: Rating:
Regulated Entity: RN104415781 STARCHY DOWN CLEANERS Classification: Site Rating:

Location: 10949 S SAM HOUSTON PKWY W, HOUSTON, TX,
77031

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 13, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 05, 2001 to September 05, 2006

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

Name: Libby Hogue Phone: 512-239-1165

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 08/30/2006 (488462)
 - 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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
WILLIE SCALES DBA STARCHY	§	
DOWN CLEANERS KIRKWOOD	§	TEXAS COMMISSION ON
AND DBA STARCHY DOWN	§	
CLEANERS;	§	
RN104964648 and RN104415781	§	ENVIRONMENTAL QUALITY

DEFAULT ORDER DOCKET NO. 2006-1240-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 Willie Scales dba Starchy Down Cleaners Kirkwood and dba Starchy Down Cleaners (“Mr. Scales”).

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

FINDINGS OF FACT

1. Mr. Scales owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning and/or drop station facility at the following locations (the “Facilities”):
 - a. Starchy Down Cleaners Kirkwood, 9803 South Kirkwood Road in Houston, Harris County, Texas (“Facility 1”).
 - b. Starchy Down Cleaners, 10949 South Sam Houston Parkway West in Houston, Harris County, Texas (“Facility 2”).
2. Facility 1 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, Facility 1 is a dry cleaning facility as defined in TEX. HEALTH & SAFETY CODE § 374.001(7). Facility 2 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, Facility 2 dry cleaning drop station as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).

3. During an inspection on May 23, 2006, a TCEQ Houston Regional Office investigator documented that Mr. Scales failed to complete and submit the required registration form to the TCEQ for Facility 1 for fiscal year 2006.
4. During an inspection conducted on June 1, 2006 a TCEQ Houston Regional Office investigator documented that Mr. Scales failed to complete and submit the required registration from to the TCEQ for Facility 2 for fiscal year 2006.
5. During an inspection conducted on August 7, 2006 a TCEQ Houston Regional Office investigator documented that Mr. Scales failed to pay Dry Cleaner Registration Fees for TCEQ Financial Administration Account No. 24002797 for fiscal years 2004 and 2005 and associated late fees.
6. Mr. Scales received notice of the violations on or about August 1, 2006 and September 4, 2006.
7. 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 Willie Scales dba Starchy Down Cleaners Kirkwood and dba Starchy Down Cleaners" in the TCEQ Chief Clerk's office on February 12, 2007.
8. By letter dated February 12, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Scales 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. Scales received notice of the EDPRP.
9. More than 20 days have elapsed since Mr. Scales received notice of the EDPRP, provided by the Executive Director. Mr. Scales failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Scales is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 374 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mr. Scales failed to complete and submit the required registration from to the TCEQ for Facility 1 for fiscal year 2006, 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, Mr. Scales failed to complete and submit the required registration from the TCEQ for Facility 2 for fiscal year 2006 in violation of 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102.
4. As evidenced by Finding of Fact No. 5, Mr. Scales failed to pay Dry Cleaner Registration Fees for TCEQ Financial Administration Account No. 24002797 for fiscal year 2004 and 2005 and associated late fees in violation of 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702.
5. As evidenced by Finding of Fact Nos. 7 and 8, the Executive Director has timely served Mr. Scales with proper notice of the EDP RP, 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. 9 Mr. Scales has failed to file a timely answer to the EDP RP, 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. Scales 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. Scales 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.
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. Scales 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. Scales'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: Willie Scales dba Starchy Down Cleaners Kirkwood and dba Starchy Down Cleaners; Docket No. 2006-1240-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. Scales shall undertake the following technical requirements:
 - a. Within 15 days of the effective date of this Order, Mr. Scales shall complete and submit the required drycleaner and/or drop station registration fees for the Facilities in accordance with 30 TEX. ADMIN. CODE § 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. Scales shall submit payment for all outstanding drycleaner and/or drop station registration fees, including any associated penalties with interest with notation, "Willie Scales dba Starchy Down Cleaners Kirkwood and dba Starchy Down Cleaners, Financial Administration Account No. 24002797," 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. Scales shall submit written certification as described below, and include detailed supporting documentation including receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a.-2.b.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

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

Carlos Romo, Waste Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
5425 Polk Street, 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 Mr. Scales. Mr. Scales is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facilities referenced in this Order.
5. If Mr. Scales 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. Scales's failure to comply is not a violation of this Order. Mr. Scales shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Scales shall notify the Executive Director within seven days after Mr. Scales 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. Scales shall be made in writing to the Executive Director. Extensions are not effective until Mr. Scales 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. Scales if the Executive Director determines that Mr. Scales 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

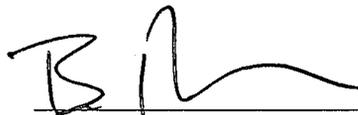
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“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.

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 Willie Scales dba Starchy Down Cleaners Kirkwood and dba Starchy Down Cleaners” (the “EDPRP”) was filed on behalf of the Executive Director of the Texas Commission on Environmental Quality, with the Office of the Chief Clerk on February 12, 2007.

The EDPRP was sent to Mr. Scales at his last known address on February 12, 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 that Mr. Scales received notice of the EDPRP.

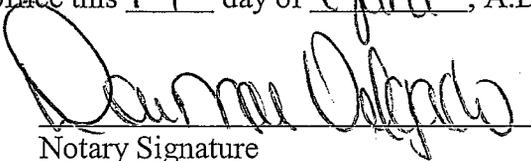
More than 20 days have elapsed since Mr. Scales received notice of the EDPRP. Mr. Scales failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”



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 19th day of June, A.D., 2007.



Notary Signature

Notary Stamp

