

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NUMBER: 2006-0998-DCL-E TCEQ ID NO: R104992896 ENF ID: 30272**  
**RESPONDENT NAME: ELVI LORENA HILTON DBA MOCKINGBIRD CLEANERS**

**ORDER TYPE:**

<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY	<input checked="" type="checkbox"/> DRY CLEANER REGISTRATION	

**SITE WHERE VIOLATION(S) OCCURRED:** 5555 East Mockingbird Lane, Suite 100, Dallas, Dallas County

**TYPE OF OPERATION:** A drop dry cleaning station

**SMALL BUSINESS:**  Yes  No

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

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on January 29, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Deanna Sigman, Litigation Division, MC 175, (512) 239-0619; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  
**TCEQ Enforcement Coordinator:** Ms. Judy Kluge, Enforcement Division, Section IV, MC R-4, (817) 588-5825  
**TCEQ Regional Contact:** Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903  
**Respondent:** Ms. Elvi Lorena Hilton, Owner of Mockingbird Cleaners, Gentle Cleaners, 3714 Cheyenne Street, Irving, Texas 76015;  
Ms. Elvi Lorena Hilton, Mockingbird Cleaners, 5555 East Mockingbird Lane, Suite 100, Dallas, Texas 75206  
**Respondent's Attorney:** Not represented by counsel.

**RESPONDENT'S NAME: ELVI LORENA HILTON DBA MOCKINGBIRD CLEANERS  
DOCKET NO.: 2006-0998-DCL-E**

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> ___ Complaint <input checked="" type="checkbox"/> Routine ___ Enforcement Follow-up ___ Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date(s) of Investigation(s) Relating to this Case:</b> May 26, 2006</p> <p><b>Date(s) of NOV(s)/NOE(s) Relating to this Case:</b> July 14, 2006 (NOE)</p> <p><b>Background Facts:</b></p> <p>An EDPRP was filed on October 19, 2006. The Respondent received notice of the EDPRP on or about October 23, 2006. 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><b>DCL:</b></p> <p>Failed to complete and submit the required registration form to TCEQ for a dry cleaning and/or drop station facility [ 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p>	<p><b>Total Assessed:</b> \$1,185</p> <p><b>Total Deferred:</b> \$0 ___ Expedited Settlement ___ Financial Inability to Pay</p> <p><b>Total Due to General Revenue:</b> \$1,185</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> N/A</p> <p><b>Person Compliance History Classification:</b> N/A</p> <p><b>Major Source:</b> ___ Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provision(s)</b></p> <p><b>The Respondent Shall:</b></p> <ol style="list-style-type: none"> <li>1) Within 15 days, complete and submit the required drop station registration form for the Facility.</li> <li>2) Within 30 days, submit written certification of compliance.</li> </ol>



Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

# Penalty Calculation Worksheet (PCW)

<b>DATES</b>	<b>Assigned</b>	17-Jul-2006	<b>Screening</b>	17-Jul-2006	<b>EPA Due</b>	
	<b>PCW</b>	19-Sep-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Elvi Lorena Hilton dba Mockingbird Cleaners
<b>Reg. Ent. Ref. No.</b>	RN104992896
<b>Facility/Site Region</b>	4-Dallas/Fort Worth <input checked="" type="checkbox"/>
<b>Major/Minor Source</b>	Minor Source <input checked="" type="checkbox"/>

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	30272	<b>No. of Violations</b>	1
<b>Docket No.</b>	2006-0998-DCL-E	<b>Order Type</b>	1660 <input checked="" type="checkbox"/>
<b>Media Program(s)</b>	Drycleaner <input checked="" type="checkbox"/>	<b>Enf. Coordinator</b>	Judy Kluge
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 7 <input checked="" type="checkbox"/>
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$50

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,185</b>
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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.

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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**Notes** No adjustment due to compliance history.

<b>Culpability</b>	No <input checked="" type="checkbox"/>	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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**Notes** The respondent does not meet the culpability criteria.

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

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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<b>Total EB Amounts</b>	\$20	<i>*Capped at the Total EB \$ Amount</i>
<b>Approx. Cost of Compliance</b>	\$250	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,185</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

<b>Final Penalty Amount</b>	<b>\$1,185</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,185</b>
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<b>DEFERRAL</b>	0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** This is not an expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$1,185</b>
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Screening Date

17-Jul-2006

Docket No. 2006-0998-DCL-E

PCW

Respondent

Elvi Lorena Hilton dba Mockingbird Cleaners

Policy Revision 2 (September 2002)

Case ID No. 30272

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104992896

Media [Statute] Drycleaner

Enf. Coordinator Judy Kluge

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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 adjustment due to compliance history.

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

Docs\2006-0998-dcl-e-qcp-Mockingbird Cleaners\_revforLit9.19.wb2  
 17-Jul-2006 **Docket No.** 2006-0998-DCL-E **PCW**  
**Respondent** Elvi Lorena Hilton dba Mockingbird Cleaners *Policy Revision 2 (September 2002)*  
**Case ID No.** 30272 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN104992896  
**Media [Statute]** Drycleaner  
**Enf. Coordinator** Judy Kluge  
**Violation Number**   
**Primary Rule Cite(s)**   
**Secondary Rule Cite(s)**   
**Violation Description**   
**Base Penalty**

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

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

>> **Programmatic Matrix**

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

Matrix Notes

**Adjustment**   
**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	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 <input type="text" value="\$20"/>	Violation Final Penalty Total <input type="text" value="\$1,185"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,185"/>	

**Economic Benefit Worksheet**

Respondent Elvi Lorena Hilton dba Mockingbird Cleaners  
 Case ID No. 30272  
 Reg. Ent. Reference No. RN104992896  
 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-Sep-2005	30-Mar-2007	1.6	\$20	n/a	\$20
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:	CN602538746	Elvi Lorena Hilton dba Gentle Cleaners	Classification:	Rating:
Regulated Entity:	RN104992896	MOCKINGBIRD CLEANERS	Classification:	Site Rating:
ID Number(s):				
Location:	5555 E MOCKINGBIRD LN, DALLAS, TX, 75206			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	July 17, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 17, 2001 to July 17, 2006			

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

Name: Judy Kluge Phone: (817) 588-5825

### Site Compliance History Components

- |  |            |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes        |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No         |
| 3. If Yes, who is the current owner?   | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)?  | <u>N/A</u> |
| 5. When did the change(s) in ownership occur?  | <u>N/A</u> |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 07/11/2006 (481714)
  - 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  
ELVI LORENA HILTON DBA  
MOCKINGBIRD CLEANERS,  
RN104992896

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT ORDER**  
**DOCKET NO. 2006-0998-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 Elvi Lorena Hilton dba Mockingbird Cleaners("Ms. Hilton").

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

**FINDINGS OF FACT**

1. Ms. Hilton owns and operates a drop station located at 5555 East Mockingbird Lane, Suite 100 in Dallas, Dallas County, Texas (the "Facility").
2. The Facility is a retail commercial establishment where the primary business 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 Facility is a dry cleaning drop station as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).
3. During an inspection on May 26, 2006, a TCEQ DFW Regional Office investigator documented that Ms. Hilton failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.
4. Ms. Hilton received notice of the violation on or about July 19, 2006.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement

Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Elvi Lorena Hilton dba Mockingbird Cleaners” (the “EDPRP”) in the TCEQ Chief Clerk’s office on October 19, 2006.

6. By letter dated October 19, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Ms. Hilton with notice of the EDPRP. According to the return receipt “green card”, Ms. Hilton received notice of the EDPRP on October 23, 2006, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Ms. Hilton received notice of the EDPRP, provided by the Executive Director. Ms. Hilton 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, Ms. Hilton is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Ms. Hilton failed to complete and submit the required registration form to TCEQ for a dry cleaning and/or drop station facility, in violation of 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102.
3. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served Ms. Hilton with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 7, Ms. Hilton 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 Ms. Hilton and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Ms. Hilton for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission’s jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

6. An administrative penalty in the amount of one thousand one hundred eighty-five dollars (\$1,185.00) 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).
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Ms. Hilton is assessed an administrative penalty in the amount of one thousand one hundred eight-five dollars (\$1,185.00) for violations of TEX. WATER CODE ch. 7, TEX. HEALTH & SAFETY CODE ch. 374, and rules of the TCEQ. The payment of this administrative penalty and Ms. Hilton'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: Elvi Lorena Hilton dba Mockingbird Cleaners; Docket No. 2006-0998-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. Ms. Hilton shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Order, Ms. Hilton shall complete and submit the required drop station registration form for the Facility, in accordance with 30 TEX. ADMIN. CODE § 337.10 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, Ms. Hilton shall submit written certification of compliance with Ordering Provision 2.a. 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 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

Sam Barrett, Waste Section Manager  
Texas Commission on Environmental Quality  
DFW Regional Office  
2309 Gravel Drive  
Fort Worth, Texas 76118

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

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For the Commission

**AFFIDAVIT OF DEANNA SIGMAN**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Deanna Sigman. 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 Elvi Lorena Hilton dba Mockingbird Cleaners” (the “EDPRP”) with the Office of the Chief Clerk on October 19, 2006.

I sent the EDPRP to Ms. Hilton at her last known address on October 19, 2006 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Ms. Hilton received notice of the EDPRP on October 23, 2006, as evidenced by the signature on the card.

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

*RS*

\_\_\_\_\_  
Deanna Sigman  
Attorney  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Deanna Sigman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 7 day of December A.D., 2006.



*Margaret Jackson*  
\_\_\_\_\_  
Notary Signature