

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1353-DCL-E    **TCEQ ID:** RN103970588    **CASE NO.:** 30881  
**RESPONDENT NAME:** B & D Kim Corporation dba Ace Cleaners

**ORDER TYPE:**

<input checked="" 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 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:** Ace Cleaners, 230 North Denton Tap Road, Suite 104, Coppell, Dallas County

**TYPE OF OPERATION:** Dry cleaners

**SMALL BUSINESS:**     Yes     No

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

**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 22, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

- TCEQ Attorney/SEP Coordinator:** None
- TCEQ Enforcement Coordinator:** Ms. Libby Hogue, Enforcement Division, Enforcement Section II, MC 219, (512) 239-1165; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
- TCEQ Field Investigator:** Ms. Paula Sen, DFW Regional Office, MC R-04, (817) 588-5800
- Respondent:** Mr. Dong Kim, Owner, Ace Cleaners, 230 North Denton Tap Road, Suite 104, Coppell, Texas 75019
- Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 24, 2006</p> <p><b>Date of NOE Relating to this Case:</b> August 10, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. One violation was documented.</p> <p><b>WASTE</b></p> <p>Failed to renew the registration by completing and submitting the required registration form to the TCEQ for the Facility [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p>	<p><b>Total Assessed:</b> \$1,185</p> <p><b>Total Deferred:</b> \$237  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$948</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <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 Order will require the Respondent to:</p> <p>a. Within 15 days after the effective date of this Agreed Order, complete and submit the required drycleaner and/or drop station registration form for the Facility; and</p> <p>b. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a.</p>

**Penalty Calculation Worksheet (PCW)**

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

**TCEQ**

**DATES** Assigned 21-Aug-2006  
 PCW 23-Aug-2006 Screening 21-Aug-2006 EPA Due

**RESPONDENT/FACILITY INFORMATION**

Respondent B & D Kim Corporation dba Ace Cleaners  
 Reg. Ent. Ref. No. RN103970588  
 Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Minor Source

**CASE INFORMATION**

Enf./Case ID No. 30881 No. of Violations 1  
 Docket No. 2006-1353-DCL-E Order Type 1660  
 Media Program(s) Drycleaner Inf. 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 \$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 Respondent does not have any other enforcement actions having occurred within the last five years.

**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 EDPRP/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

Total EB Amounts	\$18	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$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** 20% Reduction Adjustment -\$237

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

Notes Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$948

<b>Screening Date</b>	21-Aug-2006	<b>Docket No.</b>	2006-1353-DCL-E	<b>PCW</b>
<b>Respondent</b>	B & D Kim Corporation dba Ace Cleaners	<b>Policy Revision 2</b>	(September 2002)	
<b>Case ID No.</b>	30881	<b>PCW Revision</b>	May 19, 2005	
<b>Reg. Ent. Reference No.</b>	RN103970588			
<b>Media [Statute]</b>	Drycleaner			
<b>Enf. Coordinator</b>	Libby Hogue			

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

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

No	<b>Adjustment Percentage (Subtotal 3) 0%</b>
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>> **Compliance History Person Classification (Subtotal 7)**

N/A	<b>Adjustment Percentage (Subtotal 7) 0%</b>
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>> **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%**

<b>Screening Date</b>	21-Aug-2006	<b>Docket No.</b>	2006-1353-DCL-E	<b>PCW</b>
<b>Respondent</b>	B & D Kim Corporation dba Ace Cleaners		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	30881	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN103970588			
<b>Media [Statute]</b>	Drycleaner			
<b>Enf. Coordinator</b>	Libby Hogue			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 337.11(e)			
<b>Secondary Rule Cite(s)</b>	Tex. Health & Safety Code § 374.102			
<b>Violation Description</b>	The respondent failed to renew the facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility.			
<b>Base Penalty</b>				\$50

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

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

OR

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**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**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$18"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,185"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,185"/>	

**Economic Benefit Worksheet**

Respondent: B & D Kim Corporation dba Ace Cleaners  
 Case ID No: 30881  
 Reg. Ent. Reference No: RN103970588  
 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	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: CN602466369 B & D Kim Corporation Classification: Rating:  
Regulated Entity: RN103970588 ACE CLEANERS Classification: Site Rating  
ID Number(s):  
Location: 230 N DENTON TAP RD STE 104, COPPELL, TX, 75019  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: August 21, 2006  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: August 21, 2001 to August 21, 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?   | <u>N/A</u> |
| 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 08/14/2006 (487458)  
N/A
- 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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
B & D KIM CORPORATION DBA  
ACE CLEANERS  
RN103970588**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2006-1353-DCL-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding B & D Kim Corporation dba Ace Cleaners ("B & D Kim Corporation") under the authority of TEX. HEALTH & SAFETY CODE ch. 374 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and B & D Kim Corporation appear before the Commission and together stipulate that:

1. B & D Kim Corporation owns and operates a dry cleaners at 230 North Denton Tap Road, Suite 104 in Coppell, Dallas County, Texas (the "Facility").
2. The TCEQ has general authority to regulate the Facility pursuant to TEX. HEALTH & SAFETY CODE § 374.051.
3. The Commission and B & D Kim Corporation agree that the Commission has jurisdiction to enter this Agreed Order, and that B & D Kim Corporation is subject to the Commission's jurisdiction.
4. B & D Kim Corporation received notice of the violations alleged in Section II ("Allegations") on or about August 15, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by B & D Kim Corporation of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand One Hundred Eighty-Five Dollars (\$1,185) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). B & D Kim Corporation has paid Nine Hundred Forty-Eight Dollars (\$948) of the administrative penalty and Two Hundred Thirty-Seven Dollars (\$237) is deferred contingent upon B & D Kim Corporation's timely and satisfactory compliance with all the terms of this Agreed



Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If B & D Kim Corporation fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require B & D Kim Corporation to pay all or part of the deferred penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and B & D Kim Corporation have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that B & D Kim Corporation has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, B & D Kim Corporation is alleged to have failed to renew the registration by completing and submitting the required registration form to the TCEQ for the Facility, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102, as documented during an investigation conducted on May 24, 2006.

## **III. DENIALS**

B & D Kim Corporation generally denies each allegation in Section II ("Allegations").

## **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that B & D Kim Corporation pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and B & D Kim Corporation's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: B & D Kim Corporation dba Ace Cleaners, Docket No. 2006-1353-DCL-E" to:

The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

Furthermore, it highlights the need for regular audits and reviews to identify any discrepancies or areas for improvement. This process should be conducted in a systematic and unbiased manner to ensure the integrity of the data.

In addition, the document stresses the importance of clear communication and collaboration between all stakeholders involved in the process. This includes management, staff, and external partners, all of whom play a vital role in the success of the organization.

Overall, the document provides a comprehensive overview of the key principles and practices that underpin effective record-keeping and reporting. It serves as a valuable guide for anyone responsible for managing the organization's financial and operational data.

### CONCLUSION

In conclusion, the document reiterates the significance of maintaining accurate and reliable records. It encourages all members of the organization to adhere to the highest standards of integrity and transparency in their reporting and record-keeping practices.

### APPENDIX

The following appendix provides a detailed list of the documents and records that should be maintained as part of the organization's standard operating procedures.

#### 1. Financial Records

This section lists the various financial documents that should be kept, including bank statements, invoices, receipts, and general ledgers. It also outlines the frequency and methods for reviewing these records to ensure they are up-to-date and accurate.

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. It is further ordered that B & D Kim Corporation shall undertake the following technical requirements:
- a. Within 15 days after the effective date of this Agreed Order, complete and submit the required drycleaner and/or drop station registration form for the Facility, 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 Agreed Order, 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 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

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by appropriate evidence and documentation.

3. The second part of the document outlines the various methods used to collect and analyze data.

4. These methods include both qualitative and quantitative approaches, each with its own strengths and limitations.

5. The third part of the document provides a detailed overview of the theoretical framework underlying the research.

6. This framework is based on a combination of established theories and new insights from recent research.

7. The fourth part of the document describes the specific procedures and protocols used in the study.

8. These procedures were designed to ensure the reliability and validity of the data collected.

9. The fifth part of the document presents the results of the study, along with a discussion of their implications.

10. Finally, the document concludes with a summary of the findings and suggestions for future research.

with a copy to:

Manager, Waste Section  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon B & D Kim Corporation. B & D Kim Corporation is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If B & D Kim Corporation fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, B & D Kim Corporation's failure to comply is not a violation of this Agreed Order. B & D Kim Corporation shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. B & D Kim Corporation shall notify the Executive Director within seven days after B & D Kim Corporation becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by B & D Kim Corporation shall be made in writing to the Executive Director. Extensions are not effective until B & D Kim Corporation receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against B & D Kim Corporation in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to B & D Kim Corporation, or three days after the date on which the Commission mails notice of the Order to B & D Kim Corporation, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE: THE ASSETS OF [Name], Debtor.

Chapter 11 Case No. [Number]

IN RE: THE ASSETS OF [Name], Debtor.

Chapter 11 Case No. [Number]

IN RE: THE ASSETS OF [Name], Debtor.

Chapter 11 Case No. [Number]

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

2/14/07  
~~10/4/06~~  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

10/4. 06  
\_\_\_\_\_  
Date

DONG S. KIM  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
B & D Kim Corporation dba Ace Cleaners

President  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

10/10/16  
~~10/10/16~~

~~10/10/16~~

*[Faint, illegible text, possibly bleed-through from the reverse side of the page]*

10/10/16  
10/10/16

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