

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2006-1359-DCL-E **TCEQ ID:** RN104964135 and RN104964317 **CASE NO.:** 30877

**RESPONDENT NAME:** Nicolos T. Ponce dba Bryan CS 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:** Bryan CS Cleaners, 710 West William J. Bryan Parkway, Bryan, Brazos County ("Facility 1") and 4095 State Highway 6 South, Suite D, College Station ("Facility 2"), Brazos County

**TYPE OF OPERATION:** Either a dry cleaning and/or dry cleaning drop station

**SMALL BUSINESS:**  Yes  No

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

**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. Diane Massey, Waco Regional Office, MC R-09, (254) 751-0335

**Respondent:** Mr. Nicolos Ponce, Owner, Bryan CS Cleaners, 1000 South Coulter Drive, Bryan, Texas 77803

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

CHIEF CLERKS OFFICE  
 2007 MAR 23 AM 11:21  
 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: May 31 and June 1, 2006</p> <p>Dates of NOEs Relating to this Case: August 3 and August 30, 2006 (NOEs)</p> <p>Background Facts: These were routine investigations. Two violations were documented.</p> <p><b>WASTE</b></p> <p>1) Failed to renew the registration by completing and submitting the required registration form to the TCEQ for Facility 1 [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p> <p>2) Failed to renew the registration by completing and submitting the required registration form to the TCEQ for Facility 2 [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p>	<p>Total Assessed: \$1,778</p> <p>Total Deferred: \$356  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,422</p> <p>RN104964317                      Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>RN104964135                      Site Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Both Facilities                      Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Mr. Ponce has completed and submitted the required registration forms to the TCEQ on June 5, 2006 and on June 14, 2006.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	19-Aug-2006	<b>Screening</b>	21-Aug-2006	<b>EPA Due</b>	
	<b>PCW</b>	22-Aug-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Nicolos T. Ponce dba Bryan CS Cleaners
<b>Reg. Ent. Ref. No.</b>	RN104964135
<b>Facility/Site Region</b>	9-Waco
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	30877	<b>No. of Violations</b>	1
<b>Docket No.</b>	2006-1359-DCL-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Drycleaner	<b>Enf. Coordinator</b>	Libby Hogue
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$50

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 0% Enhancement **Subtotals 2, 3, & 7** \$0

**Notes** 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** 25% Reduction **Subtotal 5** -\$296

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with a small x)

**Notes** The respondent came into compliance on June 14, 2006, before the Notice of Enforcement was issued.

**Economic Benefit** 0% Enhancement\* **Subtotal 6** \$0

Total EB Amounts	\$10	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$889

**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** \$889

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$889

**DEFERRAL** 20% Reduction **Adjustment** -\$178

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** \$711

<b>Screening Date</b>	21-Aug-2006	<b>Docket No.</b>	2006-1359-DCL-E	<b>PCW</b>
<b>Respondent</b>	Nicolas T. Ponce dba Bryan CS Cleaners			Policy Revision 2 (September 2002)
<b>Case ID No.</b>	30877			PCW Revision May 19, 2005
<b>Reg. Ent. Reference No.</b>	RN104964135			
<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 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%
Other	<i>Please Enter Yes or No</i>		
	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2) 0%**

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

No  **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%**

PCW wb3

**Screening Date** 21-Aug-2006

**Docket No.** 2006-1359-DCL-E

**PCW**

**Respondent** Nicolas T. Ponce dba Bryan CS Cleaners

*Policy Revision 2 (September 2002)*

**Case ID No.** 30877

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN104964135

**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**

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

>> **Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

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

**Violation Base Penalty**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

ECW-wb3

### Economic Benefit Worksheet

Respondent: **Nicolas T. Ponce dba Bryan CS Cleaners**  
 Case ID No: **30877**  
 Reg. Ent. Reference No: **RN104964135**  
 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	14-Jun-2006	0.8	\$10	n/a	\$10
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 came 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: **\$10**

## Compliance History

Customer/Respondent/Owner-Operator:	CN602561540	Nicolos T. Ponce	Classification:	Rating:
Regulated Entity:	RN104964135	BRYAN CS CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION		EPA ID	TXR000074641
Location:	710 W WILLIAM J BRYAN PKWY, BRYAN, TX, 77803			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	August 23, 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)?  | <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 08/16/2006 (489081)
  - 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

SECRET

CONFIDENTIAL - SECURITY INFORMATION

1. The purpose of this document is to provide a comprehensive overview of the current status of the project and to identify the key areas that require attention. The information presented here is intended for the use of senior management and is not to be disseminated outside the organization.

2. The project has made significant progress since the last report, with several key milestones being achieved. However, there are still a number of challenges that need to be addressed in order to ensure the successful completion of the project.

3. The following table provides a summary of the project's performance over the last quarter. The data shows that while there has been a steady increase in productivity, there has also been a corresponding increase in the number of errors and delays. This is a cause for concern and requires immediate attention.

4. In order to address these issues, it is recommended that the following actions be taken: (a) Implement a new quality control process to reduce the number of errors; (b) Increase the frequency of communication and reporting; (c) Provide additional training and resources to the project team.

5. The project team is committed to meeting the project's objectives and to providing the highest quality of service to our customers. We will continue to monitor the project's progress closely and will report any further developments to senior management.

6. The information contained in this document is confidential and is intended for the use of senior management only. It is not to be disseminated outside the organization without the express written consent of the project manager.

7. This document is classified as SECRET and is subject to the same security controls as all other information of this nature. It is to be stored in a secure location and access is to be restricted to authorized personnel only.



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	05-Sep-2006	Screening	05-Sep-2006	EPA Due	
	PCW	05-Sep-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Nicolos T. Ponce dba Bryan CS Cleaners
Reg. Ent. Ref. No.	RN104964317
Facility/Site Region	9-Waco < Major/Minor Source Minor Source <

<b>CASE INFORMATION</b>			
Enf./Case ID No.	30877	No. of Violations	1
Docket No.	2006-1359-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 \$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** 25% Reduction Subtotal 5 -\$296

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes The respondent came into compliance on June 5, 2006, before the Notice of Enforcement was issued.

**Economic Benefit** 0% Enhancement\* Subtotal 6 \$0

Total EB Amounts	\$9	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

**SUM OF SUBTOTALS 1-7** Final Subtotal \$889

**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 \$889

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$889

**DEFERRAL** 20% Reduction Adjustment -\$178

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

Notes Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$711

<b>Screening Date</b>	05-Sep-2006	<b>Docket No.</b>	2006-1359-DCL-E	<b>PCW</b>
<b>Respondent</b>	Nicolos T. Ponce dba Bryan CS Cleaners			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	30877			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN104964317			
<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 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%
Other	<i>Please Enter Yes or No</i>		
	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)**

>> Repeat Violator (Subtotal 3)

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

>> Compliance History Summary

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

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

**Screening Date** 05-Sep-2006

**Docket No.** 2006-1359-DCL-E

**PCW**

**Respondent** Nicolas T. Ponce dba Bryan CS Cleaners

Policy Revision 2 (September 2002)

**Case ID No.** 30877

PCW Revision May 19, 2005

**Reg. Ent. Reference No.** RN104964317

**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"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

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

**Violation Base Penalty**

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**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent: Nicolos T. Ponce dba Bryan CS Cleaners  
 Case ID No: 30877  
 Reg. Ent. Reference No: RN104964317  
 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	05-Jun-2006	0.8	\$9	n/a	\$9
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 came 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:





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>NICOLOS T. PONCE DBA BRYAN CS</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>CLEANERS</b>	<b>§</b>	
<b>RN104964135 AND RN104964317</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

## **AGREED ORDER DOCKET NO. 2006-1359-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 Nicolos T. Ponce dba Bryan CS Cleaners ("Mr. Ponce") 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 Mr. Ponce appear before the Commission and together stipulate that:

1. Mr. Ponce owns and operates either a dry cleaning and/or dry cleaning drop station facility at the following locations (the "Facilities"):
  - a. Bryan CS Cleaners, 710 West William J. Bryan Parkway in Bryan, Brazos County, Texas ("Facility 1").
  - b. Bryan CS Cleaners, 4095 State Highway 6 South, Suite D in College Station, Brazos County, Texas ("Facility 2").
2. The TCEQ has general authority to regulate the Facilities pursuant to TEX. HEALTH & SAFETY CODE § 374.051.
3. The Commission and Mr. Ponce agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Ponce is subject to the Commission's jurisdiction.
4. Mr. Ponce received notice of the violations alleged in Section II ("Allegations") on or about August 8, 2006 and September 4, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Ponce of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

CHIEF CLERKS OFFICE

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ON ENVIRONMENTAL  
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6. An administrative penalty in the amount of One Thousand Seven Hundred Seventy-Eight Dollars (\$1,778) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Ponce has paid One Thousand Four Hundred Twenty-Two Dollars (\$1,422) of the administrative penalty and Three Hundred Fifty-Six Dollars (\$356) is deferred contingent upon Mr. Ponce'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 Mr. Ponce fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Ponce 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 Mr. Ponce have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Mr. Ponce has completed and submitted the required registration forms to the TCEQ on June 5, 2006 and on June 14, 2006.
10. 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 Mr. Ponce has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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 Facilities, Mr. Ponce is alleged to have:

1. Failed to renew the registration by completing and submitting the required registration form to the TCEQ for Facility 1, 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 31, 2006.
2. Failed to renew the registration by completing and submitting the required registration form to the TCEQ for Facility 2, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102, as documented during an investigation conducted on June 1, 2006.

The first part of the document discusses the importance of maintaining accurate records for all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice to ensure transparency and accountability. This section also outlines the specific procedures for recording income and expenses, including the use of appropriate accounting methods and the timely submission of reports.

Secondly, the document addresses the need for regular audits and reconciliations. It states that these processes are essential for identifying any discrepancies or errors in the financial data. By conducting these checks frequently, the organization can prevent small mistakes from escalating into larger issues.

Furthermore, the document highlights the significance of staying up-to-date with the latest tax regulations and financial reporting standards. It advises that the organization should consult with a professional advisor to ensure full compliance with all applicable laws and regulations.

In addition, the document provides guidance on how to effectively manage cash flow. It suggests that the organization should monitor its cash position closely and implement strategies to optimize working capital. This includes negotiating better payment terms with suppliers and customers.

Finally, the document concludes by reiterating the importance of maintaining clear and concise financial records. It encourages the organization to use standardized formats and to keep all records organized and easily accessible. This will not only facilitate the preparation of financial statements but also provide a clear historical record of the organization's financial performance.

The document also includes a section on the importance of confidentiality and security of financial information. It stresses that all financial data should be protected from unauthorized access and that appropriate controls should be in place to prevent data breaches.

Overall, the document provides a comprehensive overview of the key principles and practices for effective financial management. It serves as a valuable resource for anyone responsible for the financial health of an organization.

The document is intended to provide a general overview and is not intended to constitute professional advice. For specific advice, please consult with a qualified professional.

The information contained in this document is confidential and is intended only for the individual named. If you have received this document by mistake, please notify the sender immediately.

This document is the property of the organization and should be kept secure. It should not be distributed to unauthorized personnel.

The organization reserves the right to modify or update this document without notice.

For more information, please contact the Finance Department at [phone number] or [email address].

### III. DENIALS

Mr. Ponce generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Ponce pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Ponce'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: Nicolos T. Ponce dba Bryan CS Cleaners, Docket No. 2006-1359-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. The provisions of this Agreed Order shall apply to and be binding upon Mr. Ponce. Mr. Ponce is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Ponce 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.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Ponce, or three days after the date on which the Commission mails notice of the Order to Mr. Ponce, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

CONFIDENTIAL

CONFIDENTIAL - This report contains information that is exempt from public release under the Freedom of Information Act, 5 U.S.C. 552.

CONFIDENTIAL - SECURITY INFORMATION

The following information was obtained from a confidential source who has provided reliable information in the past. The source has provided information that is exempt from public release under the Freedom of Information Act, 5 U.S.C. 552. The information is being provided to you for your information only and is not to be disseminated outside your agency.

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Nicolas T Ponce dba Bryan CS Cleaners  
DOCKET NO. 2006-1359-DCL-E  
Page 4

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

3/2/07  
\_\_\_\_\_  
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.

Nicolas T Ponce  
Signature

\_\_\_\_\_  
Date

Nicolas T Ponce  
Name (Printed or typed)  
Authorized Representative of  
Nicolas T. Ponce dba Bryan CS Cleaners

Owner  
\_\_\_\_\_  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Bureau of

North Carolina  
Department of Transportation

STATE OF NORTH CAROLINA

Department of Transportation

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Department of Transportation  
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