

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2006-1461-DCL-E **TCEQ ID:** RN104968946, RN104968896 **CASE NO.:** 30986

**RESPONDENT NAME:** Zucker Enterprises, Inc. dba Sparkle 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:** Sparkle Cleaners, 931 North Resler Drive and 369 Shadow Mountain Drive, El Paso, El Paso County

**TYPE OF OPERATION:** Dry cleaning drop stations

**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 November 20, 2006. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Shontay Wilcher, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-2136; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, MC 219, (512) 239-1896

**Respondent:** Mr. Stephen Zucker, President, Zucker Enterprises, Inc. dba Sparkle Cleaners, 6990 Westwind Drive, Suite 465, El Paso, Texas 79912

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

**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 Complaints Relating to this Case: None</p> <p>Date of Investigation/Record Reviews Relating to this Case:                      June 8, 2006 and August 28, 2006</p> <p>Date of NOE Relating to this Case: August 17, 2006 (NOE)</p> <p>Background Facts: This was a routine scheduled investigation and record review for compliance with the dry cleaner program. Two significant program violations were observed.</p> <p><b>WASTE</b></p> <p>1) Failure to complete and submit the required registration form to the TCEQ for the Facilities [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH AND SAFETY CODE § 374.102].</p> <p>2) Failure to pay outstanding dry cleaner registration fees for TCEQ Account No. 24003926 for fiscal year 2004, 2005, and 2006 [30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702].</p>	<p>Total Assessed: \$2,370</p> <p>Total Deferred: \$474  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$196 (remaining \$1,700 due in 17 monthly payments of \$100 each)</p> <p>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>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p><b>Corrective Action Taken</b></p> <p>1) The Executive Director recognizes that Zucker Enterprises submitted the required registration form to the TCEQ for the Facilities on May 10, 2006.</p> <p><b>Ordering Provisions</b></p> <p>2) The Order will require the Respondent to:</p> <p>a) Within 30 days after the effective date of this Agreed Order, submit payment of all outstanding fees, including any associated penalties and interest; and</p> <p>b) Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 2.a.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	28-Aug-2006	<b>Screening</b>	29-Aug-2006	<b>EPA Due</b>	
	<b>PCW</b>	29-Aug-2006				

**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	Zucker Enterprises, Inc. dba Sparkle Cleaners		
<b>Reg. Ent. Ref. No.</b>	RN104968896		
<b>Facility/Site Region</b>	6-El Paso	<b>Major/Minor Source</b>	Minor Source

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	30986	<b>No. of Violations</b>	1
<b>Docket No.</b>	2006-1461-DCL-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Drycleaner	<b>Enf. Coordinator</b>	Shontay Wilcher
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$50

## Penalty Calculation Section

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

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

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

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

Notes: No adjustment for compliance history.

**Culpability** No 0% Enhancement **Subtotal 4** \$0

Notes: The respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5** \$0

Before NOV    NOV to 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	\$9	*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 indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$948

**Screening Date:** 29-Aug-2006      **Docket No.:** 2006-1461-DCL-E      **PCW**  
**Respondent:** Zucker Enterprises, Inc. dba Sparkle Cleaners      *Policy Revision 2 (September 2002)*  
**Case ID No.:** 30986      *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.:** RN104968896  
**Media [Statute]:** Drycleaner  
**Enf. Coordinator:** Shontay Wilcher

**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	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%

*Please Enter Yes or No*

**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**

No adjustment for compliance history.

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

<b>Screening Date</b>	29-Aug-2006	<b>Docket No.</b>	2006-1461-DCL-E	<b>PCW</b>
<b>Respondent</b>	Zucker Enterprises, Inc. dba Sparkle Cleaners			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	30986			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN104968896			
<b>Media [Statute]</b>	Drycleaner			
<b>Enf. Coordinator</b>	Shontay Wilcher			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 337.10(a)			
<b>Secondary Rule Cite(s)</b>	Tex. Health & Safety Code § 374.102			
<b>Violation Description</b>	The respondent failed to complete and submit 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**

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

>> **Programmatic Matrix**

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

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

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<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"/>

mark only one use a small x

**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, 2005.

**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: Zucker Enterprises, Inc. dba Sparkle Cleaners  
 Case ID No: 30986  
 Reg. Ent. Reference No: RN104968896  
 Media [Statute]: Drycleaner  
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Description: No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	01-Sep-2005	10-May-2006	0.7	\$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				n/a			

Approx. Cost of Compliance \$250 TOTAL \$9

## Compliance History

Customer/Respondent/Owner-Operator:	CN603043266 Zucker Enterprises, Inc.	Classification:	Rating:
Regulated Entity:	RN104968896 SPARKLE CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000075549
Location:	931 N RESLER DR, EL PASO, TX, 79912		
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	August 28, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 28, 2001 to August 28, 2006		

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

Name: Deana Holland Phone: 239-2504

### 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 08/22/2006 (487139)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	28-Aug-2006	Screening	29-Aug-2006	EPA Due	
	PCW	29-Aug-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Zucker Enterprises, Inc. dba Sparkle Cleaners
Reg. Ent. Ref. No.	RN104968946
Facility/Site Region	6-El Paso
Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	30986	No. of Violations	2
Docket No.	2006-1461-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Shontay Wilcher
Multi-Media		EC's Team	Enforcement Team 7
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: No adjustment for compliance history.

**Culpability** No 0% Enhancement Subtotal 4 \$0

Notes: The respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 \$0

	Before NOV	NOV to 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	\$9	*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 indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$948

Screening Date	29-Aug-2006	Docket No.	2006-1461-DCL-E	PCW
Respondent	Zucker Enterprises, Inc. dba Sparkle Cleaners	Policy Revision 2	(September 2002)	
Case ID No.	30986	PCW Revision	May 19, 2005	
Reg. Ent. Reference No.	RN104968946			
Media [Statute]	Drycleaner			
Enf. Coordinator	Shontay Wilcher			

**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	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%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

N/A	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	No adjustment for compliance history.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

**Screening Date** 29-Aug-2006 **Docket No.** 2006-1461-DCL-E **PCW**  
**Respondent** Zucker Enterprises, Inc. dba Sparkle Cleaners *Policy Revision 2 (September 2002)*  
**Case ID No.** 30986 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN104968946  
**Media [Statute]** Drycleaner  
**Enf. Coordinator** Shontay Wilcher  
**Violation Number** 1  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 337.10(a)  
**Secondary Rule Cite(s)** Tex. Health & Safety Code § 374.102  
**Violation Description** The respondent failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.  
**Base Penalty** \$50

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

**Harm**  

Release	Major	Moderate	Minor
Actual			
Potential			

**Percent**

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	X		

**Percent** 10%  
**Matrix Notes** 100% of the rule requirement was not met.

**Adjustment** -\$45  
**Base Penalty Subtotal** \$5

**Violation Events**

**Number of Violation Events** 237  

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

**Violation Base Penalty** \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

**Economic Benefit (EB) for this violation** **Statutory Limit Test**  
**Estimated EB Amount** \$9 **Violation Final Penalty Total** \$1,185  
**This violation Final Assessed Penalty (adjusted for limits)** \$1,185

### Economic Benefit Worksheet

Respondent: Zucker Enterprises, Inc. dba Sparkle Cleaners  
 Case ID No: 30986  
 Reg. Ent. Reference No: RN104968946  
 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	10-May-2006	0.7	\$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	n/a						

Approx. Cost of Compliance \$250 **TOTAL** \$9

**Screening Date** 29-Aug-2006 **Docket No.** 2006-1461-DCL-E **PCW**  
**Respondent** Zucker Enterprises, Inc. dba Sparkle Cleaners *Policy Revision 2 (September 2002)*  
**Case ID No.** 30986 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN104968946  
**Media [Statute]** Drycleaner  
**Enf. Coordinator** Shontay Wilcher  
**Violation Number** 2  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 337.14(c)  
**Secondary Rule Cite(s)** Tex. Water Code § 5.702  
**Violation Description** Failed to pay outstanding dry cleaner registration fees for TCEQ Financial Account No. 24003926 for fiscal year 2004, 2005, and 2006.  
**Base Penalty** \$50

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

		Harm			Percent
Release		Major	Moderate	Minor	
OR	Actual				
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	Percent

Matrix Notes

**Adjustment** -\$50  
**Base Penalty Subtotal** \$0

**Violation Events**

**Number of Violation Events**   
 mark only one use a small x  

daily	<input 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** \$0

No penalty is recommended because penalty and interest will be assessed at the next billing.

Economic Benefit (EB) for this violation	Statutory Limit Test
<b>Estimated EB Amount</b> \$0	<b>Violation Final Penalty Total</b> \$0
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$0	

### Economic Benefit Worksheet

Respondent: Zucker Enterprises, Inc. dba Sparkle Cleaners  
 Case ID No: 30986  
 Reg. Ent. Reference No: RN104968946  
 Media [Statute]: Drycleaner  
 Violation No: 2

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Description	Note: commas or \$						
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs				N/A			

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>					
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		N/A			

Approx. Cost of Compliance

**TOTAL**

## Compliance History

Customer/Respondent/Owner-Operator:	CN603043266 Zucker Enterprises, Inc.	Classification:	Rating:
Regulated Entity:	RN104968946 SPARKLE CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000075614
Location:	369 SHADOW MOUNTAIN DR, EL PASO, TX, 79912		
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	August 28, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 28, 2001 to August 28, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Deana Holland	Phone:	239-2504

### Site Compliance History Components

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

#### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 08/22/2006 (487131)
  - 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  
ZUCKER ENTERPRISES, INC. DBA  
SPARKLE CLEANERS  
RN104968946  
RN104968896

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1461-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 Zucker Enterprises, Inc. dba Sparkle Cleaners ("Zucker Enterprises") under the authority of TEX. HEALTH & SAFETY CODE ch. 374 and TEX. WATER CODE chs. 5 and 7. The Executive Director of the TCEQ, through the Enforcement Division, and Zucker Enterprises appear before the Commission and together stipulate that:

1. Zucker Enterprises owns and operates two dry cleaning drop stations at 369 Shadow Mountain Drive, and at 931 North Resler Drive in El Paso, El Paso County, Texas (the "Facilities").
2. The TCEQ has general authority to regulate the Facilities pursuant to TEX. HEALTH & SAFETY CODE § 374.051.
3. The Commission and Zucker Enterprises agree that the Commission has jurisdiction to enter this Agreed Order, and that Zucker Enterprises is subject to the Commission's jurisdiction.
4. Zucker Enterprises received notice of the violations alleged in Section II ("Allegations") on or about August 22, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Zucker Enterprises of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Three Hundred Seventy Dollars (\$2,370) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Zucker Enterprises has paid One Hundred Ninety-Six Dollars (\$196) of the administrative penalty and Four Hundred Seventy-Four Dollars (\$474) is deferred contingent upon Zucker Enterprises'



timely and satisfactory compliance with all the terms of this Agreed Order. If Zucker Enterprises fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Zucker Enterprises to pay all or part of the deferred penalty

The remaining amount of One Thousand Seven Hundred Dollars (\$1,700) of the administrative penalty shall be payable in 17 monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Zucker Enterprises fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Zucker Enterprises to meet the payment schedule of this Agreed Order constitutes the failure by Zucker Enterprises to timely and satisfactorily comply with all the terms of this Agreed Order.

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 Zucker Enterprises 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 Zucker Enterprises submitted the required registration form to the TCEQ for the Facilities on May 10, 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 Zucker Enterprises 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, Zucker Enterprises is alleged to have:

1. Failed to complete and submit the required registration form to the TCEQ for the Facilities, in violation of 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102, as documented during an investigation conducted on June 8, 2006.

The purpose of this study was to determine the effect of a 10-day training program on the performance of a complex task. The subjects were 20 college students who were randomly assigned to two groups: a control group and an experimental group. The experimental group received the training program, while the control group did not. The results showed that the experimental group performed significantly better than the control group on the task after the training program.

The training program consisted of a series of 10 sessions, each lasting 2 hours. The sessions were designed to teach the subjects the various components of the task and to provide them with practice opportunities. The control group received no training and performed the task at a lower level of proficiency than the experimental group. The results of this study suggest that a 10-day training program can be effective in improving the performance of a complex task. This finding has implications for the design of training programs for a variety of occupations and activities.

The study was conducted in a laboratory setting. The subjects were all college students who were recruited from a local university. The task was a complex, multi-step procedure that required a high level of coordination and attention. The results of the study were analyzed using a two-way analysis of variance, which revealed a significant main effect for the training program. The control group performed significantly worse than the experimental group on the task.

The results of this study have several implications. First, they suggest that a 10-day training program can be effective in improving the performance of a complex task. This finding is important because it suggests that training programs can be designed to be both efficient and effective. Second, the results suggest that the control group performed significantly worse than the experimental group on the task. This finding is important because it suggests that the training program had a significant effect on the performance of the task.

The study was limited in several ways. First, the sample size was relatively small, which may have affected the generalizability of the results. Second, the study was conducted in a laboratory setting, which may not be representative of the real world. Third, the study did not measure the long-term effects of the training program. These limitations suggest that further research is needed to explore the effects of training programs on the performance of a complex task.

### References

- Bandura, A. (1977). Self-efficacy mechanism in human agency. *American Psychologist*, 32, 476-486.
- Bandura, A. (1982). Self-efficacy mechanism in human agency. *American Psychologist*, 37, 122-147.
- Bandura, A. (1986). *Social foundations of thought and action: A social cognitive theory*. Englewood Cliffs, NJ: Prentice-Hall.
- Bandura, A. (1988). *Social cognitive theory of self-efficacy*. In R. M. G. Martinez & P. T. P. P. (Eds.), *Handbook of self-efficacy* (pp. 3-14). Hillsdale, NJ: Lawrence Erlbaum Associates, Inc.

2. Failed to pay outstanding dry cleaner registration fees for TCEQ Financial Account No. 24003926 for fiscal year 2004, 2005, and 2006, in violation of 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702, as documented during a record review conducted on August 28, 2006.

### III. DENIALS

Zucker Enterprises generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Zucker Enterprises pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Zucker Enterprises' 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: Zucker Enterprises, Inc. dba Sparkle Cleaners, Docket No. 2006-1461-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. It is further ordered that Zucker Enterprises shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, submit payment of all outstanding fees, including any associated penalties and interest and with the notation, "Zucker Enterprises, Inc. dba Sparkle Cleaners, TCEQ Financial Account No. 24003926," to the address listed in Paragraph 1 of this section.
  - b. Within 45 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

The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

Secondly, it highlights the role of internal controls in preventing fraud and ensuring the integrity of the financial statements. The document outlines various control measures that should be implemented across different levels of the organization.

Furthermore, the document addresses the challenges faced by organizations in the current economic environment. It discusses the impact of market volatility and the need for strategic planning to mitigate risks and seize opportunities.

In conclusion, the document provides a comprehensive overview of the key aspects of financial management and internal control. It serves as a guide for organizations to enhance their operational efficiency and financial performance.

The document also includes a section on the importance of regular audits and reviews. It explains how these processes help in identifying weaknesses and improving the overall system of internal control.

Finally, the document stresses the need for continuous learning and improvement. It encourages organizations to stay updated with the latest trends and best practices in financial management.

Overall, the document provides valuable insights and practical advice for organizations looking to optimize their financial operations and ensure long-term success.

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

with a copy to:

Waste Section Manager  
El Paso Regional Office  
Texas Commission on Environmental Quality  
401 East Franklin Avenue, Suite 560  
El Paso, Texas 79901-1212

3. The provisions of this Agreed Order shall apply to and be binding upon Zucker Enterprises. Zucker Enterprises 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.
4. If Zucker Enterprises 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, Zucker Enterprises' failure to comply is not a violation of this Agreed Order. Zucker Enterprises shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Zucker Enterprises shall notify the Executive Director within seven days after Zucker Enterprises 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 Zucker Enterprises shall be made in writing to the Executive Director. Extensions are not effective until Zucker Enterprises 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 Zucker Enterprises 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.

Dear Sir,

I am writing to you regarding the matter of the late Mr. John Doe, who passed away on the 15th day of the month of January, 1920.

WILL OF THE DECEASED

The late Mr. John Doe, of the County of ... State of ... was the author of a will, the contents of which are as follows:

I, the said Mr. John Doe, do hereby give, devise and bequeath unto my dear wife, Mrs. Jane Doe, the sum of ... dollars, to be paid to her at the expiration of ... months after my death.

I do hereby give, devise and bequeath unto my dear son, Mr. John Doe, Jr., the sum of ... dollars, to be paid to him at the expiration of ... months after my death.

I do hereby give, devise and bequeath unto my dear daughter, Miss Mary Doe, the sum of ... dollars, to be paid to her at the expiration of ... months after my death.

I do hereby give, devise and bequeath unto my dear friend, Mr. ... the sum of ... dollars, to be paid to him at the expiration of ... months after my death.

I do hereby give, devise and bequeath unto my dear friend, Mr. ... the sum of ... dollars, to be paid to him at the expiration of ... months after my death.

Very truly yours,

John Doe

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Zucker Enterprises, or three days after the date on which the Commission mails notice of the Order to Zucker Enterprises, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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



2/14/07  
\_\_\_\_\_  
Date

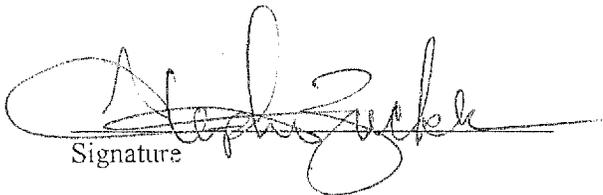
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting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

\_\_\_\_\_  
Signature



\_\_\_\_\_  
Date

12/18/2006

\_\_\_\_\_  
Name (Printed or typed)

Authorized Representative of  
Zucker Enterprises, Inc. dba Sparkle Cleaners

\_\_\_\_\_  
Title

President

**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.

