

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1503-DCL-E **TCEQ ID:** RN104959622 **CASE NO.:** 31020  
**RESPONDENT NAME:** Michael O. Keiffer and Kristen M. Keiffer dba Candy 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:** Candy Cleaners, 201 East Bluff Street, Woodville, Tyler County

**TYPE OF OPERATION:** 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 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 February 26, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Mr. Rajesh Acharya, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-0577; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**TCEQ Field Investigator:** Mr. Floyd Riley, Beaumont Regional Office, MC R-10, (409) 898-3838

**Respondent:** Mr. Michael Keiffer and Ms. Kristen Keiffer, Owners, Candy Cleaners, 201 East Bluff Street, Woodville 75979

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

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**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>Date of Investigation Relating to this Case: May 26, 2006</p> <p>Date of NOE Relating to this Case: August 25, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p><b>WASTE</b></p> <p>Failed to complete and submit the required registration form to the TCEQ for the Facility [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p>	<p>Total Assessed: \$889</p> <p>Total Deferred: \$178  <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: \$121 (remaining \$590 due in 5 monthly payments of \$118 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 Actions Taken:</b></p> <p>The Executive Director recognizes that Mr. and Ms. Keiffer have submitted completed registration form to the TCEQ for the Facility on June 2, 2006.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

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	Michael O. Keiffer and Kristen M. Keiffer dba Candy Cleaners
Reg. Ent. Ref. No.	RN104959622
Facility/Site Region	10- Beaumont
Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	31020	No. of Violations	1
Docket No.	2006-1503-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Rajesh Acharya
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,185
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	-\$296
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	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 2, 2006.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$9	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$889
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	\$889
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$889
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$178
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$711
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<b>Screening Date</b>	29-Aug-2006	<b>Docket No.</b>	2006-1503-DCL-E	<b>PCW</b>
<b>Respondent</b>	Michael O. Keiffer and Kristen M. Keiffer dba Candy Cleaners	<b>Policy Revision 2 (September 2002)</b>		
<b>Case ID No.</b>	31020	<b>PCW Revision May 19, 2005</b>		
<b>Reg. Ent. Reference No.</b>	RN104959622			
<b>Media [Statute]</b>	Drycleaner			
<b>Enf. Coordinator</b>	Rajesh Acharya			

**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 due to compliance history.

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

<b>Screening Date</b>	29-Aug-2006	<b>Docket No.</b>	2006-1503-DCL-E	<b>PCW</b>
<b>Respondent</b>	Michael O. Keiffer and Kristen M. Keiffer dba Candy Cleaners		Policy Revision 2 (September 2002)	
<b>Case ID No.</b>	31020	PCW Revision May 19, 2005		
<b>Reg. Ent. Reference No.</b>	RN104959622			
<b>Media [Statute]</b>	Drycleaner			
<b>Enf. Coordinator</b>	Rajesh Acharya			
<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**

OR	<b>Harm</b>			Percent	
	<b>Release</b>	Major	Moderate		Minor
	Actual				
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		X			
<b>Matrix Notes</b>	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.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount \$9	Violation Final Penalty Total \$889
This violation Final Assessed Penalty (adjusted for limits) \$889	

### Economic Benefit Worksheet

Respondent Michael O. Keiffer and Kristen M. Keiffer dba Candy Cleaners  
 Case ID No. 31020  
 Reg. Ent. Reference No. RN104959622  
 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	02-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 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

# Compliance History

Customer/Respondent/Owner-Operator:	CN603155839    KIFFER, KRISTEN M	Classification:	Rating:
Regulated Entity:	RN104959622    CANDY CLEANERS	Classification:	Site Rating:
ID Number(s):			
Location:	201 E BLUFF ST, WOODVILLE, TX, 75979		
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	August 30, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 30, 2001 to August 30, 2006		

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

Name: Rajesh Acharya Phone: (512) 239-0577

## 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 08/25/2006 (486768)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - 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

# Math 124 - Chapter 10

The first part of the chapter discusses the geometry of the unit circle. The unit circle is a circle with radius 1 centered at the origin of the Cartesian coordinate system. The angle  $\theta$  is measured counter-clockwise from the positive x-axis to the terminal side of the angle. The coordinates of the point on the unit circle corresponding to the angle  $\theta$  are  $(\cos \theta, \sin \theta)$ . The sine and cosine functions are defined as the y and x coordinates of this point, respectively. The chapter also discusses the properties of the sine and cosine functions, such as their periodicity and their range.

The second part of the chapter discusses the addition and subtraction formulas for sine and cosine. These formulas allow us to find the sine and cosine of the sum or difference of two angles. The addition formulas are:

$$\sin(\alpha + \beta) = \sin \alpha \cos \beta + \cos \alpha \sin \beta$$
$$\cos(\alpha + \beta) = \cos \alpha \cos \beta - \sin \alpha \sin \beta$$

The subtraction formulas are:

$$\sin(\alpha - \beta) = \sin \alpha \cos \beta - \cos \alpha \sin \beta$$
$$\cos(\alpha - \beta) = \cos \alpha \cos \beta + \sin \alpha \sin \beta$$

The chapter also discusses the double-angle formulas for sine and cosine. These formulas allow us to find the sine and cosine of twice an angle. The double-angle formulas are:

$$\sin(2\alpha) = 2 \sin \alpha \cos \alpha$$
$$\cos(2\alpha) = \cos^2 \alpha - \sin^2 \alpha$$

The chapter also discusses the half-angle formulas for sine and cosine. These formulas allow us to find the sine and cosine of half an angle. The half-angle formulas are:

$$\sin\left(\frac{\alpha}{2}\right) = \pm \sqrt{\frac{1 - \cos \alpha}{2}}$$
$$\cos\left(\frac{\alpha}{2}\right) = \pm \sqrt{\frac{1 + \cos \alpha}{2}}$$

The chapter also discusses the inverse trigonometric functions. The inverse sine function,  $\arcsin$ , is defined as the angle whose sine is a given number. The inverse cosine function,  $\arccos$ , is defined as the angle whose cosine is a given number. The inverse tangent function,  $\arctan$ , is defined as the angle whose tangent is a given number. The chapter also discusses the properties of these functions, such as their domains and ranges.

The chapter concludes with a discussion of the applications of trigonometry. Trigonometry is used in many fields, including physics, engineering, and astronomy. The chapter discusses how trigonometry is used to solve problems in these fields.

# Compliance History

Customer/Respondent/Owner-Operator:	CN603155821	KEIFFER, MICHAEL O	Classification:	Rating:
Regulated Entity:	RN104959622	CANDY CLEANERS	Classification:	Site Rating:
ID Number(s):				
Location:	201 E BLUFF ST, WOODVILLE, TX, 75979			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	August 30, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 30, 2001 to August 30, 2006			

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

Name: Rajesh Acharya Phone: (512) 239-0577

## 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 08/25/2006 (486768)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- 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

# THE HISTORY OF THE

The history of the world is a long and varied one, filled with many different cultures, languages, and customs. It is a story that has been told for thousands of years, and it continues to be told today. The history of the world is a story of discovery, of exploration, and of the human spirit. It is a story of the triumph of the human mind over the challenges of the world. It is a story of the human race, and of the things that we have accomplished together. The history of the world is a story of hope, of courage, and of the power of the human spirit. It is a story that we can all learn from, and that we can all be proud of.

The history of the world is a story of many different cultures, languages, and customs. It is a story of the human race, and of the things that we have accomplished together. The history of the world is a story of discovery, of exploration, and of the human spirit. It is a story of the triumph of the human mind over the challenges of the world. It is a story of the human race, and of the things that we have accomplished together. The history of the world is a story of hope, of courage, and of the power of the human spirit. It is a story that we can all learn from, and that we can all be proud of.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MICHAEL O. KEIFFER AND  
KRISTEN M. KEIFFER DBA  
CANDY CLEANERS  
RN104959622

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1503-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 Michael O. Keiffer and Kristen M. Keiffer dba Candy Cleaners ("Mr. and Ms. Keiffer ") 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. and Ms. Keiffer appear before the Commission and together stipulate that:

1. Mr. and Ms. Keiffer own and operate a dry cleaning drop station at 201 East Bluff Street in Woodville, Tyler 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 Mr. and Ms. Keiffer agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. and Ms. Keiffer are subject to the Commission's jurisdiction.
4. Mr. and Ms. Keiffer received notice of the violations alleged in Section II ("Allegations") on or about August 30, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. and Ms. Keiffer of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Hundred Eighty-Nine Dollars (\$889) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. and Ms. Keiffer have paid One Hundred Twenty-One Dollars (\$121) of the administrative penalty and One Hundred Seventy-Eight Dollars (\$178) is deferred contingent upon Mr. and Ms. Keiffer's timely and

CHIEF CLERKS OFFICE

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COMMISSION  
ON ENVIRONMENTAL  
QUALITY

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. and Ms. Keiffer fail to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. and Ms. Keiffer to pay all or part of the deferred penalty.

The remaining amount of Five Hundred Ninety Dollars (\$590) of the administrative penalty shall be payable in five monthly payments of One Hundred Eighteen Dollars (\$118) 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 Mr. and Ms. Keiffer fail 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 Mr. and Ms. Keiffer to meet the payment schedule of this Agreed Order constitutes the failure by Mr. and Ms. Keiffer 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 Mr. and Ms. Keiffer 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. and Ms. Keiffer have submitted completed registration form to the TCEQ for the Facility on June 2, 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. and Ms. Keiffer have 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 owners and operators of the Facility, Mr. and Ms. Keiffer are alleged to have failed to complete and submit the required registration form to the TCEQ for the Facility, in violation of 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102, as documented during an investigation conducted on May 26, 2006.

The following is a list of the names of the members of the Division of the Physical Sciences, as of the date of the meeting of the Council of the University of Chicago, held on the 15th day of June, 1954.

Members of the Division of the Physical Sciences, as of the date of the meeting of the Council of the University of Chicago, held on the 15th day of June, 1954, are: [The following text is extremely faint and largely illegible, appearing to be a list of names and titles.]

Members of the Division of the Physical Sciences, as of the date of the meeting of the Council of the University of Chicago, held on the 15th day of June, 1954, are: [The following text is extremely faint and largely illegible, appearing to be a list of names and titles.]

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### III. DENIALS

Mr. and Ms. Keiffer generally deny each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. and Ms. Keiffer pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. and Ms. Keiffer'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: Michael O. Keiffer and Kristen M. Keiffer dba Candy Cleaners, Docket No. 2006-1503-DCL-E" to:  

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. Mr. and Ms. Keiffer are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
3. The provisions of this Agreed Order shall apply to and be binding upon Mr. and Ms. Keiffer. Mr. and Ms. Keiffer are 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 Mr. and Ms. Keiffer fail 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, Mr. and Ms. Keiffer's failure to comply is not a violation of this Agreed Order. Mr. and Ms. Keiffer shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. and Ms. Keiffer shall notify the Executive Director within seven days after Mr. and Ms. Keiffer become 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 Mr. and Ms. Keiffer shall be made in writing to the Executive Director. Extensions are not effective until Mr. and Ms. Keiffer receive 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 Mr. and Ms. Keiffer in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this

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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 Mr. and Ms. Keiffer, or three days after the date on which the Commission mails notice of the Order to Mr. and Ms. Keiffer, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
RESEARCH REPORT

1. Introduction  
2. Experimental  
3. Results  
4. Discussion  
5. Conclusions  
6. References

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

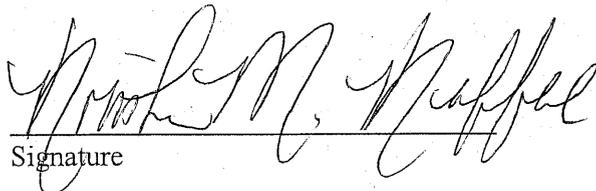
3/2/07  
\_\_\_\_\_  
Date

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.

  
\_\_\_\_\_  
Signature

Nov 16, 2006  
\_\_\_\_\_  
Date

Kristen M. Keiffer  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Kristen M. Keiffer dba Candy Cleaners

Owner  
\_\_\_\_\_  
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.

CONFIDENTIAL

CONFIDENTIAL