

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1646-DCL-E **TCEQ ID:** RN104990080 **CASE NO.:** 31053

RESPONDENT NAME: Sandy's Cleaners and Alterations, Inc. dba Carol's Tailoring and Alterations

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: Carol's Tailoring and Alterations, 1562 West Gray Street, Suite C, Houston, Harris 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 March 12, 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, Enforcement Section I, (512) 239-1896

TCEQ Field Investigator: Ms. Rachel Price, Houston Regional Office, MC R-12, (713) 767-3500

Respondent: Ms. Sandra Lam-Nikko, Officer, Sandy's Cleaners and Alterations, Inc. dba Carol's Tailoring and Alterations, 1562 West Gray Street, Suite C, Houston, Texas 77019

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 Relating to this Case: May 23, 2006</p> <p>Date of NOE Relating to this Case: August 28, 2006 (NOE)</p> <p>Background Facts: This was a routine scheduled investigation for compliance with the dry cleaner program. One significant program violation was observed.</p> <p>WASTE</p> <p>Failure to complete and submit the required registration form to the TCEQ [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE §374.102].</p>	<p>Total Assessed: \$1,067</p> <p>Total Deferred: \$213 <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: \$854</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>Corrective Action Taken</p> <p>The Executive Director recognizes that Sandy's Cleaners and Alterations, Inc. has completed and submitted the required registration form to the TCEQ on September 18, 2006.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	05-Sep-2006	Screening	06-Sep-2006	EPA Due	
	PCW	15-Sep-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Sandy's Cleaners and Alterations, Inc. dba Carol's Tailoring & Alterations
Reg. Ent. Ref. No.	RN104990080
Facility/Site Region	12-Houston < Major/Minor Source Minor Source >

CASE INFORMATION			
Enf./Case ID No.	31053	No. of Violations	1
Docket No.	2006-1646-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
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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.

Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: Respondent does not have any other enforcement actions having occurred within the last five years.

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

Good Faith Effort to Comply	10% Reduction	Subtotal 5	-\$119
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A	(mark with a small x)	

Notes: The respondent came into compliance on September 18, 2006, after the Notice of Enforcement was issued.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$13	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,067
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$1,067
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,067
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DEFERRAL	20% Reduction	Adjustment	-\$213
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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	\$854
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Screening Date	06-Sep-2006	Tailoring PCW wp3	Docket No.	2006-1646-DCL-E	PCW
Respondent	Sandy's Cleaners and Alterations, Inc. dba Carol's Tailoring & Alterations				
Case ID No.	31053	Revision 2 (September 2002)			
Reg. Ent. Reference No.	RN104990080	PCW Revision May 19, 2005			
Media [Statute]	Drycleaner				
Enf. Coordinator	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 judgments 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 disclosed)	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%

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%

Tailoring: PCW.wp3
Docket No. 2006-1646-DCL-E **PCW**

Screening Date 06-Sep-2006
Respondent Sandy's Cleaners and Alterations, Inc. dba Carol's Tailoring & Alterations *Revision 2 (September 2002)*
Case ID No. 31053 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN104990080
Media [Statute] Drycleaner
Enf. Coordinator Libby Hogue
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	
OR	Actual				Percent
	Potential				

>> **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 \$13

Violation Final Penalty Total \$1,067

This violation Final Assessed Penalty (adjusted for limits) \$1,067

Economic Benefit Worksheet

Respondent: Sandy's Cleaners and Alterations, Inc. dba Carol's Tailoring & Alterations
 Case ID No: 31053
 Reg. Ent. Reference No: RN104990080
 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
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Description No commas or \$

Delayed Costs

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	18-Sep-2006	1.0	\$13	n/a	\$13
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)

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$13

Compliance History

Customer/Respondent/Owner-Operator: CN603080235 Sandy's Cleaners and Alterations, Inc. Classification: Rating:
Regulated Entity: RN104990080 CAROL'S TAILORING & ALTERATIONS Classification: Site Rating:
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000071761
GENERATION
Location: 1562 W GRAY ST STE C, HOUSTON, TX, 77019 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: September 13, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 05, 2001 to September 05, 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? Yes
3. If Yes, who is the current owner? Sandy's Cleaners and Alterations, Inc.
4. If Yes, who was/were the prior owner(s)? Sandra Lam dba Carol's Tailoring & Alterations
5. When did the change(s) in ownership occur? 08/01/2003

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 08/28/2006 (509591)
 - 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 § BEFORE THE
ENFORCEMENT ACTION §
CONCERNING §
SANDY'S CLEANERS AND § TEXAS COMMISSION ON
ALTERATIONS, INC. DBA CAROL'S §
TAILORING AND ALTERATIONS § ENVIRONMENTAL QUALITY
RN104990080

AGREED ORDER
DOCKET NO. 2006-1646-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 Sandy's Cleaners and Alterations, Inc. dba Carol's Tailoring and Alterations ("Sandy's Cleaners and Alterations, Inc.") 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 Sandy's Cleaners and Alterations, Inc. appear before the Commission and together stipulate that:

1. Sandy's Cleaners and Alterations, Inc. owns and operates a dry cleaning drop station at 1562 West Gray Street, Suite C in Houston, Harris 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 Sandy's Cleaners and Alterations, Inc. agree that the Commission has jurisdiction to enter this Agreed Order, and that Sandy's Cleaners and Alterations, Inc. is subject to the Commission's jurisdiction.
4. Sandy's Cleaners and Alterations, Inc. received notice of the violations alleged in Section II ("Allegations") on or about September 2, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Sandy's Cleaners and Alterations, Inc. of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Sixty-Seven Dollars (\$1,067) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Sandy's Cleaners and Alterations, Inc. has paid Eight Hundred Fifty-Four Dollars (\$854) of the administrative penalty and Two Hundred Thirteen Dollars (\$213) is deferred contingent upon Sandy's Cleaners and Alterations, Inc.'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 Sandy's Cleaners and Alterations, Inc. fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Sandy's Cleaners and Alterations, Inc. 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 Sandy's Cleaners and Alterations, Inc. 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 Sandy's Cleaners and Alterations, Inc. has completed and submitted the required registration form to the TCEQ on September 18, 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 Sandy's Cleaners and Alterations, Inc. 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 Facility, Sandy's Cleaners and Alterations, Inc. is alleged to have failed to complete and submit the required registration form to the TCEQ, 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 23, 2006.

III. DENIALS

Sandy's Cleaners and Alterations, Inc. generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Sandy's Cleaners and Alterations, Inc. pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Sandy's Cleaners and Alterations, Inc.'s compliance with all the terms and

...the ... of ...

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: Sandy's Cleaners and Alterations, Inc. dba Carol's Tailoring and Alterations, Docket No. 2006-1646-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 Sandy's Cleaners and Alterations, Inc. Sandy's Cleaners and Alterations, Inc. is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Sandy's Cleaners and Alterations, Inc. 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 Sandy's Cleaners and Alterations, Inc., or three days after the date on which the Commission mails notice of the Order to Sandy's Cleaners and Alterations, Inc., whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

...the ... of ...

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director



Date

3/7/07

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

12-18-06

Name (Printed or typed)

Authorized Representative of

Sandy's Cleaners and Alterations, Inc. dba Carol's Tailoring and Alterations

Title

Officer

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.

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