# EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.:** 2006-0952-DCL-E **TCEQ ID:** RN104219548 **CASE NO.:** 30233

RESPONDENT NAME: F. Basra Inc dba Mr & Mrs Cleaners

ORDER TYPE:			
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	_AMENDED ORDER	_IMMINENT AND SUBSTANTIAL
SHUTDOWN ORDER	FINDINGS DEFAULT ORDER	EMERGENCY ORDER	ENDANGERMENT ORDER
CASE TYPE:			
AGRICULTURE	AIR	INDUSTRIAL AND HAZARDOUS WASTE	MUNICIPAL SOLID WASTE
OCCUPATIONAL CERTIFICATION	PETROLEUM STORAGE TANKS	PUBLIC WATER SUPPLY	RADIOACTIVE WASTE
MULTI-MEDIA (check all that apply)	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL	USED OIL
USED OIL FILTER	WATER QUALITY	X DRY CLEANER REGISTRATION	·
TYPE OF OPERATION: Dry cleaner SMALL BUSINESS: X Yes OTHER SIGNIFICANT MATTERS	No	ord of additional pending enforcement actions re	garding this facility location.
		•	
COMMENTS RECEIVED: The Texas	is Register comment period expired on Jan	muary 15, 2007. No comments were received.	
Enforcement Section I, MC 2: TCEQ Field Investigator: MRespondent: Mr. Hafiz Faisa	inator: None nator: Mr. Harvey Wilson, Enforcement Di 19, (512) 239-1896 Ir. Michael Hull, DFW Regional Office, M	C R-04, (817) 588-5800 a Mr & Mrs Cleaners, 2000 Ester Road, Suite 10	39-0321; Mr. Steven Lopez, Enforcement Division 6, Irving, Texas 75061

# RESPONDENT'S NAME: F. Basra Inc dba Mr & Mrs Cleaners DOCKET NO.: 2006-0952-DCL-E

#### VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: Complaint _X Routine Enforcement Follow-up Records Review  Date of Complaints Relating to this Case: None  Date of Investigation Relating to this Case: May 26, 2006	Total Assessed: \$308  Total Deferred: \$62  X Expedited Settlement Financial Inability to Pay	Corrective Action Taken  The Executive Director recognizes that on May 26, 2006, F. Basra Inc completed and submitted the required registration form to the TCEQ for the Facility.
Date of NOE Relating to this Case: July 6, 2006 (NOE)  Background Facts: This was a routine scheduled investigation for compliance with the dry cleaner program. One significant program violation was observed.	SEP Conditional Offset: \$0  Total Paid to General Revenue: \$246  Site Compliance History Classification:HighAvgPoor	
WASTE  Failure to complete and submit the required registration form to the TCEQ for the Facility [30 Tex. Admin. Code § 337-10(a) and Tex. Health & Safety Code § 374.102].	Person Compliance History Classification:HighAvgPoor  Major Source:Yes X_No  Applicable Penalty Policy: September 2002	

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	Page 1 of 4	01/25/07 H:\Ag	reed Orders\FBas	sraInc-Mr&Mrs	Cleaners\P	CW.wb3	
Policy Revision 2 (		enalty Calc	ulation Wor	ksheet (F	PCW)	PCW Revision Ma	y 19, 2005
ICEQ DATES Assigned PCW	10-Jul-2006 14-Jul-2006	Screening 1	1-Jul-2006 E	PA Due			
RESPONDENT/FACIL Respondent [ Reg. Ent. Ref. No.	F. Basra Inc d	ba Mr & Mrs Clear	ners				
Facility/Site Region				Major/Minor	Source M	linor Source	<b>S</b>
CASE INFORMATION Enf./Case ID No.					olations 1		
Media Program(s) Multi-Media		-	<u> </u>	Enf. Coo		660 arvey Wilson nforcement Team	4 <
Admin. Penalty \$ Li	nit Minimum	\$0	Maximum S	\$50		oba argan maranan araba anta araba araban masan s	na para manana manda manana na manda da laka ka
		Penalty	Calculation	n Section	· · · · · · · · · · · · · · · · · · ·		
TOTAL BASE PEN	ΙΔΙ ΤΥ (Sun	n of violation b	ase nenalfies)			Subtotal 1	\$410
			uoo ponantoo)				
ADJUSTMENTS (+ Subtotals 2-7 are of Compliance H	btained by multipl	TOTAL 1 lying the Total Base Pel	nalty (Subtotal 1) by the	indicated percenta sement		als 2, 3, & 7	\$0
Notes		No enhancer	nent is recommen				
Culpability	No	<	0% Enhan	sement		Subtotal 4	\$0
Notes	The	respondent does	not meet the culpa	bility criteria.		,	
Good Faith E	fort to Comp Before NOV	ly NOV to EDPRP/Settl	25% Reduc ement Offer	tion		Subtotal 5	+\$103
Extraordinary Ordinary	×						
N/A		(mark with a small x)			TE THE RESERVED		
Notes	The respond	ent came into com was is	pliance before the ssued (5/26/06).	Notice of Enfo	rcement		
Economic Be	A STIP		0% Enhan	cement*		Subtotal 6	\$0
3.1.3.3.3.3.3.3.3.3.3.3.3.3.3.3.3.3.3.3	Total EB Amounts ost of Compliance			ped at the Total El	3 \$ Amount		ntracinalifații
SUM OF SUBTOT	ALS 1-7				Fi	nal Subtotal	\$308
OTHER FACTORS Reduces or enhances the Fi				.g30 for -30%.)		Adjustment	\$0
Notes			•				
THE PROPERTY OF THE PROPERTY O	para di ngarang pepadahan				Final Pen	alty Amount	\$308
STATUTORY LIM	T ADJUST	MENT			Final Asses	ssed Penalty	\$308
DEFERRAL				20% Redu		Adjustment	-\$62
Reduces the Final Assessed Notes			I for expedited set		<i>j</i>		

\$246

PAYABLE PENALTY

Page 2 of 4 01/25/07 H:\Agreed Orders\FBasraInc-Mr&MrsCleaners\PCW.wb3 Screening Date 14-Jul-2006 Docket No. 2006-0952-DCL-E Respondent F. Basra Inc dba Mr & Mrs Cleaners Policy Revision 2 (September 2002) Case ID No. 30233 PCW Revision May 19, 2005 Reg. Ent. Reference No. RN104219548 Media [Statute] Drycleaner Enf. Coordinator Harvey Wilson Compliance History Worksheet >> Compliance History Site Enhancement (Subtotal 2) Component Number of... Adjust. Enter Number Here Written NOVs with same or similar violations as those in the current 0 enforcement action (number of NOVs meeting criteria) NOVs. Other written NOVs 0 0% Any agreed final enforcement orders containing a denial of liability " " o 0% (number of orders meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders Orders without a denial of liability, or default orders of this state or the federal 0 0% government, or any final prohibitory emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 0 0% Judgments judgements or consent decrees meeting criteria) and Any adjudicated final court judgments and default judgments, or Consent: Decrees non-adjudicated final court judgments or consent decrees without a denial 0 0% of liability, of this state or the federal government Any criminal convictions of this state or the federal government (number 0 0% Convictions of counts) Emissions Chronic excessive emissions events (number of events) Õ 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 0 0% 74th Legislature, 1995 (number of audits for which notices were Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for 0 0% which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more 0% no Voluntary on-site compliance assessments conducted by the executive no 0% director under a special assistance program Other Participation in a voluntary pollution reduction program 0% no Early compliance with, or offer of a product that meets future state or no 0% federal government environmental requirements Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (S	ubtotal 3)		
No	K	Adjustment Percentage (Subtotal 3)	.0%
>> Compliance Histo	ry <i>Person</i> Class	sification (Subtotal 7)	
N/A	<	Adjustment Percentage (Subtotal 7)	0%
>> Compliance Histo	ry Summary		
Compliance History Notes		No enhancement is recommended.	: Max.
o ştirreşde e şi	ுத்து. ஆ	Total Adjustment Percentage (Subtotals 2, 3, & 7)	0%

H:\Agreed Orders\FBasraInc-Mr&MrsCleaners\PCW.wb3 Page 3 of 4 01/25/07 Screening Date 14-Jul-2006 Docket No. 2006-0952-DCL-E Respondent F. Basra Inc dba Mr & Mrs Cleaners Policy Revision 2 (September 2002) Case ID No. 30233 PCW Revision May 19, 2005 Reg. Ent. Reference No. RN104219548 Media [Statute] Drycleaner Enf. Coordinator Harvey Wilson Violation Number 30 Tex. Admin. Code § 337.10(a) Primary Rule Cite(s) Tex. Health and Safety Code § 374.102 Secondary Rule Cite(s) The respondent failed to complete and submit the required registration **Violation Description** form to the TCEQ for a dry cleaning and/or drop station facility. **Base Penalty** \$50 Environmental, Property and Human Health Matrix >> Harm Release Moderate Minor Major OR Actual Percent Potential Programmatic Matrix Moderate Percent 10% Matrix Notes 100% of the rule requirement was not met. Adjustment -\$45 Base Penalty Subtotal \$5 Violation Events Number of Violation Events daiiy monthiv \$410 Violation Base Penalty mark only one quarterly use a small x semiannua annua sinale event Eighty Two daily events are recommended from 30 days after the change of ownership (2/3/06) 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** 

\$4

\$308

\$308

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

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		oa Mr & Mrs Cle	aners			Maria Santa	
Case ID No. 3					4		
Reg, Ent, Reference No. F Media [Statute] D						Percent	Years of
Violation No. 1							Depreciation
Violation 140.						5.0	15
	ltem	Date	Final	Yrs	Interest	Onetime	EB
ltem	Cost	Required	Date	1,0	Saved	Costs	Amount
	No commas or \$	7					
							100.100
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	03-Feb-2006	26-May-2006	0.3	\$4]	n/a	\$4
Other (as needed)				0.0	\$0	n/a	\$0
	The estimate	ated cost to regi	ster a dry clea	ning or o	drop station fa	cility annually.	The date
Notes for DELAYED costs	required is the	e date the Regis				. The final dat	e is the date
		the	e respondent c	ame int	o compliance.		
li.	amarana manarana man						
Avoided Costs	ANN	UALIZE [1] avolded	costs before ent	ering iten	n (except for one	etime avoided co	sts)
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	45.00						
Notes for Avoided Costs						Section 1975	
\$500 		, and the entering place of the contract of th					
Approx. Cost of Compliance	\$250					TOTAL	\$4

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# **Compliance History**

F. Basra Inc

Rating:

Classification:

Customer/Respondent/Owner-Operator:	CN603042268	F. Basra In	3	Classification:	Rating;
Regulated Entity:	RN104219548	MR & MRS	CLEANERS	Classification:	Site Rating:
ID Number(s):					
Location:	2000 ESTERS RI	O STE 106, IR	VING, TX, 75061		
TCEQ Region:	REGION 04 - DF	W METROPLE	:X		
Date Compliance History Prepared:	July 11, 2006				•
Agency Decision Requiring Compliance History:	Enforcement				
Compliance Period:	July 11, 2001 to .	luly 11, 2006			
TCEQ Staff Member to Contact for Additional Info	ormation Regarding	this Complian	ce History		
Name: Harvey Wilson	P:	hone:	239-0321		_
	Sita Campli	anco Histor	y Components		
Has the site been in existence and/or operation	•			Yes	
Has there been a (known) change in ownership				Yes	
3. If Yes, who is the current owner?			•	F. Basra, Inc.	_
		1		Platinum Cleaners, Inc.	
4. if Yes, who was/were the prior owner(s)?				r latinum Oleaners, me.	
5. When did the change(s) in ownership occur?				N/A 01/04/2006	
Components (Multimedia) for the Site:					
A. Final Enforcement Orders, court judgeme	nts, and consent de	ecrees of the s	tate of Texas and	d the federal government.	
N/A					
D. A. Carlotta and a filtra and a filtra	and the federe	Laguernment			
B. Any criminal convictions of the state of Te	exas and the redera	ı gövemment.			
C. Chronic excessive emissions events.					
N/A				•	
D. The approval dates of investigations. (CC	EDS Inv. Track. No	o.)			
1 07/06/2006 (485350)		,			
N/A					
E. Written notices of violations (NOV). (CCE	DS Inv. Track. No.	)			
N/A		4			
F. Environmental audits.  N/A					
G. Type of environmental management syst	ems (EMSs).				
N/A	(======)-				
H. Voluntary on-site compliance assessmen	it dates.				
N/A					
Participation in a voluntary pollution reduce	tion program.				
N/A			•		
J. Early compliance.					
N/A					
Sites Outside of Texas					
N/A					

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## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
F. BASRA INC	§	TEXAS COMMISSION ON
DBA MR & MRS CLEANERS	§	
RN104219548	§	ENVIRONMENTAL QUALITY

### AGREED ORDER DOCKET NO. 2006-0952-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 F. Basra Inc dba Mr & Mrs Cleaners ("F. Basra 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 F. Basra Inc appear before the Commission and together stipulate that:

- 1. F. Basra Inc owns and operates a dry cleaner drop station at 2000 Esters Road, Suite 106 in Irving, Dallas County, Texas (the "Facility").
- 2. The TCEQ has general authority to regulated the Facility pursuant to Tex. HEALTH & SAFETY CODE § 374.051.
- 3. The Commission and F. Basra Inc agree that the Commission has jurisdiction to enter this Agreed Order, and that F. Basra Inc is subject to the Commission's jurisdiction.
- 4. F. Basra Inc received notice of the violations alleged in Section II ("Allegations") on or about July 11, 2006.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by F. Basra Inc of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Three Hundred Eight Dollars (\$308) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). F. Basra Inc has paid Two Hundred Forty-Six Dollars (\$246) of the administrative penalty and Sixty-Two Dollars (\$62) is deferred contingent upon F. Basra 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 F. Basra Inc fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require F. Basra Inc to pay all or part of the deferred penalty.

- Any notice and procedures which might otherwise be suthorized correspined in this aution are various in the interest of a more timely resolution of the neutral.
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- 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 F. Basra 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 on May 26, 2006, F. Basra Inc completed and submitted the required registration form to the TCEQ for the Facility.
- 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 F. Basra 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, F. Basra Inc is 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.

#### III. DENIALS

F. Basra Inc generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that F. Basra Inc pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and F. Basra Inc'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: F. Basra Inc dba Mr & Mrs Cleaners, Docket No. 2006-0952-DCL-E" to:

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F. Basra Inc dba Mr & Mrs Cleaners DOCKET NO. 2006-0952-DCL-E Page 3

> 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 F. Basra Inc. F. Basra 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 F. Basra 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 F. Basra Inc, or three days after the date on which the Commission mails notice of the Order to F. Basra Inc, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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F. Basra Inc dba Mr & Mrs Cleaners

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
State	3/19/07
For the Executive Director	Date
attached Agreed Order on behalf of the entity, if a	attached Agreed Order. I am authorized to agree to the ny, indicated below my signature, and I do agree to the knowledge that the TCEQ, in accepting payment for the esentation.
<ul> <li>failure to timely pay the penalty amount, may result</li> <li>A negative impact on my compliance history</li> <li>Greater scrutiny of any permit applications</li> <li>Referral of this case to the Attorney General penalties, and/or attorney fees, or to the Increased penalties in any future enforcement</li> </ul>	ory; s submitted by me; ral's Office for contempt, injunctive relief, additional to a collection agency;
me; and	is office of any factor enforcement actions against
• TCEQ seeking other relief as authorized b	
In addition, any falsification of any compliance do	ocuments may result in criminal prosecution.
this h	01-17-07
Signature	Date
HAFT FAIRA BASRA	Registered Agent
Name (Printed or typed)	Title
Authorized Representative of	•

**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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