EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1706-DCL-E **TCEQ ID:** RN101314714 **CASE NO.:** 31233
RESPONDENT NAME: Khanh C. Nguyen and K. Nguyen and Sons Ltd. dba H P Cleaners

ORDER TYPE:

X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY 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	

SITE WHERE VIOLATION(S) OCCURRED: H P Cleaners, 3108 West Parker Road, Plano, Collin County

TYPE OF OPERATION: Dry cleaning drop station

SMALL BUSINESS: X 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: Mr. J. Craig Fleming, Enforcement Division, Enforcement Section IV, MC 219, (512) 239-5806; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, (512) 239-1896
TCEQ Field Investigator: Ms. Martha Britton, DFW Regional Office, MC R-04, (817) 588-5800
Respondent: Mr. Khanh Nguyen, Business Admin., K. Nguyen and Sons Ltd. dba H P Cleaners, 14920 Havenshire Place, Dallas, Texas 75254
Respondent's Attorney: Not represented by counsel on this enforcement matter

Attachment: Site Compliance History

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 23, 2006 **Date of NOE Relating to this Case:** August 31, 2006 (NOE) **Background Facts:** This was a routine scheduled investigation for compliance with the dry cleaner program. One significant program violation was observed. **WASTE** Failure to renew the registration by completing and submitting the required registration form to the TCEQ [30 TEX. ADMIN. CODE §337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102].	**Total Assessed:** $1,185 **Total Deferred:** $237 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $948 **Site Compliance History Classification:** __High _X_Avg. __Poor **Person Compliance History Classification:** __High _X_Avg. __Poor **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions** The Order will require the Respondent to: a) Within 15 days after the effective date of this Agreed Order, complete and submit the required dry cleaner and/or drop station registration form; and b) Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES					
Assigned	05-Sep-2116				
PCW	16-Sep-2006	Screening	18-Sep-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Khanh C. Nguyen and K. Nguyen and Sons Ltd. dba H P Cleaners		
Reg. Ent. Ref. No.	RN101314714		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	31233	No. of Violations	1
Docket No.	2006-1706-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	J. Craig Fleming
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty $ Limit Minimum	$0	Maximum	$50

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes: No enhancement is recommended because there have been no enforcement actions in the past five years.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$18
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 indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $948

Screening Date 18-Sep-2006 **Docket No.** 2006-1706-DCL-E **PCW**
Respondent Khanh C. Nguyen and K. Nguyen and Sons Ltd. dba H P Cleaners *ision 2 (September 2002)*
Case ID No. 31233 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101314714
Media [Statute] Drycleaner
Enf. Coordinator J. Craig Fleming

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%
		Please Enter Yes or No	
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)**

Average Performer ***Adjustment Percentage (Subtotal 7)*** **0%**

>> **Compliance History Summary**

Compliance History Notes No enhancement is recommended because there have been no enforcement actions in the past five years.

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

Screening Date 18-Sep-2006 **Docket No.** 2006-1706-DCL-E **PCW**

Respondent Khanh C. Nguyen and K. Nguyen and Sons Ltd. dba H P Cleaners *'ision 2 (September 2002)*

Case ID No. 31233 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101314714

Media [Statute] Drycleaner

Enf. Coordinator J. Craig Fleming

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 337.11(e)

Secondary Rule Cite(s) Tex. Health & Safety Code § 374.102

Violation Description The respondent failed to renew the registration by completing and submitting 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**

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

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

Estimated EB Amount $18

Statutory Limit Test

Violation Final Penalty Total $1,185

This violation Final Assessed Penalty (adjusted for limits) $1,185

Economic Benefit Worksheet

Respondent Khanh C. Nguyen and K. Nguyen and Sons Ltd. dba H P Cleaners
Case ID No. 31233
Reg. Ent. Reference No. RN101314714
Media [Statute] Drycleaner
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	30-Jan-2007	1.4	$18	n/a	$18
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 is projected to come into compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $250

TOTAL $18

Compliance History

Customer/Respondent/Owner-Operator:	CN603099656	NGUYEN, K	Classification: AVERAGE BY DEFAULT	Rating: 3.01
Regulated Entity:	RN101314714	H P CLEANERS	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):				
Location:	3108 W PARKER RD, PLANO, TX, 75075		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	March 08, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 16, 2001 to September 16, 2006			

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

Name: J. Craig Fleming Phone: (512) 239-5806

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? N/A
3. If Yes, who is the current owner? KC & C INVESTMENTS, INC
4. If Yes, who was/were the prior owner(s)? K NGUYEN AND SONS LTD
5. When did the change(s) in ownership occur? 7/6/2006

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 08/31/2006 (488310)

N/A

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

Compliance History

Customer/Respondent/Owner-Operator:	CN602308744	K NGUYEN AND SONS LTD	Classification: AVERAGE BY DEFAULT	Rating: 3.01
Regulated Entity:	RN101314714	H P CLEANERS	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):				
Location:	3108 W PARKER RD, PLANO, TX, 75075		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	March 08, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 16, 2001 to September 16, 2006			

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

Name: J. Craig Fleming Phone: (512) 239-5806

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?
3. If Yes, who is the current owner? N/A
   KC & C INVESTMENTS, INC
   K NGUYEN AND SONS LTD
4. if Yes, who was/were the prior owner(s)? K NGUYEN AND SONS LTD
5. When did the change(s) in ownership occur? 7/6/2006

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 08/31/2006 (488310)

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING KHANH C. NGUYEN AND K. NGUYEN AND SONS LTD. DBA H P CLEANERS RN101314714	§ § § § §	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1706-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 Khanh C. Nguyen and K. Nguyen and Sons Ltd. dba H P Cleaners ("Mr. Nguyen and Sons Ltd.") 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. Nguyen and K. Nguyen and Sons Ltd. appear before the Commission and together stipulate that:

1. Mr. Nguyen and Sons Ltd. own and operate a dry cleaning drop station at 3108 West Parker Road, in Plano, Collin 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. Nguyen and Sons Ltd. agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Nguyen and Sons Ltd. are subject to the Commission's jurisdiction.

4. Mr. Nguyen and Sons Ltd. received notice of the violations alleged in Section II ("Allegations") on or about September 5, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Nguyen and Sons Ltd. of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of One Thousand One Hundred Eighty-Five Dollars ($1,185) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Nguyen and Sons Ltd. have paid Nine Hundred Forty-Eight Dollars ($948) of the administrative penalty and Two Hundred Thirty-Seven Dollars ($237) is deferred contingent upon Mr. Nguyen and Sons Ltd. timely and satisfactory compliance with all the terms of this Agreed

Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Nguyen and Sons Ltd. fail to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Nguyen and Sons Ltd. to pay all or part of the deferred penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and Mr. Nguyen and Sons Ltd. have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. 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. Nguyen and Sons Ltd. have not complied with one or more of the terms or conditions in this Agreed Order.

10. 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.

11. 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. Nguyen and Sons Ltd. are alleged to have failed to renew the registration by completing and submitting the required registration form to the TCEQ, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102, as documented during an investigation conducted on May 23, 2006.

III. DENIALS

Mr. Nguyen and Sons Ltd. generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Nguyen and Sons Ltd. pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Nguyen and Sons Ltd.'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: Khanh C. Nguyen and K. Nguyen and Sons Ltd. dba H P Cleaners, Docket No. 2006-1706-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. Khanh C. Nguyen and K. Nguyen and Sons Ltd. 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. It is further ordered that Mr. Nguyen and Sons Ltd. shall undertake the following technical requirements:

   a. Within 15 days after the effective date of this Agreed Order, complete and submit the required dry cleaner and/or drop station registration form in accordance with 30 TEX. ADMIN. CODE ch. 337 to:

      Dry Cleaning Registration Team
      Texas Commission on Environmental Quality
      P.O. Box 13087
      Austin, Texas 78711-3087

   b. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision 3.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 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:

Manager, Waste Section
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. The provisions of this Agreed Order shall apply to and be binding upon Mr. Nguyen and Sons Ltd. Mr. Nguyen and Sons Ltd. 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.

5. If Mr. Nguyen and Sons Ltd. 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. Nguyen and Sons Ltd.'s failure to comply is not a violation of this Agreed Order. Mr. Nguyen and Sons Ltd. shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Nguyen and Sons Ltd. shall notify the Executive Director within seven days after Mr. Nguyen and Sons Ltd. become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. 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. Nguyen and Sons Ltd. shall be made in writing to the Executive Director. Extensions are not effective until Mr. Nguyen and Sons Ltd. receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Nguyen and Sons Ltd. 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.

8. 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.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Nguyen and Sons Ltd., or three days after the date on which the Commission mails notice of the Order to Mr. Nguyen and Sons Ltd., 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 — Date 4/12/07

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 12/14/06

KHANH NGUYEN — Business Admin

Name (Printed or typed) — Title

Authorized Representative of
Khanh C. Nguyen dba H P Cleaners

Signature — Date 12/14/06

KHANH NGUYEN — Business Admin

Name (Printed or typed) — Title

Authorized Representative of
K. Nguyen and Sons Ltd. dba H P Cleaners

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.