

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1280-DCL-E TCEQ ID: RN104026547 CASE NO.: 30839
RESPONDENT NAME: Lan C. Bui dba Tip Top Cleaners

| | | |
|---|---|--|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input checked="" type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: Dry cleaner drop station, 13455 Cutten Road in Houston, Texas, Harris County</p> <p>TYPE OF OPERATION: Dry cleaner drop station</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: No complaints were received. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 11, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Amy Martin, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-2540; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Lan Bui, Owner, Tip Top Cleaners, 13625 Lakewood Meadow Drive, Cypress, Texas 77429 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

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 30, 2006</p> <p>Date of NOE Relating to this Case: August 7, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. One violation was documented.</p> <p>WASTE</p> <p>Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for the Facility [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102].</p> | <p>Total Assessed: \$1,185</p> <p>Total Deferred: \$237 <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: \$148 (the remaining \$800 to be paid in 8 monthly payments of \$100 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 15 days after the effective date of this Agreed Order, complete and submit the required drycleaner and/or drop station registration form for the Facility, in accordance with 30 TEX. ADMIN. CODE ch. 337; and</p> <p>b. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a.</p> |



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 14-Aug-2006 | Screening | 18-Aug-2006 | EPA Due | |
| | PCW | 18-Aug-2006 | | | | |

| RESPONDENT/FACILITY INFORMATION | |
|---------------------------------|---------------------------------|
| Respondent | Lan C. Bui dba Tip Top Cleaners |
| Reg. Ent. Ref. No. | RN104026547 |
| Facility/Site Region | 12-Houston |
| Major/Minor Source | Minor Source |

| CASE INFORMATION | | | |
|--|-----------------|--------------------------|--------------------|
| Enf./Case ID No. | 30839 | No. of Violations | 1 |
| Docket No. | 2006-1280-DCL-E | Order Type | 1660 |
| Media Program(s) | Drycleaner | Enf. Coordinator | A. Sunday Udoetok |
| Multi-Media | | EC's Team | Enforcement Team 8 |
| 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 The respondent has not received any NOV's or orders at this site in the past 5 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 |
|-------------------------|-----------------|-------------------|------------|

| | | |
|----------------------------|-------|-----------------------------------|
| Total EB Amounts | \$18 | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | \$250 | |

| | | |
|-----------------------------|-----------------------|----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$1,185 |
|-----------------------------|-----------------------|----------------|

| | | | |
|---|--|-------------------|------------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | | Adjustment | \$0 |
|---|--|-------------------|------------|

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

| | |
|-----------------------------|----------------|
| Final Penalty Amount | \$1,185 |
|-----------------------------|----------------|

| | | |
|-----------------------------------|-------------------------------|----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$1,185 |
|-----------------------------------|-------------------------------|----------------|

| | | | |
|-----------------|---------------|-------------------|---------------|
| DEFERRAL | 20% Reduction | Adjustment | -\$237 |
|-----------------|---------------|-------------------|---------------|

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

| | |
|------------------------|--------------|
| PAYABLE PENALTY | \$948 |
|------------------------|--------------|

| | | | | |
|--------------------------------|---------------------------------|---|-----------------|------------|
| Screening Date | 18-Aug-2006 | Docket No. | 2006-1280-DCL-E | PCW |
| Respondent | Lan C. Bui dba Tip Top Cleaners | <i>Policy Revision 2 (September 2002)</i> | | |
| Case ID No. | 30839 | <i>PCW Revision May 19, 2005</i> | | |
| Reg. Ent. Reference No. | RN104026547 | | | |
| Media [Statute] | Drycleaner | | | |
| Enf. Coordinator | A. Sunday Udoetok | | | |

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% |
| <i>Please Enter Yes or No</i> | | | |
| 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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

The respondent has not received any NOV's or orders at this site in the past 5 years.

Total Adjustment Percentage (Subtotals 2, 3, & 7)

| | | | | |
|--------------------------------|---|-------------------|-----------------|---|
| Screening Date | 18-Aug-2006 | Docket No. | 2006-1280-DCL-E | PCW |
| Respondent | Lan C. Bui dba Tip Top Cleaners | | | <i>Policy Revision 2 (September 2002)</i> |
| Case ID No. | 30839 | | | <i>PCW Revision May 19, 2005</i> |
| Reg. Ent. Reference No. | RN104026547 | | | |
| Media [Statute] | Drycleaner | | | |
| Enf. Coordinator | A. Sunday Udoetok | | | |
| 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 facility's 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**

| | | | | | |
|----|----------------|-------|----------|-------|---------|
| OR | Harm | | | | Percent |
| | Release | Major | Moderate | Minor | |
| | Actual | | | | |
| | Potential | | | | |

>> **Programmatic Matrix**

| | | | | | |
|--|---------------|-------|----------|-------|---------|
| | Falsification | Major | Moderate | Minor | Percent |
| | | x | | | 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 \$18 | Violation Final Penalty Total \$1,185 |
| This violation Final Assessed Penalty (adjusted for limits) \$1,185 | |

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text notes that without reliable records, it would be difficult to track the flow of funds and identify any irregularities.

2. The second part of the document outlines the specific procedures for recording transactions. It details the steps involved in entering data into the system, including the use of standardized codes and the requirement for double-checking entries. The document also discusses the importance of regular audits and the role of internal controls in ensuring the accuracy of the records.

3. The third part of the document addresses the issue of data security. It highlights the need to protect sensitive information from unauthorized access and to implement robust security measures. The text discusses the use of encryption, firewalls, and other security protocols to safeguard the data and prevent any potential breaches.

4. The fourth part of the document discusses the importance of transparency and accountability in financial reporting. It notes that stakeholders, including investors and regulators, rely on accurate and timely information to make informed decisions. The text emphasizes the need for clear communication and the disclosure of any potential risks or uncertainties.

5. The fifth part of the document discusses the role of technology in modern financial systems. It highlights the benefits of automation and the use of advanced software solutions to streamline processes and reduce the risk of human error. The text also discusses the importance of staying up-to-date with the latest technological advancements and the need for ongoing training and development.

6. The sixth part of the document discusses the importance of ethical considerations in financial reporting. It notes that financial professionals have a duty to act in the best interests of their clients and to maintain the highest standards of integrity. The text discusses the potential consequences of unethical behavior and the need for a strong ethical framework to guide decision-making.

7. The seventh part of the document discusses the importance of collaboration and communication between different departments and stakeholders. It notes that effective financial reporting requires a close working relationship between accounting, operations, and other key areas of the organization. The text emphasizes the need for clear communication channels and the sharing of information to ensure the accuracy and completeness of the reports.

8. The eighth part of the document discusses the importance of continuous improvement and the need to regularly review and update financial reporting processes. It notes that the financial landscape is constantly evolving, and organizations must adapt to new challenges and opportunities. The text emphasizes the need for a proactive approach to identifying areas for improvement and implementing changes to enhance the efficiency and effectiveness of the reporting process.

Economic Benefit Worksheet

Respondent Lan C. Bui dba Tip Top Cleaners
 Case ID No. 30839
 Reg. Ent. Reference No. RN104026547
 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 | Overtime 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 TOTAL

Compliance History

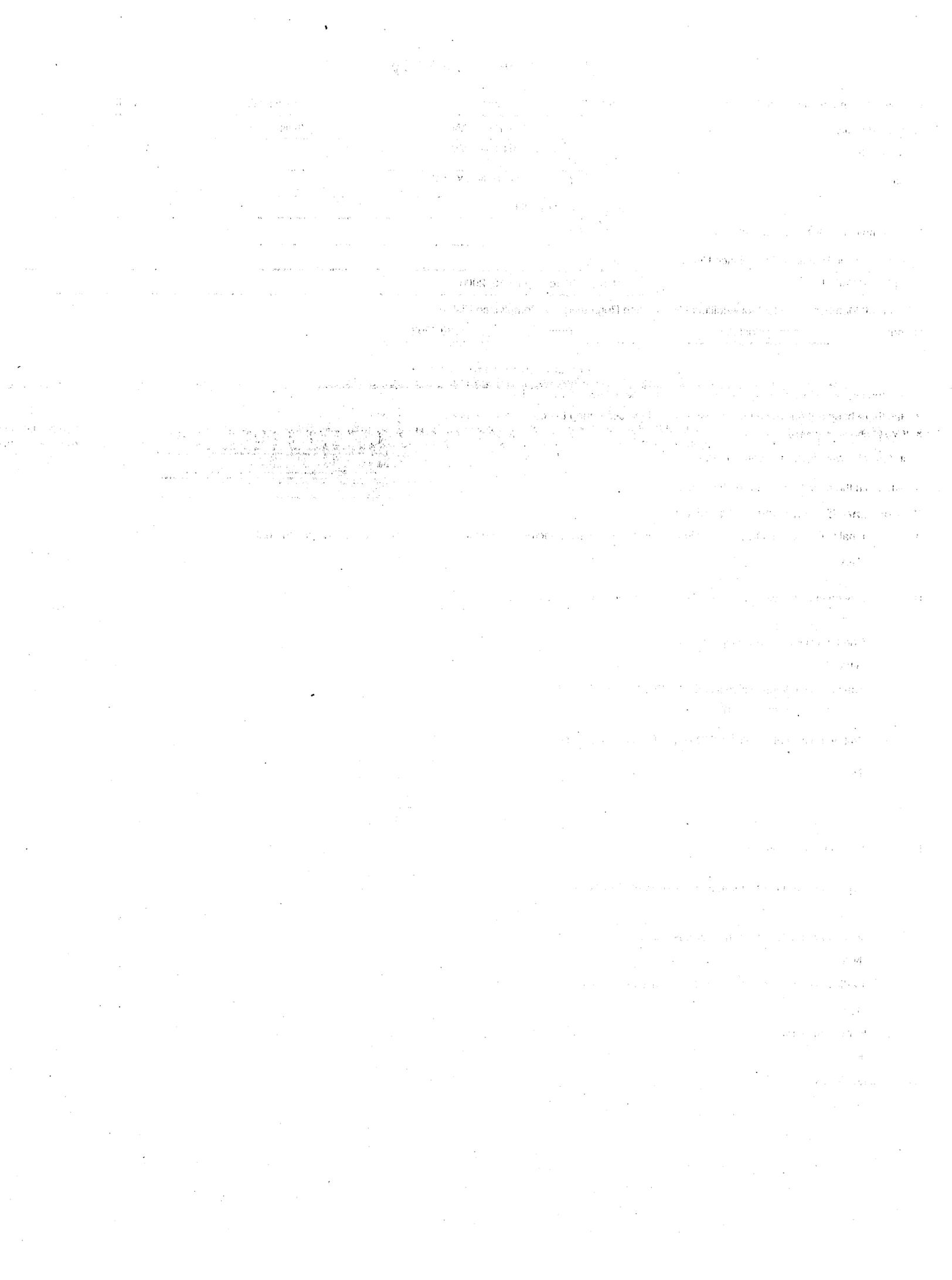
| | | | |
|---|--|-----------------|----------------|
| Customer/Respondent/Owner-Operator: | CN603057738 Lan C. Bui | Classification: | Rating: |
| Regulated Entity: | RN104026547 TIP TOP CLEANERS | Classification: | Site Rating: |
| ID Number(s): | INDUSTRIAL AND HAZARDOUS WASTE EPA ID | | TXR000072983 |
| | GENERATION | | |
| Location: | 13455 CUTTEN RD, HOUSTON, TX, 77069 | | |
| TCEQ Region: | REGION 12 - HOUSTON | | |
| Date Compliance History Prepared: | August 15, 2006 | | |
| Agency Decision Requiring Compliance History: | Enforcement | | |
| Compliance Period: | August 15, 2001 to August 15, 2006 | | |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History | | | |
| Name: | A. Sunday Udoetok | Phone: | (512) 239 2292 |

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 08/07/2006 (490173)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A
- Sites Outside of Texas
N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LAN C. BUI DBA TIP TOP
CLEANERS
RN104026547

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1280-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 Lan C. Bui dba Tip Top Cleaners ("Mr. Bui") 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. Bui appear before the Commission and together stipulate that:

1. Mr. Bui owns and operates a dry cleaner drop station at 13455 Cutten Road in Houston, Texas, 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 Mr. Bui agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Bui is subject to the Commission's jurisdiction.
4. Mr. Bui received notice of the violations alleged in Section II ("Allegations") on or about August 12, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Bui 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. Bui has paid One Hundred Forty-Eight Dollars (\$148) of the administrative penalty and Two Hundred Thirty-Seven Dollars (\$237) is deferred contingent upon Mr. Bui'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 Mr. Bui fails to timely and

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

The remaining amount of Eight Hundred Dollars (\$800) of the administrative penalty shall be payable in eight monthly payments of One Hundred Dollars (\$100) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Bui fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Bui to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Bui 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. Bui 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. Bui has 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 owner and operator of the Facility, Mr. Bui is alleged to have failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for the Facility, 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 30, 2006.

III. DENIALS

Mr. Bui generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Bui pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Bui'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: Lan C. Bui dba Tip Top Cleaners, Docket No. 2006-1280-DCL-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Mr. Bui shall undertake the following technical requirements:
 - a. Within 15 days after the effective date of this Agreed Order, complete and submit the required drycleaner and/or drop station registration form for the Facility, 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 2.a. as described below:

The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality

P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Street, Suite H
Houston, Texas 77023-1452

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Bui. Mr. Bui 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.
4. If Mr. Bui fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Bui's failure to comply is not a violation of this Agreed Order. Mr. Bui shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Bui shall notify the Executive Director within seven days after Mr. Bui becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Bui shall be made in writing to the Executive Director. Extensions are not effective until Mr. Bui receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Bui in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Bui, or three days after the date on which the Commission mails notice of the Order to Mr. Bui, 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

7/12/07
~~3-30-2007~~ 

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

3-30-2007

Date

LAN Bui

Name (Printed or typed)
Authorized Representative of
Lan C. Bui dba Tip Top 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.

