



**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b>                      None</p> <p><b>Dates of Investigations Relating to this Case:</b>                      May 22, 2006; May 23, 2006; May 25, 2006;                      May 30, 2006; and August 16, 2006</p> <p><b>Dates of NOV/NOE Relating to this Case:</b>                      August 14, 2006 (NOE); August 30, 2006 (NOE);                      September 4, 2006 (NOE); and September 5,                      2006 (NOE).</p> <p><b>Background Facts:</b> An EDPRP was filed on February 1, 2007. The Respondent received notice of the EDPRP, as evidenced by the signature on the "green card," on February 5, 2007. The Respondent has not filed an answer or requested a hearing.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>DCL:</b></p> <p>1. Failed to complete and submit the required registration forms to the TCEQ for the facilities in Port Arthur, Mont Belvieu and Dayton [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p> <p>2. Failed to renew the Beaumont Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p> <p>3. Failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24002255 for fiscal year 2005 [30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702].</p>	<p><b>Total Assessed:</b> \$4,740</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p><b>Total Due to General Revenue:</b> \$4,740</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of the proposed Order.</p> <p><b>Site Compliance History Classification</b>                      N/A</p> <p><b>Person Compliance History Classification</b>                      N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Technical Requirements:</b></p> <p>1. Within 15 days, the Respondent shall complete and submit the required dry cleaner and/or drop station registration forms.</p> <p>2. Within 30 days, the Respondent shall submit payment for outstanding fees, including any associated penalties and interest.</p>

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

<b>TCEQ</b>	<b>DATES</b>	<b>Assigned</b> 04-Sept-2006	<b>PCW</b> 31-Oct-2006	<b>Screening</b> 02-Oct-2006	<b>EPA Due</b>
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<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Metro Continental, Inc. dba Tip Top Cleaners (Beaumont)
<b>Reg. Ent. Ref. No.</b>	RN104103072
<b>Facility/Site Region</b>	10-Beaumont <input type="text"/> <b>Major/Minor-Source</b> Minor-Source <input type="text"/>

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	31350	<b>No. of Violations</b>	1
<b>Docket No.</b>	2006-1319-DCL-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Drycleaner	<b>Enf. Coordinator</b>	Colin Barth
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$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 no record of any previous NOVs or Orders at this site 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

Total EB Amounts	\$18	<small>*Capped at the Total EB \$ Amount</small>
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** **Adjustment** \$0

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

**Notes** No deferral offered for non expedited case.

**PAYABLE PENALTY** **\$1,185**

<b>Screening Date</b>	02-Oct-2006	<b>Docket No.</b>	2006-1319-DCL-E	<b>PCW</b>
<b>Respondent</b>	Metro Continental, Inc. dba Tip Top Cleaners			(Beaumont) ember 2002)
<b>Case ID No.</b>	31350			PCW Revision May 19, 2005
<b>Reg. Ent. Reference No.</b>	RN104103072			
<b>Media [Statute]</b>	Drycleaner			
<b>Enf. Coordinator</b>	Colin Barth			

**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%
<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) 0%**

**>> Repeat Violator (Subtotal 3)**

N/A  **Adjustment Percentage (Subtotal 3) 0%**

**>> Compliance History Person Classification (Subtotal 7)**

N/A  **Adjustment Percentage (Subtotal 7) 0%**

**>> Compliance History Summary**

**Compliance History Notes** The respondent has no record of any previous NOVs or Orders at this site in the past five years.

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

**Screening Date** 02-Oct-2006 **Docket No.** 2006-1319-DCL-E **PCW**  
**Respondent** Metro Continental, Inc. dba Tip Top Cleaners (Beaumont) *ember 2002*  
**Case ID No.** 31350 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN104103072  
**Media [Statute]** Drycleaner  
**Enf. Coordinator** Colin Barth

**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**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

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

### Economic Benefit Worksheet

Respondent Metro Continental, Inc. dba Tip Top Cleaners (Beaumont)  
 Case ID No. 31350  
 Reg. Ent. Reference No. RN104103072  
 Media [Statute] Drycleaner  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
<b>Description</b>	No commas or \$						

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: CN602540494 METRO CONTINENTAL, INC. Classification: Rating:  
Regulated Entity: RN104103072 TIP TOP CLEANERS Classification: Site Rating:  
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000076109  
GENERATION  
Location: 510 W FLORIDA ST, BEAUMONT, TX, 77705 Rating Date: September 01 '06

TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: September 18, 2006  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: September 01, 2001 to September 18, 2006

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

Name: Colin Barth Phone: 512 239 0086

## 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 08/31/2006 (489243)  
N/A
  - 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



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	28-Aug-2006			
	PCW	31-Oct-2006	Screening	31-Aug-2006	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Metro Continental, Inc. dba One Hour Cleaners (Dayton)
Reg. Ent. Ref. No.	RN104103015
Facility/Site-Region	12-Houston <input type="checkbox"/> Major/Minor-Source <input type="checkbox"/> Minor-Source <input checked="" type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	30844	No. of Violations	1
Docket No.	2006-1319-DCL-E	Order Type	1660
Media Program(s)	Drycleaner <input checked="" type="checkbox"/>	Enf. Coordinator	Colin Barth
Multi-Media		EC's Team	Enforcement Team 8 <input checked="" type="checkbox"/>
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

## Penalty Calculation Section

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

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

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: The respondent has no record of any previous NOV's or Orders at this site in the past five years.

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

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with a small x)

Notes: The respondent does not meet the good faith criteria.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$18	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,185</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	<b>\$1,185</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,185</b>
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<b>DEFERRAL</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral offered for non expedited case.

<b>PAYABLE PENALTY</b>	<b>\$1,185</b>
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<b>Screening Date</b>	31-Aug-2006	<b>Docket No.</b>	2006-1319-DCL-E	<b>PCW</b>
<b>Respondent</b>	Metro Continental, Inc. dba One Hour Cleaners			(December 2002)
<b>Case ID No.</b>	30844			PCW Revision May 19, 2005
<b>Reg. Ent. Reference No.</b>	RN104103015			
<b>Media [Statute]</b>	Drycleaner			
<b>Enf. Coordinator</b>	Colin Barth			

**Compliance-History-Worksheet**

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	0	0%
	Other written NOV's	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%
<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) 0%**

**>> Repeat Violator (Subtotal 3)**

N/A  **Adjustment Percentage (Subtotal 3) 0%**

**>> Compliance History Person Classification (Subtotal 7)**

N/A  **Adjustment Percentage (Subtotal 7) 0%**

**>> Compliance History Summary**

**Compliance History Notes**

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

**Screening Date** 31-Aug-2006 **Docket No.** 2006-1319-DCL-E **PCW**  
**Respondent** Metro Continental, Inc. dba One Hour Cleaners (Dayember 2002)  
**Case ID No.** 30844 PCW Revision May 19, 2005

**Reg. Ent. Reference No.** RN104103015

**Media [Statute]** Drycleaner

**Enf. Coordinator** Colin Barth

**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** \$18 **Violation Final Penalty Total** \$1,185

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

### Economic Benefit Worksheet

Respondent Metro Continental, Inc. dba One Hour Cleaners (Dayton)  
 Case ID No. 30844  
 Reg. Ent. Reference No. RN104103015  
 Media [Statute] Drycleaner  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	01-Sep-2005	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: CN602540494 METRO CONTINENTAL, INC. Classification: Rating:  
Regulated Entity: RN104103015 ONE HOUR CLEANERS Classification: Site Rating:  
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TX0000250712  
GENERATION  
Location: 305 E HIGHWAY 90, DAYTON, TX, 77535

TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: August 30, 2006  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: August 30, 2001 to August 30, 2006  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Colin Barth Phone: 512 239 0086

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 08/25/2006 (486287)  
N/A
  - 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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b> 04-Sept-2006	<b>Screening</b> 04-Oct-2006	<b>EPA Due</b>
	<b>PCW</b> 31-Oct-2006		

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Metro Continental, Inc. dba Tip Top Cleaners (Port Arthur)
<b>Reg. Ent. Ref. No.</b>	RN100546399
<b>Facility/Site Region</b>	10-Beaumont <input type="checkbox"/> Major/Minor-Source <input checked="" type="checkbox"/> Minor-Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	31349	<b>No. of Violations</b>	1
<b>Docket No.</b>	2006-1319-DCL-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Drycleaner	<b>Enf. Coordinator</b>	Colin Barth
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b> \$0	<b>Maximum</b>	\$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 no record of any previous NOV's or Orders at this site 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

<b>Total EB Amounts</b>	\$18	<i>*Capped at the Total EB \$ Amount</i>
<b>Approx. Cost of Compliance</b>	\$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** **Reduction** **Adjustment** \$0

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

**Notes** No deferral offered for non expedited case.

**PAYABLE PENALTY** \$1,185

<b>Screening Date</b>	04-Oct-2006	<b>Docket No.</b>	2006-1319-DCL-E	<b>PCW</b>
<b>Respondent</b>	Metro Continental, Inc. dba Tip Top Cleaners			(Port Artlember 2002)
<b>Case ID No.</b>	31349			PCW Revision May 19, 2005
<b>Reg. Ent. Reference No.</b>	RN100546399			
<b>Media [Statute]</b>	Drycleaner			
<b>Enf. Coordinator</b>	Colin Barth			

**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**

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

**Screening Date** 04-Oct-2006 **Docket No.** 2006-1319-DCL-E **PCW**  
**Respondent** Metro Continental, Inc. dba Tip Top Cleaners (Port Arterember 2002)  
**Case ID No.** 31349 **PCW Revision** May 19, 2005  
**Reg. Ent. Reference No.** RN100546399  
**Media [Statute]** Drycleaner  
**Enf. Coordinator** Colin Barth

**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**

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

### Economic Benefit Worksheet

Respondent: Metro Continental, Inc. dba Tip Top Cleaners (Port Arthur)  
 Case ID No: 31349  
 Reg. Ent. Reference No: RN100546399  
 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
No commas or \$							

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: CN600257497 Metro Continental, Inc. Classification: Rating:  
Regulated Entity: RN100546399 TIP TOP CLEANERS Classification: Site Rating:

ID Number(s):  
Location: 8180 9TH AVE, PORT ARTHUR, TX, 77642

TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: September 26, 2006  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: September 26, 2001 to September 26, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Colin Barth Phone: 512 239 0086

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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 08/30/2006 (488165)  
N/A
  - 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



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	14-Aug-2006	Screening	18-Aug-2006	EPA Due	
	PCW	21-Aug-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Metro Continental, Inc. dba One Hour Cleaners (Mont Belvieu)
Reg. Ent. Ref. No.	RN104109749
Facility/Site-Region	12-Houston <input type="checkbox"/> Major/Minor-Source <input type="checkbox"/> Minor-Source <input type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	30844	No. of Violations	2
Docket No.	2006-1319-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Colin Barth
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$50

## Penalty Calculation Section

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

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

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: The respondent has no record of any previous NOV's or Orders at this site in the past five years.

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

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
------------------------------------	--------------	-------------------	------------

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with a small x)

Notes: The respondent does not meet the good faith criteria.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
-------------------------	-----------------	-------------------	------------

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

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,185</b>
-----------------------------	-----------------------	----------------

<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	Adjustment	<b>\$0</b>
---	------------	------------

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

Notes:

<b>Final Penalty Amount</b>	<b>\$1,185</b>
-----------------------------	----------------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,185</b>
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<b>DEFERRAL</b>	Reduction	Adjustment	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral offered for non expedited case.

<b>PAYABLE PENALTY</b>	<b>\$1,185</b>
------------------------	----------------

**Screening Date** 18-Aug-2006      **Docket No.** 2006-1319-DCL-E      **PCW**  
**Respondent** Metro Continental, Inc. dba One Hour Cleaners      (Member 2002)  
**Case ID No.** 30844      PCW Revision May 19, 2005  
**Reg. Ent. Reference No.** RN104109749  
**Media [Statute]** Drycleaner  
**Enf. Coordinator** Colin Barth

**Compliance-History-Worksheet**

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	0	0%
	Other written NOV's	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%
<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**

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

<b>Screening Date</b> 18-Aug-2006	<b>Docket No.</b> 2006-1319-DCL-E	<b>PCW</b>		
<b>Respondent</b> Metro Continental, Inc. dba One Hour Cleaners		(Member 2002)		
<b>Case ID No.</b> 30844		PCW Revision May 19, 2005		
<b>Reg. Ent. Reference No.</b> RN104109749				
<b>Media [Statute]</b> Drycleaner				
<b>Enf. Coordinator</b> Colin Barth				
<b>Violation Number</b> 1				
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 337.10(a)			
<b>Secondary Rule Cite(s)</b>	Tex. Health & Safety Code § 374.102			
<b>Violation Description</b>	The respondent failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.			
	<b>Base Penalty</b>	\$50		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	<input type="text"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	<b>Falsification</b>	Major	Moderate	Minor
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	<input type="text" value="10%"/>	
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirement was not met."/>			
	<b>Adjustment</b>	<input type="text" value="-\$45"/>		
	<b>Base Penalty Subtotal</b>	<input type="text" value="\$5"/>		
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="237"/>		
mark only one use a small x	daily	<input checked="" type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
		<b>Violation Base Penalty</b>	<input type="text" value="\$1,185"/>	
<input type="text" value="Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006."/>				
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$18"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$1,185"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$1,185"/>	

### Economic Benefit Worksheet

**Respondent** Metro Continental, Inc. dba One Hour Cleaners (Mont Belvieu)  
**Case ID No.** 30844  
**Reg. Ent. Reference No.** RN104109749  
**Media [Statute]** Drycleaner  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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

<b>Screening Date</b>	18-Aug-2006	<b>Docket No.</b>	2006-1319-DCL-E	<b>PCW</b>
<b>Respondent</b>	Metro Continental, Inc. dba One Hour Cleaners			(Member 2002)
<b>Case ID No.</b>	30844	PCW Revision May 19, 2005		
<b>Reg. Ent. Reference No.</b>	RN104109749			
<b>Media [Statute]</b>	Drycleaner			
<b>Enf. Coordinator</b>	Colin Barth			
<b>Violation Number</b>	2			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 337.14(c)			
<b>Secondary Rule Cite(s)</b>	Tex. Water Code § 5.702			
<b>Violation Description</b>	Failed to pay outstanding drycleaning fees for TCEQ Financial Account No. 24002255 for fiscal year 2005, as documented during a record review conducted on August 16, 2006.			
<b>Base Penalty</b>				\$50

>> **Environmental, Property and Human Health Matrix**

OR	<b>Harm</b>				Percent
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

<b>Falsification</b>	Major	Moderate	Minor	Percent
<input type="text"/>				

Matrix Notes:

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$0"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$0"/>	

### Economic Benefit Worksheet

Respondent: Metro Continental, Inc. dba One Hour Cleaners (Mont Belvieu)  
 Case ID No.: 30844  
 Reg. Ent. Reference No.: RN104109749  
 Media [Statute]: Drycleaner  
 Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------	-----------	---------------	------------	-----	----------------	---------------	-----------

Description: No commas or \$

#### 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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

#### 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

N/A

Approx. Cost of Compliance

**TOTAL**

# Compliance History

Customer/Respondent/Owner-Operator: CN602540494 METRO CONTINENTAL, INC. Classification: Rating:  
Regulated Entity: RN104109749 ONE HOUR CLEANERS Classification: Site Rating:  
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000069732  
GENERATION  
Location: 9539 Highway 146, Mont Belvieu, Chambers County Texas,  
77580

TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: August 14, 2006  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: August 14, 2001 to August 14, 2006

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

Name: Colin Barth Phone: 512 239 0086

## 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 08/09/2006 (488133)  
N/A

- 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  
METRO CONTINENTAL, INC.  
DBA ONE HOUR CLEANERS AND  
DBA TIP TOP CLEANERS,  
RN104109749, RN104103015,  
RN100546399, RN104103072

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER DOCKET NO. 2006-1319-DCL-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH & SAFETY CODE ch. 374 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Metro Continental, Inc. dba One Hour Cleaners and dba Tip Top Cleaners ("Metro Continental").

The Commission makes the following Findings of Fact and Conclusions of Law:

### FINDINGS OF FACT

1. Metro Continental owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility at 305 East Highway 90 in Dayton, Liberty County, Texas and dry cleaning drop stations at 9539 Highway 146 in Mont Belyeu, Chambers County, 8180 9<sup>th</sup> Avenue in Port Arthur, Jefferson County, and 510 West Florida Street in Beaumont, Jefferson County, Texas (the "Facilities").
2. The Facility in Dayton is a retail commercial establishment that operates or has operated, in whole or in part, for the purpose of cleaning garments or other fabrics using a process that involves any use of dry cleaning solvents. As such, the Facility is a dry cleaning facility as defined in TEX. HEALTH & SAFETY CODE § 374.001(7). The Facilities in Mont Belyeu, Port Arthur and Beaumont are retail commercial establishments the primary business of which are to act as a collection point for the drop-off and pick-up of garments or other fabrics that are sent to a dry cleaning facility for processing. As such, the Facilities are dry cleaning drop stations as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).

3. During investigations conducted on May 22, 2006, May 23, 2006 and May 25, 2006, TCEQ Beaumont Regional Office investigators documented that Metro Continental failed to complete and submit the required registration forms to the TCEQ for the Facilities in Port Arthur, Mont Belvieu and Dayton, respectively.
4. During an investigation conducted on May 30, 2006, a TCEQ Beaumont Regional Office investigator documented that Metro Continental failed to renew the Beaumont Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility.
5. During a record review conducted on August 16, 2006, TCEQ staff documented that Metro Continental failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24002255 for fiscal year 2005.
6. Metro Continental received notice of the violations on or about August 14, 2006, August 30, 2006, September 4, 2006, and September 5, 2006.
7. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Metro Continental, Inc. dba One Hour Cleaners and dba Tip Top Cleaners" (the "EDPRP") in the TCEQ Chief Clerk's office on February 1, 2007.
8. By letter dated February 1, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Metro Continental with notice of the EDPRP. According to the return receipt "green card", Metro Continental received notice of the EDPRP on February 5, 2007, as evidenced by the signature on the card.
9. More than 20 days have elapsed since Metro Continental received notice of the EDPRP, provided by the Executive Director. Metro Continental failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Metro Continental is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE ch. 374, because the violations alleged herein are within the Commission's general jurisdiction, pursuant to TEX. WATER CODE § 5.013, as they involve violations of TEX. HEALTH & SAFETY CODE ch. 374 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3, Metro Continental failed to complete and submit the required registration forms to the TCEQ for the Facilities in Port Arthur, Mont Belvieu and Dayton, in violation of 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102.
3. As evidenced by Finding of Fact No. 4, Metro Continental failed to renew the Beaumont Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102.
4. As evidenced by Finding of Fact No. 5, Metro Continental failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24002255 for fiscal year 2005, in violation of 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702.
5. As evidenced by Finding of Fact Nos. 7 and 8, the Executive Director has timely served Metro Continental with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
6. As evidenced by Finding of Fact No. 9, Metro Continental has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Metro Continental and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Metro Continental for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of four thousand seven hundred forty dollars (\$4,740.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE §§ 7.0525 and 7.053.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

## ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Metro Continental is assessed an administrative penalty in the amount of four thousand seven hundred forty dollars (\$4,740.00) for violations of TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 374 and rules of the TCEQ. The payment of this administrative penalty and Metro Continental's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Metro Continental, Inc. dba One Hour Cleaners and dba Tip Top Cleaners; Docket No. 2006-1319-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. Metro Continental shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Order, Metro Continental shall complete and submit the required dry cleaner and/or drop station registration forms for the Facilities, 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 Order, Metro Continental shall submit payment for outstanding fees, including any associated penalties and interest, with the notation, "Metro Continental Inc, Account No. 24002255", 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

- c. Within 45 days after the effective date of this Order, Metro Continental shall submit written certification of compliance with Ordering Provisions 2.a and 2.b. 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:

Keith Anderson, Waste Section Manager  
Beaumont Regional Office  
Texas Commission on Environmental Quality  
3870 Eastex Freeway  
Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Metro Continental. Metro Continental is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facilities' operations referenced in this Order.
5. If Metro Continental fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Metro Continental's failure to comply is not a violation of this Order. Metro Continental shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Metro Continental shall notify the Executive Director within seven days after Metro Continental becomes 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 Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Metro Continental shall be made in writing to the Executive Director. Extensions are not effective until Metro Continental receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Metro Continental if the Executive Director determines that Metro Continental has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF MARY HAMMER**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Mary Hammer. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Metro Continental, Inc. dba One Hour Cleaners and dba Tip Top Cleaners” (the “EDPRP”) with the Office of the Chief Clerk on February 1, 2007.

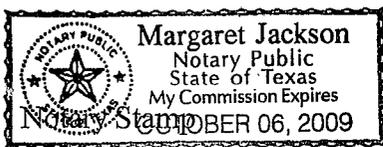
I sent the EDPRP to Metro Continental at its last known address on February 1, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Metro Continental received notice of the EDPRP on February 5, 2007, as evidenced by the signature on the card.

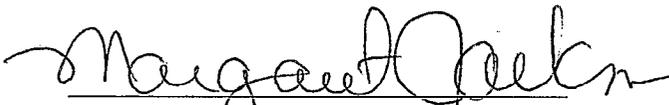
More than 20 days have elapsed since Metro Continental received notice of the EDPRP. Metro Continental failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference”.

  
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Mary Hammer  
Attorney  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Mary Hammer, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 14 day of March, A.D., 2007.



  
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Notary Signature