

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1719-DCL-E TCEQ ID: RN104158167 CASE NO.: 31243

RESPONDENT NAME: INWOOD CENTER, LLC DBA 99 CENTER CLEANERS AKA INWOOD CENTER, LLC DBA INWOOD CENTER CLEANERS

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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: 2311 Little York Road, Suite A, Houston, Harris County</p> <p>TYPE OF OPERATION: Dry cleaning facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. 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 July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Tracy Chandler, Litigation Division, MC 175, (512) 239-0629 Ms. LenaRoberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Craig Fleming, Air Enforcement Section, MC 149, (512) 239-5806 TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3637 Respondent: Mr. Bill Nguyen, President, 2311 Little York Road, Suite A, Houston, Texas 77093 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:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: May 26, 2006</p> <p>Date of NOE Relating to this Case: August 31, 2006</p> <p>Background Facts: The EDRP was filed on February 12, 2007. The EDFARP was filed on April 10, 2007. The EDSARP was filed January 10, 2008. According to the certified mail "green card," the Respondent received notice of the EDSARP on January 14, 2008. The Respondent has not filed an Answer.</p> <p>DCL</p> <p>Failed to renew the registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102].</p>	<p>Total Assessed: \$420</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$420</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 this Order.</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input checked="" 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>Corrective Action(s) Taken:</p> <p>The Executive Director recognizes that the Respondent registered the Facility on September 6, 2006.</p>



Documents: 99 Center PCW for Litigation 004.pcw
Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

DATES	Assigned PCW	05-Sep-2006 14-Dec-2007	Screening	20-Sep-2006	EPA Due	
--------------	-----------------	----------------------------	-----------	-------------	---------	--

RESPONDENT/FACILITY INFORMATION	
Respondent	Inwood Center, LLC dba 99 Center Cleaners aka Inwood Center, LLC dba Inwood Center Cleaners
Reg. Ent. Ref. No.	RN104158167
Facility/Site Region	12-Houston <input type="button" value="<"/>
Major/Minor Source	Minor Source <input type="button" value="<"/>

CASE INFORMATION			
Enf./Case ID No.	31243	No. of Violations	1
Docket No.	2006-1719-DCL-E	Order Type	1660 <input type="button" value="<"/>
Media Program(s)	Drycleaner <input type="button" value="<"/>	Enf. Coordinator	J. Craig Fleming
Multi-Media		EC's Team	Enforcement Team 4 <input type="button" value="<"/>
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1 <input type="text" value="\$420"/>
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
Compliance History	Subtotals 2, 3, & 7 <input type="text" value="-\$42"/>
-10% Enhancement	
Notes	<input type="text" value="A reduction is recommended due to the High Performer rating."/>
Culpability	Subtotal 4 <input type="text" value="\$0"/>
No <input type="button" value="<"/> 0% Enhancement	
Notes	<input type="text" value="The respondent does not meet the culpability criteria."/>
Good Faith Effort to Comply	Subtotal 5 <input type="text" value="-\$42"/>
10% Reduction	
<small>Before NOV NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>
Ordinary	X
N/A	<small>(mark with a small x)</small>
Notes	<input type="text" value="The respondent came into compliance on September 6, 2006, after the Notice of Enforcement was issued."/>
Economic Benefit	Subtotal 6 <input type="text" value="\$0"/>
0% Enhancement*	
<small>Total EB Amounts</small> <input type="text" value="\$7"/>	<small>*Capped at the Total EB \$ Amount</small>
<small>Approx. Cost of Compliance</small> <input type="text" value="\$250"/>	
SUM OF SUBTOTALS 1-7	Final Subtotal <input type="text" value="\$336"/>
OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment <input type="text" value="\$84"/>
25% Enhancement	
<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)</small>	
Notes	<input type="text" value="Because this is a Default Order, the Executive Director recommends an upward adjustment to offset the reduction for good faith effort to comply, and for the high performer rating."/>
	Final Penalty Amount <input type="text" value="\$420"/>
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty <input type="text" value="\$420"/>
DEFERRAL	Adjustment <input type="text" value="\$0"/>
0% Reduction	
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>	
Notes	<input type="text" value="No deferral offered when referred to Litigation."/>
PAYABLE PENALTY	<input type="text" value="\$420"/>

Screening Date 20-Sep-2006

Docket No: 2006-1719-DCL-E

PCW

Respondent Inwood Center, LLC dba 99 Center Cleaners aka Inwood Center, LLC dba Inwood (September 2002)

Case ID No. 31243

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104158167

Media [Statute] Drycleaner

Enf. Coordinator J. Craig Fleming

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

A reduction is recommended due to the High Performer rating.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -10%

Screening Date 20-Sep-2006

Docket No. 2006-1719-DCL-E

PCW

Respondent Inwood Center, LLC dba 99 Center Cleaners aka Inwood Center, LLC dba Inwood Center (September 2002)

Case ID No. 31243

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104158167

Media [Statute] Drycleaner

Enf. Coordinator J. Craig Fleming

Violation Number

1

Primary Rule Cite(s)

30 Tex. Admin. Code § 337.11(e)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 374.102

Violation Description

The respondent failed to renew the registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Release Actual				Percent
	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 84

mark only one use a small x	daily	X
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$420

Eighty-Four daily events are recommended from 30 days after the purchase date of January 2, 2006 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 \$7

Violation Final Penalty Total \$420

This violation Final Assessed Penalty (adjusted for limits) \$420

Economic Benefit Worksheet

Respondent Inwood Center, LLC dba 99 Center Cleaners aka Inwood Center, LLC dba Inwood Center Cleaners
 Case ID No. 31243
 Reg. Ent. Reference No. RN104158167
 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	02-Feb-2006	06-Sep-2006	0.6	\$7	n/a	\$7
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date that the completed registration form was due and the final date is the date the respondent came into compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
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: CN603080045 Inwood Center, LLC Classification: HIGH Rating: 0.0
Regulated Entity: RN104158167 99 CENTER CLEANERS Classification: HIGH Site Rating: 0.0
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000070458
GENERATION
Location: 2311 LITTLE YORK RD STE A, HOUSTON, TX, 77093 Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: September 19, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 19, 2001 to September 19, 2006
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: J. Craig Fleming Phone: 239-5806

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Inwood Center, LLC
4. If Yes, who was/were the prior owner(s)? Dung Pham
5. When did the change(s) in ownership occur? 2-Jan-06

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 05/13/2005 (380789)
2 08/30/2006 (489655)
 - 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
INWOOD CENTER, LLC DBA 99
CENTER CLEANERS AKA
INWOOD CENTER, LLC DBA
INWOOD CENTER CLEANERS
RN104158167

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2006-1719-DCL-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Second Amended Report and Petition filed pursuant to TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 374 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is Inwood Center, LLC dba 99 Center Cleaners aka Inwood Center, LLC dba Inwood Center Cleaners ("Inwood").

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

FINDINGS OF FACT

1. Inwood owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility located at 2311 Little York Road, Suite A, Houston, Harris County, Texas (the "Facility").
2. The Facility 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).
3. During an inspection on May 26, 2006, a TCEQ Houston Regional Office investigator documented that Inwood failed to renew the registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility.
4. Inwood received notice of the violation on or about September 4, 2006.

5. The Executive Director recognizes that Inwood registered the Facility on September 6, 2006 in response to this enforcement action.
6. 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 Inwood Center, LLC," (the "EDPRP") in the TCEQ Chief Clerk's office on February 12, 2007.
7. By letter dated February 12, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Inwood with notice of the EDPRP. The EDPRP sent via certified mail, return receipt requested was returned by the United States Postal Service as "unclaimed." The EDPRP sent via first class mail, postage prepaid, was returned by the United States Postal Service as "return to sender undeliverable as addressed."
8. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Inwood Center, LLC," (the "EDFARP") in the TCEQ Chief Clerk's office on April 10, 2007.
9. By letter dated April 10, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Inwood with notice of the EDFARP. According to the return receipt "green card", Inwood received notice of the EDFARP on April 12, 2007, as evidenced by the signature on the card.
10. The Executive Director filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Inwood Center, LLC dba 99 Center Cleaners aka Inwood Center, LLC dba Inwood Center Cleaners" (the "EDSARP") in the TCEQ Chief Clerk's Office on January 10, 2008.
11. By letter dated January 10, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Inwood with notice of the EDSARP. According to the return receipt "green card", Inwood received notice of the EDSARP on or before January 14, 2008.
12. More than 20 days have elapsed since Inwood received notice of the EDFARP and EDSARP, provided by the Executive Director. Inwood failed to file an answer to either the EDFARP or the EDSARP, 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, Inwood is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE § 374.102 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Inwood failed to renew the registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102.
3. As evidenced by Finding of Fact Nos. 8, 9, 10 and 11, the Executive Director has timely served Inwood with proper notice of the EDFARP and the EDSARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 12, Inwood has failed to file a timely answer to either the EDFARP or the EDSARP, 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 Inwood and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Inwood 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.
6. An administrative penalty in the amount of four hundred twenty dollars (\$420.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. 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. Inwood is assessed an administrative penalty in the amount of four hundred twenty dollars (\$420.00) for violations of TEX. HEALTH & SAFETY CODE ch. 374 and rules of the TCEQ. The payment of this administrative penalty and Inwood'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: Inwood Center, LLC dba 99 Center Cleaners aka Inwood Center, LLC dba Inwood Center Cleaners; Docket No. 2006-1719-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. All relief not expressly granted in this Order is denied.
3. The provisions of this Order shall apply to and be binding upon Inwood. Inwood is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. If Inwood 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, Inwood's failure to comply is not a violation of this Order. Inwood shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Inwood shall notify the Executive Director within seven days after Inwood 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 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 Inwood shall be made in writing to the Executive Director. Extensions are not effective until Inwood receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. 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 Inwood if the Executive Director determines that Inwood has not complied with one or more of the terms or conditions in this Order.
7. 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.
8. 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

For the Commission

AFFIDAVIT OF TRACY CHANDLER

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Tracy Chandler. 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 Inwood Center, LLC” (the “EDPRP”) with the Office of the Chief Clerk on February 12, 2007.

I sent the EDPRP to Inwood at 1217 Elgin, Suite Number 1, Houston, Texas 77004, the address listed on the Texas Secretary of State’s website for Inwood’s registered agent. The EDPRP sent via certified mail, return receipt requested was returned by the United States Postal Service as “unclaimed.” The EDPRP sent via first class mail, postage prepaid, was returned by the United States Postal Service as “return to sender undeliverable as addressed.”

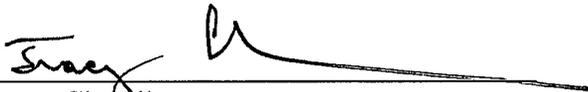
On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Inwood Center, LLC” (the “EDFARP”) with the Office of the Chief Clerk on April 10, 2007.

I sent the EDFARP to Inwood at its last known address on April 10, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Inwood received notice of the EDFARP on April 12, 2007, as evidenced by the signature on the card.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Inwood Center, LLC dba Inwood Center Cleaners” (the “EDSARP”) with the Office of the Chief Clerk on January 10, 2008.

I sent the EDSARP to Inwood at its last known address on January 10, 2008 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card” Inwood received notice of the EDSARP on or before January 14, 2008. as evidenced by the signature on the card.

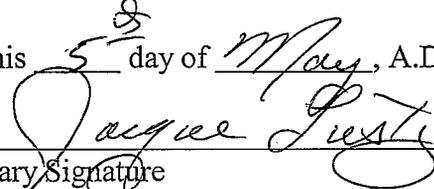
More than 20 days have elapsed since Inwood received notice of the EDFARP and the EDSARP. Inwood failed to file an answer to either the EDFARP or the EDSARP, failed to request a hearing, and failed to schedule a settlement conference”.



Tracy Chandler
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Tracy Chandler, 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 5th day of May, A.D., 2008.



Notary Signature

