

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2003-1560-IHW-E TCEQ ID: RN100652387 CASE NO.: 11105
RESPONDENT NAME: JIMMY KIM DBA LE BON 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 checked="" 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 type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 5821 Kirby Drive, 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.</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 May 5, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Benjamin O. Thompson, Litigation Division, MC 175, (512) 239-1297 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Mr. Colin Barth, Waste Enforcement Section, MC 128, (512) 239-0086 TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623 Respondent: Mr. Jimmy Kim, Manager, Le Bon Cleaners, 9307 Tepee Trail, Houston, Texas 77064 Respondent's Attorney: Not represented by counsel.</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 Investigations Relating to this Case: January 17, 2003</p> <p>Date of NOE Relating to this Case: March 9, 2004</p> <p>Background Facts: An EDPRP was filed on January 6, 2006. The case was referred to the State Office of Administrative Hearings on March 7, 2006. The Administrative Law Judge granted motions for continuance on September 22, 2006; October 16, 2006; November 17, 2006; March 19, 2007; September 6, 2007; and December 14, 2007. An agreement was reached on February 15, 2008 and a signed Agreed Order was received on March 4, 2008.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>IHW:</p> <p>1. Failed to conduct a waste characterization for the two waste streams generated by the dry cleaning machines at the Facility [30 TEX. ADMIN. CODE §§ 335.62 and 335.504 and 40 C.F.R. § 262.11].</p> <p>2. Failed to provide notification of all solid waste activities to the TCEQ, keep records of all hazardous solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing or disposal, retain a signed copy of each manifest utilized for the shipment of hazardous waste, and submit the Annual Hazardous Waste Summary [30 TEX. ADMIN. CODE §§ 335.6(c), 335.9(a)(1)(A) through (G) and (2), 335.13(i) and 40 C.F.R. § 262.40(a)].</p> <p>3. Failed to have a Source Reduction and Waste Minimization Plan [30 TEX. ADMIN. CODE § 335.474].</p>	<p>Initial Calculated Penalty: \$20,475</p> <p>Total Assessed: \$18,428*</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid/Due to General Revenue: \$578/\$17,850</p> <p>The Respondent has paid \$578 of the administrative penalty. The remaining amount of \$17,850 of the administrative penalty shall be payable in 35 monthly payments of \$510 each.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" 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>*The penalty was reduced based on the risk of litigation</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Immediately:</p> <p>a. Begin inspecting containers of hazardous waste for leaks and deterioration on a weekly basis;</p> <p>b. Begin retaining a signed copy of each manifest utilized for the shipment of hazardous waste;</p> <p>c. Begin keeping records of all hazardous solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing or disposal, and submitting the Annual Hazardous Waste Summaries;</p> <p>d. Designate an emergency response coordinator;</p> <p>e. Post the following information next to the telephone: name and telephone number of the emergency coordinator, location of emergency equipment, and the telephone number of the fire department;</p> <p>f. Begin ensuring that all containers of hazardous waste are closed, except when necessary to add or remove waste; and</p> <p>g. Clearly label or mark all containers of hazardous waste with the words "Hazardous Waste" or with a start accumulation date.</p> <p>2. Within 15 days, submit written certification demonstrating compliance with Ordering Provision No. 1.</p> <p>3. Within 30 days:</p> <p>a. Characterize the waste streams generated at the Facility;</p> <p>b. Ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal Facility operations and emergencies;</p> <p>c. Familiarize local response authorities and hospitals with the layout of the Facility; properties of hazardous wastes handled at the Facility and the possible resulting injuries; work locations of Facility personnel; and entrances and evacuation routes;</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to designate an emergency response coordinator, post the required emergency information, ensure that employees are familiar with proper waste handling and emergency procedures and familiarize local response authorities and hospitals with the layout and hazardous wastes handled at the Facility [30 TEX. ADMIN. CODE §§ 335.69(f)(4)(B) and (f)(5)(A), (C), and (D) and 40 C.F.R. §§ 262.34(d)(4) and (d)(5)(i), (iii) and (iv)].</p> <p>5. Failed to keep two containers of hazardous waste closed, except when it is necessary to add or remove waste; inspect containers of hazardous waste for leaks and deterioration on a weekly basis; and clearly label or mark two containers of hazardous waste with the words "Hazardous Waste" or with a start accumulation date [30 TEX. ADMIN. CODE §§ 335.69(f)(2) and (f)(4)(A) and 40 C.F.R. § 262.34(d)(2) and (d)(4)].</p>		<p>d. Provide notification of all solid waste activities to the TCEQ; and e. Develop a Source Reduction and Waste Minimization Plan.</p> <p>4. Within 45 days, submit written certification demonstrating compliance with Ordering Provision No. 3.</p>



Policy Revision 2 (09/02)

Penalty Calculation Worksheet (PCW)

PCW Revision 6/12/2003

DATES	
PCW	22-Dec-2005
Screening	16-Dec-2003
Priority Due	14-Apr-2004
EPA Due	
RESPONDENT INFORMATION	
Respondent	Jimmy Kim dba Le Bon Cleaners
Respondent/Site ID No(s)	Regulated Entity ID No. RN100652387 / Solid Waste Registraion No. 86337
Facility/Site Region	12 - Houston
Major/Minor Source	Minor
CASE INFORMATION	
Enf./Case ID No(s)	Enforcement Case No. 11105
Docket No.	2003-1560-IHW-E
No. Violations	5
Case Priority	3
Order Type	1660 without deferral
Enf. Coordinator	J. Mac Vilas
EC's Team	Enforcement Team 5
Media Program(s)	Industrial and Hazardous Waste
Admin. Penalty \$ Limit	Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$19,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	5% Enhancement	Subtotals 2, 3 & 7	\$975
Notes	Compliance history site enhancements due to one NOV with same or similar violations.		+
Culpability	0% Enhancement	Subtotal 4	\$0
Notes	The respondent does not meet the culpability criteria.		+
Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
Notes	The respondent does not meet the good faith criteria.		+
Economic Benefit	0% Enhancement*	Subtotal 6	\$0
	\$232 Total EB Amounts		=
	\$3,270 Approx. Cost of Compliance		=
SUM OF SUBTOTALS 1-7		Final Subtotal	\$20,475
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	\$20,475
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$20,475
DEFERRAL		Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction)			=
Notes			=
PAYABLE PENALTY			\$20,475

Screening Date 16-Dec-2003

Docket Number 2003-1560-IHW-E

PCW

Respondent Jimmy Kim dba Le Bon Cleaners

Policy Revision 2 (09/02)

Case ID No. Enforcement Case No. 11105

PCW Revision 6/12/2003

Respondent/Site ID No. Regulated Entity ID No. RN100652387 / Solid Waste Registraion No. 86337

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator J. Mac Vilas

Site Address 5821 Kirby Drive, Houston, Harris County, Texas

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)	1	5%
	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 submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No Select Yes/No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer Select High, Average or Poor

Adjustment Percentage (Subtotal 7) 0%

Compliance History Summary

Compliance History Notes Compliance history site enhancements due to one NOV with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 5%

Screening Date 16-Dec-03	Docket Number 2003-1560-IHW-E	PCW												
Respondent Jimmy Kim dba Le Bon Cleaners		Policy Revision 2 (09/02)												
Case ID No. Enforcement Case No. 11105		PCW Revision 6/12/2003												
Respondent/Site ID No. Regulated Entity ID No. RN100652387 / Solid Waste Registraion No. 86337														
Media [Statute] Industrial and Hazardous Waste														
Enf. Coordinator J. Mac Vilas														
Violation Number <input style="width:50px;" type="text" value="1"/>														
Primary Rule Cite	30 Tex. Admin. Code §§ 335.62, 335.504 and 40 Code of Federal Regulations ("CFR") § 262.11													
Secondary Cite(s)														
Violation Description	Failed to conduct a waste characterization for the two waste streams generated by the dry cleaning machines.													
	Base Penalty	\$10,000												
» Environmental, Property and Human Health Matrix														
	Harm													
	Release	Major Moderate Minor												
OR	Actual													
	Potential	x												
	Percent	25%												
» Programmatic Matrix														
	Falsification	Major Moderate Minor												
OR														
	Percent													
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors.													
	Adjustment	-\$7,500												
	Base Penalty Subtotal	\$2,500												
Violation Events														
	Number of Violation Events	2												
<i>mark only one; use small x</i>	<table style="border-collapse: collapse;"> <tr><td style="padding-right: 5px;">daily</td><td style="border: 1px solid black; width: 50px; height: 15px;"></td></tr> <tr><td>monthly</td><td style="border: 1px solid black; width: 50px; height: 15px;"></td></tr> <tr><td>quarterly</td><td style="border: 1px solid black; width: 50px; height: 15px;"></td></tr> <tr><td>semiannual</td><td style="border: 1px solid black; width: 50px; height: 15px;"></td></tr> <tr><td>annual</td><td style="border: 1px solid black; width: 50px; height: 15px;"></td></tr> <tr><td>single event</td><td style="border: 1px solid black; width: 50px; height: 15px; text-align: center;">x</td></tr> </table>	daily		monthly		quarterly		semiannual		annual		single event	x	Violation Base Penalty \$5,000
daily														
monthly														
quarterly														
semiannual														
annual														
single event	x													
Events Notes	Two single events are recommended based on the investigation date of January 17, 2003.													
Economic Benefit (EB) for this violation	Statutory Limit Test													
Estimated EB Amount (\$)	\$35	Violation Final Penalty total \$5,250												
	This Violation Final Assessed Penalty (adjusted for limits) \$5,250													

Economic Benefit Worksheet

Respondent Jimmy Kim dba Le Bon Cleaners
ID Number(s) Enforcement Case No. 11105
Media [Statute] Industrial and Hazardous Waste
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$500	17-Jan-2003	17-Jun-2004	1.4	\$35	n/a	\$35
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

The estimated cost to conduct a waste characterization for the waste streams generated at the facility. From the date of the investigation (January 17, 2003), to the estimated date of compliance, (June 17, 2004).

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/equip				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

Screening Date 16-Dec-03 **Docket Number** 2003-1560-IHW-E **PCW**
Respondent Jimmy Kim dba Le Bon Cleaners **Policy Revision 2 (09/02)**
Case ID No. Enforcement Case No. 11105 **PCW Revision 6/12/2003**
Respondent/Site ID No. Regulated Entity ID No. RN100652387 / Solid Waste Registraion No. 86337
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator J. Mac Vilas
Violation Number 2
Primary Rule Cite 30 Tex. Admin. Code §§ 335.6(c), 335.9(a)(1)(A) through (G) and (2), 335.13(i) and 40 CFR § 262.40(a)
Secondary Cite(s)
Violation Description Failed to provide notification of all solid waste activities to the TCEQ; keep records of all hazardous solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing or disposal; retain a signed copy of each manifest utilized for the shipment of hazardous waste; and to submit the Annual Waste Summary.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

» Programmatic Matrix

		Major	Moderate	Minor	
OR	Falsification	x			Percent 10%

Matrix Notes 100% of the requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Events Notes One single event is recommended based on the investigation date of January 17, 2003.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$71

Violation Final Penalty total \$1,050

This Violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent Jimmy Kim dba Le Bon Cleaners
ID Number(s) Enforcement Case No. 11105
Media [Statute] Industrial and Hazardous Waste
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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	\$1,000	17-Jan-2003	17-Jun-2004	1.4	\$71	n/a	\$71
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

The estimated cost to provide notification of all solid waste activities to the TCEQ; keep records of all hazardous solid waste activities; retain a signed copy of each manifest and submit the Annual Waste Summary. From the date of the investigation (January 17, 2003), to the estimated date of compliance, (June 17, 2004).

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/equip				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

Screening Date 16-Dec-03	Docket Number 2003-1560-IHW-E	PCW
Respondent Jimmy Kim dba Le Bon Cleaners		Policy Revision 2 (09/02)
Case ID No. Enforcement Case No. 11105		PCW Revision 6/12/2003
Respondent/Site ID No. Regulated Entity ID No. RN100652387 / Solid Waste Registraion No. 86337		
Media [Statute] Industrial and Hazardous Waste		
Enf. Coordinator J. Mac Vilas		
Violation Number	3	
Primary Rule Cite	30 Tex. Admin. Code § 335.474	
Secondary Cite(s)		
Violation Description	Failed to have a Source Reduction and Waste Minimization Plan.	
	Base Penalty	\$10,000
» Environmental, Property and Human Health Matrix		
	Harm	
	Release	Major Moderate Minor
OR	Actual	Potential
	Percent	
» Programmatic Matrix		
	Falsification	Major Moderate Minor
OR	x	
	Percent	10%
Matrix Notes	100% of the requirement was not met.	
	Adjustment	-\$9,000
	Base Penalty Subtotal	\$1,000
Violation Events		
	Number of Violation Events	1
<i>mark only one; use small x</i>	daily monthly quarterly semiannual annual single event	x
	Violation Base Penalty	\$1,000
Events Notes	One single event is recommended based on the investigation date of January 17, 2003.	
Economic Benefit (EB) for this violation	Statutory Limit Test	
Estimated EB Amount (\$)	\$57	Violation Final Penalty total \$1,050
This Violation Final Assessed Penalty (adjusted for limits)		\$1,050

Economic Benefit Worksheet

Respondent Jimmy Kim dba Le Bon Cleaners
ID Number(s) Enforcement Case No. 11105
Media [Statute] Industrial and Hazardous Waste
Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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				0.0	\$0	n/a	\$0
Other (As Needed)	\$800	17-Jan-2003	17-Jun-2004	1.4	\$57	n/a	\$57

Notes for DELAYED costs

The estimated cost to develop a Source Reduction and Waste Minimization Plan. From the date of the investigation (January 17, 2003), to the estimated date of compliance, (June 17, 2004).

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/equip				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

Screening Date 16-Dec-03 **Docket Number** 2003-1560-IHW-E **PCW**
Respondent Jimmy Kim dba Le Bon Cleaners **Policy Revision 2 (09/02)**
Case ID No. Enforcement Case No. 11105 **PCW Revision 6/12/2003**
Respondent/Site ID No. Regulated Entity ID No. RN100652387 / Solid Waste Registraion No. 86337
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator J. Mac Vilas
Violation Number 4
Primary Rule Cite 30 Tex. Admin. Code §§ 335.69(f)(4)(B) and (f)(5)(A), (C) and (D) and 40 CFR §§ 262.34(d)(4) and (d)(5)(i), (iii) and (iv)
Secondary Cite(s)
Violation Description Failed to designate an emergency response coordinator, post the required emergency information, ensure that employees are familiar with proper waste handling and emergency procedures and familiarize local response authorities and hospitals with the layout and hazardous wastes handled at the facility.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

Harm

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

» Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 3

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$7,500

Events Notes Three semiannual events are recommended from the investigation date of January 17, 2003 to the settlement termination date of May 3, 2004, to make the penalty commensurate with the situation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$35

Violation Final Penalty total \$7,875

This Violation Final Assessed Penalty (adjusted for limits) \$7,875

Economic Benefit Worksheet

Respondent Jimmy Kim dba Le Bon Cleaners
ID Number(s) Enforcement Case No. 11105
Media [Statute] Industrial and Hazardous Waste
Violation Number 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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	\$500	17-Jan-2003	17-Jun-2004	1.4	\$35	n/a	\$35
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

The estimated cost to designate an emergency response coordinator, post the required emergency information, ensure that employees are familiar with proper waste handling and emergency procedures and familiarize local response authorities and hospitals with the layout and hazardous wastes handled at the facility. From the date of the investigation (January 17, 2003), to the estimated date of compliance, (June 17, 2004).

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/equip				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

Screening Date	16-Dec-03	Docket Number	2003-1560-IHW-E	PCW
Respondent	Jimmy Kim dba Le Bon Cleaners	Policy Revision 2	(09/02)	
Case ID No.	Enforcement Case No. 11105	PCW Revision	6/12/2003	
Respondent/Site ID No.	Regulated Entity ID No. RN100652387 / Solid Waste Registraion No. 86337			
Media [Statute]	Industrial and Hazardous Waste			
Enf. Coordinator	J. Mac Vilas			
Violation Number	<input type="text" value="5"/>			
Primary Rule Cite	<input type="text" value="30 Tex. Admin. Code § 335.69(f)(2) and (f)(4)(A) and 40 CFR §§ 262.34(d)(2) and (d)(4)"/>			
Secondary Cite(s)	<input type="text"/>			
Violation Description	<input a="" accumulation="" date."="" hazardous="" or="" start="" type="text" value="Failed to keep two containers of hazardous waste closed, except when it is necessary to add or remove waste; inspect containers of hazardous waste for leaks and deterioration on a weekly basis; and to clearly label or mark two containers of hazardous waste with the words " waste"="" with=""/>			

Base Penalty

» Environmental, Property and Human Health Matrix

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>

» Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Events Notes

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount (\$) Violation Final Penalty total

This Violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Jimmy Kim dba Le Bon Cleaners
ID Number(s) Enforcement Case No. 11105
Media [Statute] Industrial and Hazardous Waste
Violation Number 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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	\$35	17-Jan-2003	17-Jun-2004	1.4	\$2	n/a	\$2
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)	\$400	17-Jan-2003	17-Jun-2004	1.4	\$28	n/a	\$28

Notes for DELAYED costs

The estimated cost to keep containers of hazardous waste closed, except when it is necessary to add or remove waste, perform weekly inspections of the containers and clearly label or mark containers of hazardous waste with the words "Hazardous Waste" or with a start accumulation date. From the date of the investigation (January 17, 2003), to the estimated date of compliance, (June 17, 2004).

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/equip				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:	CN602955486	KIM, JIMMY	Classification: AVERAGE	Rating: 8.36
Regulated Entity:	RN100652387	LE BON CLEANERS	Classification: AVERAGE	Site Rating: 8.36

ID Number(s):	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	HX3025J
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION #	86337
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXD988080123

Location:	5821 KIRBY DR, HOUSTON, TX, 77005	Rating Date: 9/1/03	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	December 22, 2005		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 16, 1998 to December 16, 2003		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name:	J. Mac Vilas	Phone:	(512) 239-2557

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? | |
| 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.

D. The dates of investigations.

- | | |
|---|------------|
| 1 | 10/26/2000 |
| 2 | 05/20/2003 |
| 3 | 02/19/2003 |
| 4 | 11/21/2003 |
| 5 | 01/17/2003 |
| 6 | 05/01/2003 |

E. Written notices of violations (NOV).

Date: 02/19/2003

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.62

Description: At the time of this investigation the facility was unable to demonstrate that a hazardous waste determination had been conducted for any waste stream generated at the facility.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.6(c)[G]

Description: Numerous updates required to the NOR.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.13(i)

Description: Le Bon failed to retain a signed copy of each manifest utilized for the shipment of hazardous waste, only one manifest was found at the facility.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)[G]

Description: Le Bon failed to keep records of all hazardous solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal. Le Bon had failed to submit Annual Waste Summaries (AWS) detailing the management of each hazardous waste

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(f)(4)[G]

Description: Le Bon failed to attempt to familiarize local response authorities and hospitals.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(f)(5)(A)

Description: Le Bon failed to designate an emergency response coordinator. Once a coordinator is designated, they must be able to respond to any emergencies that arise at the facility in accordance with the procedures listed in 40 CFR 262.34(d)(5)(iv).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(f)(5)(B)(i)

Description: Le Bon failed to post the following information next to the telephone: name and telephone number of the emergency coordinator, location of emergency equipment, and the telephone number of the fire department.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(f)(4)(A)

Description: Le Bon failed to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(f)(2)

Description: During this CEI, it was found Le Bon failed to inspect containers of hazardous waste for leaks and deterioration on a weekly basis. These inspections were not documented and the facility representative stated the required inspections had not been conducted.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(f)(2)

Description: Le Bon failed to keep two (2) containers of hazardous waste closed except when it is necessary to add to remove waste.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter Q 335.474[G]

Description: During this CEI, it was found Le Bon failed to have a Source Reduction and Waste Minimization (SRWM) Plan in place for this facility.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(1)(A)

Description: During this CEI, it was found Le Bon failed to clearly label or mark two (2) containers of hazardous waste with the words "Hazardous Waste" or with a start accumulation date.

F.Environmental audits.

N/A

G.Type of environmental management systems (EMSs).

H.Voluntary on-site compliance assessment dates.

I.Participation in a voluntary pollution reduction program.

N/A

J.Early compliance.

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JIMMY KIM DBA LE BON
CLEANERS,
RN100652387

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2003-1560-IHW-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Jimmy Kim dba Le Bon Cleaners ("Mr. Kim") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 361. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Kim, appear before the Commission and together stipulate that:

1. Mr. Kim operated a dry cleaning facility located at 5821 Kirby Drive, Houston, Harris County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of Tex. Health & Safety Code ch. 361 and the TCEQ rules.
3. The Commission and Mr. Kim agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Kim is subject to the Commission's jurisdiction.
4. Mr. Kim received notice of the violations alleged in Section II ("Allegations") on or about March 9, 2004.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Kim of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of eighteen thousand four hundred twenty-eight dollars (\$18,428.00) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). Mr. Kim has paid five hundred seventy-eight dollars (\$578.00) of the administrative penalty. The remaining amount of seventeen thousand eight hundred fifty dollars (\$17,850.00) of the administrative penalty shall be payable in thirty five monthly payments of five hundred ten dollars (\$510.00) 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. Kim fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his 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. Kim to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Kim to timely and satisfactorily comply with all of 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. Kim 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. Kim 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

Mr. Kim is alleged to have violated:

1. 30 TEX. ADMIN. CODE §§ 335.62 and 335.504 and 40 C.F.R. § 262.11 by failing to conduct a waste characterization for the two waste streams generated by the dry cleaning machines at the Facility, as documented on January 17, 2003.
2. 30 TEX. ADMIN. CODE §§ 335.6(c), 335.9(a)(1)(A) through (G) and (2), 335.13(i) and 40 C.F.R. § 262.40(a) by failing to provide notification of all solid waste activities to the TCEQ,

keep records of all hazardous solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing or disposal, retain a signed copy of each manifest utilized for the shipment of hazardous waste, and submit the Annual Hazardous Waste Summary, as documented on January 17, 2003.

3. 30 TEX. ADMIN. CODE § 335.474 by failing to have a Source Reduction and Waste Minimization Plan, as documented on January 17, 2003.
4. 30 TEX. ADMIN. CODE §§ 335.69(f)(4)(B) and (f)(5)(A), (C), and (D) and 40 C.F.R. §§ 262.34(d)(4) and (d)(5)(i), (iii) and (iv) by failing to designate an emergency response coordinator, post the required emergency information, ensure that employees are familiar with proper waste handling and emergency procedures and familiarize local response authorities and hospitals with the layout and hazardous wastes handled at the facility, as documented on January 17, 2003.
5. 30 TEX. ADMIN. CODE §§ 335.69(f)(2) and (f)(4)(A) and 40 C.F.R. § 262.34(d)(2) and (d)(4) by failing to keep two containers of hazardous waste closed, except when it is necessary to add or remove waste; inspect containers of hazardous waste for leaks and deterioration on a weekly basis; and clearly label or mark two containers of hazardous waste with the words "Hazardous Waste" or with a start accumulation date, as documented on January 17, 2003.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Mr. Kim pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Kim'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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Jimmy Kim dba Le Bon Cleaners, Docket No. 2003-1560-IHW-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. Mr. Kim shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Begin inspecting containers of hazardous waste for leaks and deterioration on a weekly basis, in accordance with 30 TEX. ADMIN. CODE § 335.69(f) and 40 CFR § 262.34(d);
 - ii. Begin retaining a signed copy of each manifest utilized for the shipment of hazardous waste, in accordance with 30 TEX. ADMIN. CODE § 335.13(I) and 40 CFR § 262.40;
 - iii. Begin keeping records of all hazardous solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing or disposal, and submitting the Annual Waste Summaries, in accordance with 30 TEX. ADMIN. CODE § 335.9(a);
 - iv. Designate an emergency response coordinator, in accordance with 30 TEX. ADMIN. CODE § 335.69(f) and 40 CFR § 262.34(d);
 - v. Post the following information next to the telephone: name and telephone number of the emergency coordinator, location of emergency equipment, and the telephone number of the fire department, in accordance with 30 TEX. ADMIN. CODE § 335.69(f) and 40 CFR § 262.34(d);
 - vi. Begin ensuring that all containers of hazardous waste are closed, except when necessary to add or remove waste, in accordance with 30 TEX. ADMIN. CODE § 335.69(f) and 40 CFR § 262.34(d); and
 - vii. Clearly label or mark all containers of hazardous waste with the words "Hazardous Waste" or with a start accumulation date, in accordance with 30 TEX. ADMIN. CODE § 335.69(f) and 40 CFR § 262.34(d).
 - b. Within 15 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions 2.a.i. through 2.a.vii., as described in Ordering

Provision 2.d.

- c. Within 30 days after the effective date of this Agreed Order:
- i. Characterize the waste streams generated at the Facility, in accordance with 30 TEX. ADMIN. CODE §§ 335.62 and 335.504 and 40 CFR § 262.11;
 - ii. Ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities during normal Facility operations and emergencies, in accordance with 30 TEX. ADMIN. CODE § 335.69(f) and 40 CFR § 262.34(d);
 - iii. Familiarize local response authorities and hospitals with the layout of the Facility; properties of hazardous wastes handled at the Facility and the possible resulting injuries; work locations of Facility personnel; and entrances and evacuation routes, in accordance with TEX. ADMIN. CODE § 335.69(f) and 40 CFR § 262.34(d);
 - iv. Provide notification of all solid waste activities to the TCEQ, in accordance with TEX. ADMIN. CODE § 335.6(c); and
 - v. Develop a Source Reduction and Waste Minimization Plan, in accordance with TEX. ADMIN. CODE § 335.474.
- d. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions 2.c.i. through 2.c.v. The certification shall 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 sent to:

Order Compliance Team
Enforcement Division MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

with a copy to :

Ms. Nicole Bealle, Manager
Waste Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Kim. Mr. Kim 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. Kim 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. Kim's failure to comply is not a violation of this Agreed Order. Mr. Kim shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Kim shall notify the Executive Director within seven days after Mr. Kim 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. Kim shall be made in writing to the Executive Director. Extensions are not effective until Mr. Kim 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. Kim 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Mr. Kim, or three days after the date on which the Commission mails notice of the Order to Mr. Kim, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Jimmy Kim dba Le Bon Cleaners
DOCKET NO. 2003-1560-IHW-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

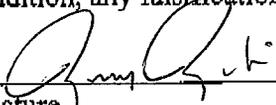
4/11/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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

February 15, 2008
Date

JIMMY KIM
Name (Printed or typed)
Authorized representative of
Jimmy Kim dba Le Bon Cleaners

Title