

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2006-1365-DCL-E TCEQ ID NOS.: RN104621503 & RN104104336 CASE NO.: 30841  
 RESPONDENT NAME: OPEL BUSINESS, INC. DBA GARTH ROAD CLEANERS AKA GARTH ROAD  
 1.69 CLEANERS AND DBA 1.69 CITY CLEANERS**

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 3413 Garth Road, Suite B, Baytown, Harris County, ("Garth Facility") and 1601 North Alexander Drive, Suite B, Baytown, Harris County, ("Alexander Facility")</p> <p><b>TYPE OF OPERATION:</b> Dry cleaning facility and a dry cleaning drop station</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 23, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>                  TCEQ Attorney: Ms. Tracy Chandler, Litigation Division, MC 175, (512) 239-0629                  Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019                  TCEQ Enforcement Coordinator: Ms. Pamela Campbell, Water Enforcement Section, MC 169, (512) 239-4493                  TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623                  Respondent: Mr. Hazarat A. Kardvaliya, Owner, Opel Business, Inc., 3413 Garth Road, Suite B,                  Baytown, Texas 77521                  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 checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: May 23, 2006 (investigation) and August 18, 2006 (record review)</p> <p>Date of NOE Relating to this Case: August 9, 2006</p> <p>Background Facts:</p> <p>The EDPRP was filed and mailed to the Respondent on March 12, 2007. The EDFARP was filed and mailed to the Respondent on April 19, 2007. A Default Order was mailed to the Respondent on June 25, 2007. The Agreed Order was mailed to the Respondent on November 9, 2007. Although the Respondent had not signed the Agreed Order, the Respondent sent two payments to the TCEQ which were received on February 25, 2008 and March 26, 2008. After being contacted by the Litigation Division, the Respondent submitted the Agreed Order which was signed on April 8, 2008.</p> <p>DCL</p> <p>1. Failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility for the Garth Facility [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p> <p>2. Failed to pay dry cleaner registration fees for Account Number 24002250 [30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702].</p> <p>3. Failed to renew the Alexander 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>Total Assessed: \$2,370</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 Paid/Due to General Revenue: \$170/\$2,200</p> <p>The Respondent has paid \$170 of the administrative penalty. The remaining amount of \$2,200 of the administrative penalty shall be payable in twenty-two monthly payments of \$100 each.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Technical Requirements:</p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Within 15 days, complete and submit the required drycleaner and/or drop station registration form for the Garth Facility and Alexander Facility.</p> <p>2. Within 30 days:</p> <p>a. Pay all outstanding fees, including any associated penalties and interest; and</p> <p>b. Submit written certification of compliance with the Ordering Provisions above.</p>



Penalty Calculation Worksheet (PCW)

DATES	Assigned	14-Aug-2006	Screening	16-Aug-2006	EPA Due	
	PCW	01-Dec-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Opel Business, Inc. dba Garth Road Cleaners aka Garth Road 1.69 Cleaners		
Reg. Ent. Ref. No.	RN104621503		
Facility/Site Region	12-Houston	Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>				
Enf./Case ID No.	30841	No. of Violations	2	
Docket No.	2006-1365-DCL-E	Order Type	1660	
Media Program(s)	Drycleaner	Enf. Coordinator	Pamela Campbell	
Multi-Media		EC's Team	Enforcement Team 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

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

**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

Notes

**Culpability**  No  0% Enhancement Subtotal 4

Notes

**Good Faith Effort to Comply**  0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	X	(mark with a small x)

Notes

**Economic Benefit**  0% Enhancement\* Subtotal 6

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

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

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

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL**  Reduction Adjustment

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

Notes

**PAYABLE PENALTY**

PCW-1

Screening Date 16-Aug-2006

Docket No. 2006-1365-DCL-E

PCW

Respondent Opel Business, Inc. dba Garth Road Cleaners aka Garth Road 1:69 Cleaners

ember 2002)

Case ID No. 30841

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104621503

Media [Statute] Drycleaner

Enf. Coordinator Pamela Campbell

### 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 disclosed)</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%
Other	<i>Please Enter Yes or No</i>		
	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)

N/A

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

>> Compliance History Summary

Compliance History Notes

The respondent has not had any other enforcement actions within the last five years.

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

Screening Date 16-Aug-2006

Docket No. 2006-1365-DCL-E

PCW

Respondent Opel Business, Inc. dba Garth Road Cleaners aka Garth Road 1.69 Cleaners

ember 2002)

Case ID No. 30841

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104621503

Media [Statute] Drycleaner

Enf. Coordinator Pamela Campbell

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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"/>

Violation Base Penalty

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 Opel Business, Inc. dba Garth Road Cleaners aka Garth Road 1.69 Cleaners  
 Case ID No. 30841  
 Reg. Ent. Reference No. RN104621503  
 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
<b>Delayed Costs</b>							
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**

Screening Date 16-Aug-2006

Docket No. 2006-1365-DCL-E

PCW

Respondent Opel Business, Inc. dba Garth Road Cleaners aka Garth Road 1.69 Cleaners

ember 2002)

Case ID No. 30841

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104621503

Media [Statute] Drycleaner

Enf. Coordinator Pamela Campbell

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 337.14(c) and Tex. Water Code § 5.702

Secondary Rule Cite(s)

Violation Description Failure to pay dry cleaner registration fees for Account Number 24002250.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes No penalty is assessed for this violation.

Adjustment -\$50

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events

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

Violation Base Penalty \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

### Economic Benefit Worksheet

Respondent Opel Business, Inc. dba Garth Road Cleaners aka Garth Road 1.69 Cleaners  
 Case ID No. 30841  
 Reg. Ent. Reference No. RN104621503  
 Media [Statute] Drycleaner  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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							

Approx. Cost of Compliance

TOTAL

## Compliance History

Customer/Respondent/Owner-Operator:	CN602541658 Opel Business, Inc.	Classification:	Rating:
Regulated Entity:	RN104621503 GARTH ROAD CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000069773
Location:	3413 GARTH RD STE B, BAYTOWN, TX, 77521		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	August 18, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 18, 2001 to August 18, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Pamela Campbell	Phone:	512 239-4493

### 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 (488104)
  - 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

CH-1

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

<b>TCEQ</b>	<b>DATES Assigned</b>	14-Aug-2006
	<b>PCW</b>	01-Dec-2006
<b>Screening</b>		16-Aug-2006
<b>EPA Due</b>		

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Opel Business, Inc. dba 1.69 City Cleaners
<b>Reg. Ent. Ref. No.</b>	RN104104336
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	30841	<b>No. of Violations</b>	1
<b>Docket No.</b>	2006-1365-DCL-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Drycleaner	<b>Enf. Coordinator</b>	Pamela Campbell
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 1
<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 not had any other enforcement actions within the last 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** **Adjustment** \$0

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

**Notes** This is not an expedited order.

**PAYABLE PENALTY** \$1,185

PCW-2

Screening Date 16-Aug-2006

Docket No. 2006-1365-DCL-E

PCW

Respondent Opel Business, Inc. dba 1.69 City Cleaners

Policy Revision 2 (September 2002)

Case ID No. 30841

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104104336

Media [Statute] Drycleaner

Enf. Coordinator Pamela Campbell

### 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%
Other	<i>Please Enter Yes or No</i>		
	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 16-Aug-2006

Docket No. 2006-1365-DCL-E

PCW

Respondent Opel Business, Inc. dba 1.69 City Cleaners

Policy Revision 2 (September 2002)

Case ID No. 30841

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104104336

Media [Statute] Drycleaner

Enf. Coordinator Pamela Campbell

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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"/>

Violation Base Penalty

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 Opel Business, Inc. dba 1.69 City Cleaners  
 Case ID No. 30841  
 Reg. Ent. Reference No. RN104104336  
 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
<b>Delayed Costs</b>							
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:	CN602541658 Opel Business, Inc.	Classification:	Rating:
Regulated Entity:	RN104104336 1.69 CITY CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE EPA ID GENERATION		TXR000069815
Location:	1601 N ALEXANDER DR STE B, BAYTOWN, TX, 77520		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	August 18, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 18, 2001 to August 18, 2006		

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

Name: Pamela Campbell Phone: 512 239-4493

### 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?   | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)?  | <u>N/A</u> |
| 5. When did the change(s) in ownership occur?  | <u>N/A</u> |

### 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 (488095)
  - 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

CH-2

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING OPEL BUSINESS,  
INC. DBA GARTH ROAD  
CLEANERS AKA GARTH ROAD  
1.69 CLEANERS AND DBA 1.69  
CITY CLEANERS; RN104621503  
AND RN104104336

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1365-DCL-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 Opel Business, Inc. dba Garth Road Cleaners aka Garth Road 1.69 Cleaners and dba 1.69 City Cleaners ("Opel") under the authority of TEX. WATER CODE chs. 5 and 7 and TEX. HEALTH & SAFETY CODE ch. 374. The Executive Director of the TCEQ, represented by the Litigation Division, and Opel, appear before the Commission and together stipulate that:

1. Opel owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility located at 3413 Garth Road, Suite B, Baytown, Harris County, Texas (the "Garth Facility") and a dry cleaning drop station located at 1601 North Alexander Drive, Suite B, Baytown, Harris County, Texas (the "Alexander 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 WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 374, and TCEQ rules.
3. The Commission and Opel agree that the Commission has jurisdiction to enter this Agreed Order, and that Opel is subject to the Commission's jurisdiction.
4. Opel received notice of the violations alleged in Section II ("Allegations") on or about August 14, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Opel any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of two thousand three hundred seventy dollars (\$2,370.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Opel has paid one hundred seventy dollars (\$170.00) of the administrative penalty. The remaining amount of two thousand two hundred dollars (\$2,200.00) of the administrative penalty shall be payable in twenty-two monthly payments of one hundred dollars (\$100.00) 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 Opel 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 Opel to meet the payment schedule of this Agreed Order constitutes the failure by Opel 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 Opel 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 Opel 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

Opel is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102 by failing to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility for the Garth Facility as documented on May 23, 2006.
2. 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702 by failing to pay dry cleaner registration fees for Account Number 24002250 as documented on August 18, 2006.
3. 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102 by failing to renew the Alexander Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility, as documented on May 23, 2006.

## III. DENIALS

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

## IV. ORDER

1. It is, therefore, ordered by the TCEQ that Opel pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Opel'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: Opel Business, Inc. dba Garth Road Cleaners aka Garth Road 1.69 Cleaners and dba 1.69 City Cleaners, Docket No. 2006-1365-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. Opel shall undertake the following technical requirements:

- a. Within 15 days after the effective date of this Agreed Order, Opel shall complete and submit the required drycleaner and/or drop station registration form for the Garth Facility and Alexander Facility, in accordance with 30 TEX. ADMIN. CODE ch. 337 to:

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

- b. Within 30 days after the effective date of this Agreed Order, Opel shall pay all outstanding fees, including any associated penalties and interest with the notation "Opel Business, Inc. dba Garth Road Cleaners aka Garth Road 1.69 Cleaners and dba 1.69 City Cleaners – Account Number 24002250," 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 30 days after the effective date of this Agreed Order, Opel shall submit written certification of compliance with Ordering Provision 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 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

and

Nicole Bealle, Waste Section Manager  
Texas Commission on Environmental Quality  
Houston Regional Office  
5425 Polk Ave., Ste. H  
Houston, Texas 77023-1452

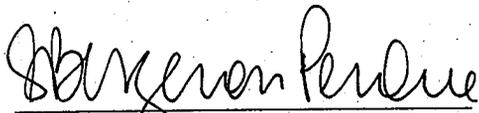
3. The provisions of this Agreed Order shall apply to and be binding upon Opel. Opel is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Garth Facility and Alexander Facility operations referenced in this Agreed Order.
4. If Opel fails to comply with any 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, Opel's failure to comply is not a violation of this Agreed Order. Opel shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Opel shall notify the Executive Director within seven days after Opel 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 Opel shall be made in writing to the Executive Director. Extensions are not effective until Opel 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 Opel 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 Opel, or three days after the date on which the Commission mails notice of the Order to Opel, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

6/25/08

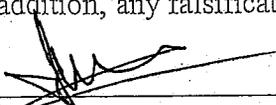
Date

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

6/18/08  
Date

KARDVALINA MAZARA

Name (Printed or typed)

Authorized representative of

Opel Business, Inc. dba Garth Road Cleaners  
aka Garth Road 1.69 Cleaners and  
dba 1.69 City Cleaners

Owner  
Title