

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1400-DCL-E TCEQ ID: RN103988812 CASE NO.: 30884

RESPONDENT NAME: CLEANING STOP LLC DBA CRYSTAL 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: 108 East Ovilla Road, Suite 5, Red Oak, Ellis 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 July 7, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Jacquelyn Boutwell, Litigation Division, MC 175, (512) 239-5846 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. J. Craig Fleming, Air Enforcement Section, MC 219, (512) 239-5806 TCEQ Regional Contact: Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903 Respondent: Ms. Mary Alvarado, Member, Cleaning Stop LLC, 213 Roaring Springs Drive, Desoto, Texas 75115 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 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: March 24, 2006 and August 22, 2006</p> <p>Date of NOE Relating to this Case: August 11, 2006</p> <p>Background Facts:</p> <p>An EDPRP was filed June 22, 2007. The Certified mail was returned on August 9, 2007 as undeliverable; the first class mail was not returned. A second EDPRP was filed and mailed to a new address on February 7, 2008. The certified mail for the EDPRP was returned as "unclaimed" on February 22, 2008. The first class mail has not been returned. The Respondent has not filed an Answer or requested a hearing.</p> <p>DCL:</p> <p>1. 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>2. Failed to pay dry cleaning fee for TCEQ Financial Administration Account No. 24003943 and associated late fees for fiscal year 2006 [30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702].</p>	<p>Total Assessed: \$270</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$270</p> <p>This is a Default Order. The Respondent has not paid any of the assessed penalty but shall be required to do so under the terms of this proposed Order.</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent registered the Facility on June 19, 2006.</p> <p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days, submit payment for all outstanding fees, including any associated penalties and interest. 2. Within 45 days, submit written certification to demonstrate compliance.

F **Penalty Calculation Worksheet (PC)**
Cleaners Crystal PCW 002.W03

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned: 14-Aug-2006	Screening: 22-Aug-2006	EPA Due:
	PCW: 06-Nov-2006		

RESPONDENT/FACILITY INFORMATION			
Respondent	Cleaning Stop LLC dba Crystal Cleaners		
Reg. Ent. Ref. No.	RN103988812		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30884	No. of Violations	2
Docket No.	2006-1400-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	J. Craig Fleming
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$270
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0% Enhancement	Subtotal 2, 3 & 4	\$0
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Notes: The respondent has not had any enforcement actions within the last five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The respondent does not meet the culpability criteria.

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

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

Economic Benefit	0% Enhancement	Subtotal 6	\$0
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Total EB Amounts	\$4	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$270
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$270**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$270
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DEFERRAL	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral offered for non-expedited order.

PAYABLE PENALTY	\$270
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Screening Date: ug-2006
 Respondent: Cleaning Stop LLC dba Crystal Cleaners
 Case ID No: 30884
 Reg. Ent. Reference No: RN103988812
 Media Statute: Drycleaner
 Env. Coordinator: J. Craig Fleming

PCW
 Policy Revision 2 (September 2002)
 PCW Revision May 19, 2005

Compliance History Worksheet

Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	0	0%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	no	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	no	0%
	Participation in a voluntary pollution reduction program	no	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	no	0%

Adjustment Percentage (Subtotal 2) 0%

Compliance History 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 enforcement actions within the last five years.

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

Screening Date 22 1-2006
 Respondent Cleaning Stop LLC dba Crystal Cleaners
 Case ID No. 30884
 Reg. Ent. Reference No. RN103988812
 Media Statute Drycleaner
 Ent. Coordinator J. Craig Fleming
 Violation Number 4
 Primary Rule Cite(s) 30 Tex. Admin. Code § 337.11(e)
 Secondary Rule Cite(s) Tex. Health and 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

Release	Major	Moderate	Minor	Percent
Actual				
Potential				

Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes 100% of the rule requirement was not met.
 Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 54

daily	X
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$270

Fifty-four daily events are recommended from thirty days after the facility was purchased on February 1, 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 \$4
 Violation Final Penalty Total \$270
 This violation Final Assessed Penalty (adjusted for limits) \$270

Economic Benefit Worksheet

Respondent: Cleaning Stop LLC dba Crystal Cleaners
 Case ID No: 30884
 Reg. Ent. Reference No: RN103988812
 Media Statute: Drycleaner
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Is Interd.	Interd. Saved	General Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	01-Mar-2006	19-Jun-2006	0.3	\$4	n/a	\$4
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 after the purchase of the facility. The final date is the date the respondent came into compliance.

Item Description	Item Cost	Date Required	Final Date	Is Interd.	Interd. Saved	General Costs	EB Amount
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

Screening Date 22 -2006 **Docket No.** 2006-1400-DC **PCW**
Respondent Cleaning Stop LLC dba Crystal Cleaners *Policy Revision 2 (September 2002)*
Case ID No. 30884 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN103988812
Media/Statute Drycleaner
Ent. Coordinator J. Craig Fleming
Violation Number 2
Primary Rule Cite(s) 30 Tex. Admin. Code § 337.14(c)
Secondary Rule Cite(s) Tex. Water Code § 5.702
Violation Description The respondent failed to pay Dry Cleaner registration fees for TCEQ Financial Administration Account No. 24003943 and associated late fees for fiscal year 2006

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x

daily	<input type="checkbox"/>
monthly	<input type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

No penalty is recommended because penalty and interest will be assessed at the next billing.

Economic Benefit (EB) for this violation **Statutory Limit (Est.)**

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Cleaning Stop LLC dba Crystal Cleaners
 Case ID No: 30884
 Reg. Ent. Reference No: RN103988812
 Media/Statute: Drycleaner
 Violation No: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Years	Interest Saved	One-time 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				0.0	\$0	N/A	\$0
Other (as needed)				0.0	\$0	N/A	\$0
Notes for DELAYED costs	N/A						

Item Description	Item Cost	Date Required	Final Date	Years	Interest Saved	One-time Costs	EB Amount
Avoided Costs							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs	N/A						

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN603049818 CLEANING STOP LLC Classification: Rating:
Regulated Entity: RN103988812 CRYSTAL CLEANERS Classification: Site Rating:

ID Number(s):
Location: 108 E OVILLA RD STE 5, RED OAK, TX, 75154
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: August 22, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 22, 2001 to August 22, 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? Cleaning Stop LLC
4. If Yes, who was/were the prior owner(s)? Cadillac Cleaners, Inc
5. When did the change(s) in ownership occur? 2/1/2006

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 08/11/2006 (484551)
 - 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
CLEANING STOP LLC DBA
CRYSTAL CLEANERS;
RN103988812**

§
§
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§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**DEFAULT ORDER
DOCKET NO. 2006-1400-DCL-E**

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

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

FINDINGS OF FACT

1. Cleaning Stop owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility located at 108 East Ovilla Road Suite 5, in Red Oak, Ellis County, Texas (the "Facility").
2. The Facility is a retail commercial establishment the primary business of which is to act as a collection point for the drop-off and pick-up of garments or other fabrics that are sent to a dry cleaning facility for processing. As such, the Facility is a dry cleaning drop station as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).
3. During an investigation conducted on March 24, 2006, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Cleaning Stop:
 - a. 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, as documented during an investigation conducted on March 24, 2006; and

- b. Failed to pay dry cleaner registration fees for TCEQ Financial Administration Account No. 24003943 and associated late fees for fiscal year 2006 as documented during a record review conducted on August 22, 2006.
4. Cleaning Stop received notice of the violations on or about August 16, 2006.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Cleaning Stop LLC dba Crystal Cleaners" (the "EDPRP") in the TCEQ Chief Clerk's office on February 7, 2008.
6. By letter dated February 7, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Cleaning Stop with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Cleaning Stop received notice of the EDPRP.
7. More than 20 days have elapsed since Cleaning Stop received notice of the EDPRP, provided by the Executive Director. Cleaning Stop failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Cleaning Stop is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH & SAFETY CODE ch. 374 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Cleaning Stop 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, as documented during an investigation conducted on May 24, 2006, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102.
3. As evidenced by Finding of Fact No. 3.b., Cleaning Stop failed to pay dry cleaner registration fees for TCEQ Financial Administration Account No. 24003943 and associated late fees for fiscal year 2006 as documented during a record review conducted on August 22, 2006, in violation of 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702.

4. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Cleaning Stop with proper notice of the EDRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
5. As evidenced by Finding of Fact No. 7, Cleaning Stop failed to file a timely answer to the EDRP, 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 Cleaning Stop and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Cleaning Stop 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.
7. An administrative penalty in the amount of two hundred seventy dollars (\$270.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and 7.0525(c).
8. 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. Cleaning Stop is assessed an administrative penalty in the amount of two hundred seventy dollars (\$270.00) for violations of the Texas Water Code and Texas Health and Safety Code, and the rules of the TCEQ. The payment of this administrative penalty and Cleaning Stop'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: Cleaning Stop LLC dba Crystal Cleaners; Docket No. 2006-1400-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. Cleaning Stop shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order, Cleaning Stop shall submit payment for all outstanding fees, including any associated penalties and interest with the notation "Cleaning Stop LLC dba Crystal Cleaners, Financial Administration No. 24003943, 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

- b. Within 45 days after the effective date of this Order, Cleaning Stop shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.a. 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."

Cleaning Stop shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a. through:

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

with a copy to:

Sam Barrett, Waste Section Manager
Dallas/Fort Worth Regional Office
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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

Cleaning Stop LLC dba Crystal Cleaners
Docket No. 2006-1400-DCL-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF JACQUELYN BOUTWELL

STATE OF TEXAS §
COUNTY OF TRAVIS §

“My name is Jacquelyn Boutwell. 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, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Cleaning Stop LLC dba Crystal Cleaners” (the “EDPRP”) was filed with the Office of the Chief Clerk on February 7, 2008.

The EDPRP was mailed to Cleaning Stop at its last known address on February 7, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as “unclaimed.” The first class mail has not been returned, indicating that Cleaning Stop received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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

Jacquelyn Boutwell
Jacquelyn Boutwell, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jacquelyn Boutwell, 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 13th day of MAY, A.D., 2008.



Meghan Taack
Notary Signature