

## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2006-1427-DCL-E TCEQ ID NOS: RN104411582, RN101637320, AND RN104411574 CASE NO.: 30944  
 RESPONDENT NAME: MIMI HOANG INVESTMENT INC. DBA RICH CLEANERS

<b>ORDER TYPE:</b>		
<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	
<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> 11920 Westheimer Road, Houston, Harris County (Facility 1); 9543 Richmond Avenue, Houston, Harris County (Facility 2); 2719 Chimney Rock Road, Houston, Harris County (Facility 3)</p> <p><b>TYPE OF OPERATION:</b> Dry cleaning drop stations</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 this facility location.</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 October 8, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Mary E. Coleman, Litigation Division, MC R-4, (817) 588-5917          Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  <b>TCEQ Enforcement Coordinator:</b> Ms. Suzanne Walrath, Air Enforcement Section, Section II, MC 219, (512) 239-2134  <b>TCEQ Regional Contact:</b> Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623  <b>Respondent:</b> Ms. Mi N. Hoang, Director, Mimi Hoang Investment Inc., 10515 Odessa Drive, Sugar Land, Texas 77478  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> May 25, 2006 (Facility 1); May 23, 2006 (Facility 2); May 22, 2006 (Facility 3); August 31, 2006 (Facilities 1, 2, and 3)</p> <p><b>Date of NOE Relating to this Case:</b> August 14, 2006 (Facility 1); August 17, 2006 (Facility 2); August 31, 2006 (Facility 3)</p> <p><b>Background Facts</b>                      An investigation was conducted as part of the Dry Cleaners Initiative.                      The Respondent owns and operates dry cleaning drop stations located in Houston, Harris County.                      The EDPRP was filed on February 20, 2007. According to the return receipt "green card," the Respondent received notice of the EDPRP on February 22, 2007, as evidenced by the signature on the card. The Respondent did not file an answer.                      The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>DCL</b></p> <p>1. Failed to renew the required registration by completing and submitting the required form to the TCEQ for Facility 1 [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p> <p>2. Failed to renew the required registration by completing and submitting the required form to the TCEQ for Facility 2 [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p> <p>3. Failed to renew the required registration by completing and submitting the required form to the TCEQ for Facility 3 [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p>	<p><b>Total Assessed:</b> \$3,555</p> <p><b>Total Deferred:</b> \$0</p> <p><b>Total Due to General Revenue:</b> \$3,555</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this proposed Order.</p> <p><b>Site Compliance History Classification:</b> N/A</p> <p><b>Person Compliance History Classification:</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facilities:</p> <p>a. Obtained the registration for Facility 1 on June 14, 2006;                      b. Obtained the registration for Facility 2 on June 20, 2006; and                      c. Obtained the registration for Facility 3 on June 2, 2006.</p> <p><b>Ordering Provision(s):</b></p> <p>The Respondent shall within 30 days, submit payment for all outstanding fees, including any associated penalties and interest.</p>

**VIOLATION SUMMARY CHART:**

4. Failed to pay Dry Cleaner registration fees and associated late fees for TCEQ Financial Administration Account No. 24002324 for fiscal year 2006 [30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702].		
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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	19-Aug-2006	Screening	23-Aug-2006	EPA Due	
	PCW	01-Nov-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Mimi Hoang Investment Inc. dba Rich Cleaners Facility 1
Reg. Ent. Ref. No.	RN104411582
Facility/Site Region	12 - Houston <
Major/Minor Source	Minor Source <

<b>CASE INFORMATION</b>			
Enf./Case ID No.	30944	No. of Violations	2
Docket No.	2006-1427-DCL-E	Order Type	1660 <
Media Program(s)	Drycleaner <	Enf. Coordinator	Suzanne Walrath
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** \$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 does not have 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

Total EB Amounts	\$10	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$1,185

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** \$0

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

Notes:

**Final Penalty Amount** \$1,185

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$1,185

**DEFERRAL** 0% Reduction **Adjustment** \$0

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

Notes: No deferral offered as this case did not settle within the 60 day settlement period.

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

Screening Date 23-Aug-2006

Docket No. 2006-1427-DCL-E

PCW

Respondent Mimi Hoang Investment Inc. dba Rich Cleaners

Facility 1 (number 2002)

Case ID No. 30944

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104411582

Media [Statute] Drycleaner

Enf. Coordinator Suzanne Walrath

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

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

**Adjustment Percentage (Subtotal 2) 0%**

>> Repeat Violator (Subtotal 3)

N/A

**Adjustment Percentage (Subtotal 3) 0%**

>> Compliance History Person Classification (Subtotal 7)

N/A

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

>> Compliance History Summary

Compliance History Notes

The respondent does not have any other enforcement actions within the last five years.

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

Screening Date 23-Aug-2006

Docket No. 2006-1427-DCL-E

PCW

Respondent Mimi Hoang Investment Inc. dba Rich Cleaners

Facility 1 ember 2002)

Case ID No. 30944

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104411582

Media [Statute] Drycleaner

Enf. Coordinator Suzanne Walrath

Violation Number 1

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			Percent
		Major	Moderate	Minor	
OR	Release				
	Actual				
	Potential				

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	Percent
			X			
Matrix Notes	100% of the rule requirement was not met.					

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 237

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

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$1,185

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

## Economic Benefit Worksheet

Respondent Mimi Hoang Investment Inc. dba Rich Cleaners

Facility 1

Case ID No. 30944

Reg. Ent. Reference No. RN104411582

Media [Statute] Drycleaner

Violation No. 1

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	\$250	01-Sep-2005	14-Jun-2006	0.8	\$10	n/a	\$10
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 received its registration.

**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** \$10

Screening Date 23-Aug-2006

Docket No. 2006-1427-DCL-E

PCW

Respondent Mimi Hoang Investment Inc. dba Rich Cleaners

Facility 1 ember 2002)

Case ID No. 30944

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104411582

Media [Statute] Drycleaner

Enf. Coordinator Suzanne Walrath

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. 24002324 and associated late fees for fiscal year 2006.

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

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

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

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** Mimi Hoang Investment Inc. dba Rich Cleaners  
**Case ID No.** 30944  
**Reg. Ent. Reference No.** RN104411582  
**Media [Statute]** Drycleaner  
**Violation No.** 2

Facility 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	N/A						

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs	N/A						

Approx. Cost of Compliance \$0

**TOTAL** \$0

# Compliance History

Customer/Respondent/Owner-Operator: CN602556292 Mimi Hoang Investment Inc. Classification: Rating:  
Regulated Entity: RN104411582 RICH CLEANERS Classification: Site Rating:  
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000070524  
GENERATION  
Location: 11920 WESTHEIMER RD, HOUSTON, TX, 77077 Rating Date: 9/1/2006  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: September 13, 2006  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: September 13, 2001 to September 13, 2006  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Suzanne Walrath Phone: 512/239-2134

## 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 08/14/2006 (497329)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	19-Aug-2006	Screening	23-Aug-2006	EPA Due	
	PCW	01-Nov-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Mimi Hoang Investment Inc. dba Rich Cleaners Facility 2
Reg. Ent. Ref. No.	RN101637320
Facility/Site Region	12 - Houston <
Major/Minor Source	Minor Source <

<b>CASE INFORMATION</b>			
Enf./Case ID No.	30944	No. of Violations	1
Docket No.	2006-1427-DCL-E	Order Type	1660 <
Media Program(s)	Drycleaner <	Enf. Coordinator	Suzanne Walrath
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** \$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 does not have 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

Total EB Amounts	\$10	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$1,185

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** \$0

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

Notes:

**Final Penalty Amount** \$1,185

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$1,185

**DEFERRAL** 0% Reduction **Adjustment** \$0

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

Notes: No deferral offered as this case did not settle within the 60 day settlement period.

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

Screening Date 23-Aug-2006

Docket No. 2006-1427-DCL-E

PCW

Respondent Mimi Hoang Investment Inc. dba Rich Cleaners

Facility 2 (September 2002)

Case ID No. 30944

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101637320

Media [Statute] Drycleaner

Enf. Coordinator Suzanne Walrath

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

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

>> Repeat Violator (Subtotal 3)

N/A <

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A <

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The respondent does not have any other enforcement actions within the last five years.

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

Screening Date 23-Aug-2006

Docket No. 2006-1427-DCL-E

PCW

Respondent Mimi Hoang Investment Inc. dba Rich Cleaners

Facility 2 (ember 2002)

Case ID No. 30944

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101637320

Media [Statute] Drycleaner

Enf. Coordinator Suzanne Walrath

Violation Number 1

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	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 237

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

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$1,185

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

## Economic Benefit Worksheet

Respondent Mimi Hoang Investment Inc. dba Rich Cleaners  
 Case ID No. 30944  
 Reg. Ent. Reference No. RN101637320  
 Media [Statute] Drycleaner  
 Violation No. 1

Facility 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
<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	20-Jun-2006	0.8	\$10	n/a	\$10
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 received its registration.

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 \$10

# Compliance History

Customer/Respondent/Owner-Operator: CN602556292 Mimi Hoang Investment Inc. Classification: Rating:  
Regulated Entity: RN101637320 RICH CLEANERS Classification: Site Rating:

ID Number(s):  
Location: 9543 RICHMOND AVE, HOUSTON, TX, 77063 Rating Date: September 01 06

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: September 13, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 13, 2001 to September 13, 2006

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

Name: Suzanne Walrath Phone: 512/239-2134

## 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 08/17/2006 (487400)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A



# Penalty Calculation Worksheet (PCW)

<b>DATES</b>	Assigned	02-Sep-2006		
	PCW	01-Nov-2007	Screening	06-Sep-2006
			EPA Due	

<b>RESPONDENT/FACILITY INFORMATION</b>				
Respondent	Mimi Hoang Investment Inc. dba Rich Cleaners			Facility 3
Reg. Ent. Ref. No.	RN104411574			
Facility/Site Region	12 - Houston	<	Major/Minor Source	Minor Source <

<b>CASE INFORMATION</b>				
Enf./Case ID No.	30944		No. of Violations	1
Docket No.	2006-1427-DCL-E		Order Type	1660 <
Media Program(s)	Drycleaner <		Enf. Coordinator	Suzanne Walrath
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 \$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 does not have 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 EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with a small x)

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

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

Total EB Amounts	\$9	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

**SUM OF SUBTOTALS 1-7** Final Subtotal \$1,185

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment \$0

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

Notes:

**Final Penalty Amount** \$1,185

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$1,185

**DEFERRAL** 0% Reduction Adjustment \$0

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

Notes: No deferral offered as this case did not settle within the 60 day settlement period.

**PAYABLE PENALTY** \$1,185

Screening Date 06-Sep-2006

Docket No. 2006-1427-DCL-E

PCW

Respondent Mimi Hoang Investment Inc. dba Rich Cleaners

Facility 3 (September 2002)

Case ID No. 30944

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104411574

Media [Statute] Drycleaner

Enf. Coordinator Suzanne Walrath

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

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

**Adjustment Percentage (Subtotal 2) 0%**

>> Repeat Violator (Subtotal 3)

N/A <

**Adjustment Percentage (Subtotal 3) 0%**

>> Compliance History Person Classification (Subtotal 7)

N/A <

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

>> Compliance History Summary

Compliance History Notes

The respondent does not have any other enforcement actions within the last five years.

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

Screening Date 06-Sep-2006

Docket No. 2006-1427-DCL-E

PCW

Respondent Mimi Hoang Investment Inc. dba Rich Cleaners

Facility 3 (September 2002)

Case ID No. 30944

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104411574

Media [Statute] Drycleaner

Enf. Coordinator Suzanne Walrath

Violation Number 1

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	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
			X			Percent 10%
Matrix Notes	100% of the rule requirement was not met.					

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 237

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

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$1,185

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

## Economic Benefit Worksheet

Respondent Mimi Hoang Investment Inc. dba Rich Cleaners  
 Case ID No. 30944  
 Reg. Ent. Reference No. RN104411574  
 Media [Statute] Drycleaner  
 Violation No. 1

Facility 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	\$250	01-Sep-2005	02-Jun-2006	0.8	\$9	n/a	\$9
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 received its registration.

**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** \$9

# Compliance History

Customer/Respondent/Owner-Operator: CN602556292 Mimi Hoang Investment Inc. Classification: Rating:  
Regulated Entity: RN104411574 RICH CLEANERS Classification: Site Rating:

ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000027058  
GENERATION  
Location: 2719 CHIMNEY ROCK RD, HOUSTON, TX, 77056 Rating Date: September 01 06

TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: September 13, 2006  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: September 13, 2001 to September 13, 2006

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

Name: Suzanne Walrath Phone: 512/239-2134

## Site Compliance History Components

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

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 08/31/2006 (511025)
  - 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  
AGAINST MIMI HOANG  
INVESTMENT INC. DBA RICH  
CLEANERS  
RN104411582, RN101637320, AND  
RN104411574

§  
§  
§  
§  
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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT ORDER**  
**DOCKET NO. 2006-1427-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 Mimi Hoang Investment Inc. dba Rich Cleaners ("Mimi Hoang").

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

**FINDINGS OF FACT**

1. Mimi Hoang owns and operates the following dry cleaners drop stations in the State of Texas (collectively referred to as "the Facilities"):
  - a. Rich Cleaners - 11920 Westheimer Road, in Houston, Harris County ("Facility 1");
  - b. Rich Cleaners - 9543 Richmond Avenue, in Houston, Harris County ("Facility 2");  
and
  - c. Rich Cleaners - 2719 Chimney Rock Road, in Houston, Harris County ("Facility 3").
2. The Facilities are retail commercial establishments the primary business of which are to act as collection points for the drop-off and pick-up of garments or other fabrics that are sent to a dry cleaning facility for processing. As such, the Facilities are dry cleaning drop stations as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).

3. During an investigation conducted on May 25, 2006 at Facility 1, a TCEQ Houston Regional Office investigator documented that Mimi Hoang failed to renew the required registration by completing and submitting the required form to the TCEQ for Facility 1.
4. During an investigation conducted on May 23, 2006 at Facility 2, a TCEQ Houston Regional Office investigator documented that Mimi Hoang failed to renew the required registration by completing and submitting the required form to the TCEQ for Facility 2.
5. During an investigation conducted on May 22, 2006 at Facility 3, a TCEQ Houston Regional Office investigator documented that Mimi Hoang failed to renew the required registration by completing and submitting the required form to the TCEQ for Facility 3.
6. During a record review conducted on August 31, 2006, TCEQ staff documented that Mimi Hoang failed to pay Dry Cleaner registration fees and associated late fees for TCEQ Financial Administration Account No. 24002324 for fiscal year 2006.
7. Mimi Hoang received notices of the violations on or about August 19, 2006, August 22, 2006, and September 5, 2006.
8. The Executive Director recognizes that Mimi Hoang has implemented the following corrective measures at the Facilities:
  - a. Obtained the registration for Facility 1 on June 14, 2006;
  - b. Obtained the registration for Facility 2 on June 20, 2006; and
  - c. Obtained the registration for Facility 3 on June 2, 2006.
9. 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 Mimi Hoang Investment Inc. dba Rich Cleaners" (the "EDPRP") in the TCEQ Chief Clerk's office on February 20, 2007.
10. By letter dated February 20, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mimi Hoang with notice of the EDPRP. According to the return receipt "green card", Mimi Hoang received notice of the EDPRP on February 22, 2007, as evidenced by the signature on the card.

11. More than 20 days have elapsed since Mimi Hoang received notice of the EDPRP, provided by the Executive Director. Mimi Hoang 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, Mimi Hoang is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mimi Hoang failed to renew the required registration by completing and submitting the required form to the TCEQ for Facility 1, 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. 4, Mimi Hoang failed to renew the required registration by completing and submitting the required form to the TCEQ for Facility 2, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102.
4. As evidenced by Finding of Fact No. 5, Mimi Hoang failed to renew the required registration by completing and submitting the required form to the TCEQ for Facility 3, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102.
5. As evidenced by Finding of Fact No. 6, Mimi Hoang failed to pay Dry Cleaner registration fees and associated late fees for TCEQ Financial Administration Account No. 24002324 for fiscal year 2006, in violation of 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702.
6. As evidenced by Finding of Fact Nos. 9 and 10, the Executive Director has timely served Mimi Hoang with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
7. As evidenced by Finding of Fact No. 11, Mimi Hoang has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mimi Hoang and assess the penalty recommended by the Executive Director.
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mimi Hoang 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.

9. An administrative penalty in the amount of three thousand five hundred fifty-five dollars (\$3,555.00) 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).
10. 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. Mimi Hoang is assessed an administrative penalty in the amount of three thousand five hundred fifty-five dollars (\$3,555.00) for violations of TEX. HEALTH & SAFETY CODE ch. 374, TEX. WATER CODE ch. 5, and the rules of the TCEQ. The payment of this administrative penalty and Mimi Hoang'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: Mimi Hoang Investment Inc. dba Rich Cleaners; Docket No. 2006-1427-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. Within 30 days after the effective date of this Order, Mimi Hoang shall submit payment for all outstanding fees, including any associated penalties and interest with the notation, "Mimi Hoang Investment Inc. dba Rich Cleaners, Financial Administration Account No. 24002324", 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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mimi Hoang. Mimi Hoang 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 Mimi Hoang 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, Mimi Hoang's failure to comply is not a violation of this Order. Mimi Hoang shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mimi Hoang shall notify the Executive Director within seven days after Mimi Hoang 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 Mimi Hoang shall be made in writing to the Executive Director. Extensions are not effective until Mimi Hoang 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 Mimi Hoang if the Executive Director determines that Mimi Hoang has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF MARK A. CURNUTT**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

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

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Mimi Hoang Investment Inc. dba Rich Cleaners” (the “EDPRP”) with the Office of the Chief Clerk on February 22, 2007.

I sent the EDPRP to Mimi Hoang at its last known address on February, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Mimi Hoang received notice of the EDPRP on January 22, 2007, as evidenced by the signature on the card.

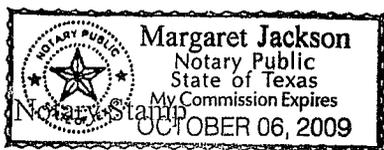
More than 20 days have elapsed since Mimi Hoang received notice of the EDPRP. Mimi Hoang failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference”.



Mark A. Curnutt  
Attorney  
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 19 day of July, A.D., 2007.



Notary Signature