

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2006-1499-DCL-E      TCEQ ID NO.: RN104086582      CASE NO.: 31025**  
**RESPONDENT NAME: SUNG JA HWANG DBA JASPER 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> 508 Jasper Drive, Killeen, Bell County</p> <p><b>TYPE OF OPERATION:</b> Dry cleaning drop station facility</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 22, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Mary Coleman, Litigation Division, MC R-4, (817) 588-5917                  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  <b>TCEQ Enforcement Coordinator:</b> Mr. Tel Croston, Waste Enforcement Section, MC169, (512) 239-5717  <b>TCEQ Regional Contact:</b> Mr. Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3007  <b>Respondent:</b> Ms. Sung Ja Hwang, Owner, 508 Jasper Drive, Killeen, Texas 76542  <b>Respondent's Attorney:</b> Not represented by counsel.</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 type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b>                      N/A</p> <p><b>Dates of Investigation Relating to this Case:</b>                      May 18, 2006</p> <p><b>Date of NOE Relating to this Case:</b>                      August 11, 2006</p> <p><b>Background Facts:</b></p> <p>The EDRP was filed on May 18, 2007.</p> <p>During discussions with the Respondent, it was revealed that she had already agreed to settle the case and that a check in the amount of \$853 had already been paid before the case was referred to Litigation. The Enforcement Division made a settlement offer on October 26, 2006 with December 4, 2006 response deadline. The Financial Division verified that a \$853 check had been received and credited to the Respondent's account. The check was credited on November 28, 2006; however, there was no record of the Respondent's signed agreed order nor could the Respondent recall if one had been signed. A proposed Agreed Order was sent to the Respondent on July 11, 2007. The Agreed Order was returned signed by the Respondent.</p> <p>The Respondent was given a 20% 'other factors as justice may require' reduction since the Financial Division verified that a \$853 check had been received and credited to the Respondent's account before the case was referred to the Litigation Division, the Respondent paid the penalty in full and performed all corrective action.</p> <p>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>Failed to renew the 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><b>Total Assessed:</b> \$853</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b></p> <p>\$853</p> <p>The Respondent has paid the administrative penalty of \$853 in full.</p> <p><b>Site Compliance History Classification:</b>  <input checked="" type="checkbox"/> N/A</p> <p><b>Person Compliance History Classification:</b>  <input checked="" type="checkbox"/> 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>The Executive Director recognizes that the Respondent registered the Facility on September 26, 2006.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	28-Aug-2006	Screening	30-Aug-2006	EPA Due	
	PCW	25-Jan-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Hwang, Sung Ja dba Jasper Cleaners
Reg. Ent. Ref. No.	RN104086582
Facility/Site Region	9-Waco
Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	31025	No. of Violations	1
Docket No.	2006-1499-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Tel Croston
Multi-Media		EC's Team	Enforcement Team 7
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: No adjustment for compliance history.

**Culpability** No 0% Enhancement Subtotal 4 **\$0**

Notes: The respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 10% Reduction Subtotal 5 **-\$119**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with a small x)

Notes: The respondent registered on September 26, 2006.

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

Total EB Amounts	\$13	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

**SUM OF SUBTOTALS 1-7** Final Subtotal **\$1,067**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 20% Enhancement Adjustment **-\$214**

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

Notes: The respondent made payment during the expedited settlement period and met the registration requirement.

Final Penalty Amount

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty **\$853**

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

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

Notes:

**PAYABLE PENALTY** **\$853**

Screening Date 30-Aug-2006

Backup\Revised PCW2 111307.gpw

Docket No. 2006-1499-DCL-E

PCW

Respondent Hwang, Sung Ja dba Jasper Cleaners

Policy Revision 2 (September 2002)

Case ID No. 31025

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104086582

Media [Statute] Drycleaner

Enf. Coordinator Tel Croston

**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%
<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

No adjustment for compliance history.

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

Backup\Revised PCW2 111307.gpw  
**Screening Date** 30-Aug-2006 **Docket No.** 2006-1499-DCL-E **PCW**  
**Respondent** Hwang, Sung Ja dba Jasper Cleaners *Policy Revision 2 (September 2002)*  
**Case ID No.** 31025 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN104086582  
**Media [Statute]** Drycleaner  
**Enf. Coordinator** Tel Croston  
**Violation Number** 1  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 337.11(e)  
**Secondary Rule Cite(s)** Tex. Health & Safety Code § 374.102  
**Violation Description** The respondent failed to renew the facility's 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**

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 \$13	Violation Final Penalty Total \$853
This violation Final Assessed Penalty (adjusted for limits) \$853	

Backup/Revised PCW2-111307.gpw  
**Economic Benefit Worksheet**

**Respondent** Hwang, Sung Ja dba Jasper Cleaners  
**Case ID No.** 31025  
**Reg. Ent. Reference No.** RN104086582  
**Media [Statute]** Drycleaner  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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	26-Sep-2006	1.1	\$13	n/a	\$13
Other (as needed)				0.0	\$0	n/a	\$0

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

<b>Avoided Costs</b>		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 **\$250**

**TOTAL \$13**

## Compliance History

Customer/Respondent/Owner-Operator:	CN603071887      SUNG, HWANG	Classification:	Rating:
Regulated Entity:	RN104086582      JASPER CLEANERS	Classification:	Site Rating:
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXR000074716
Location:	508 W JASPER DR, KILLEEN, TX, 76542		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	August 29, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 29, 2001 to August 29, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Jason Godeaux	Phone:	512-239-2541

### 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 08/24/2006 (485189)
  - 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  
SUNG JA HWANG DBA JASPER  
CLEANERS,  
TCEQ ID NO. RN104086582**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2006-1499-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 Sung Ja Hwang dba Jasper Cleaners ("Ms. Hwang") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 374. The Executive Director of the TCEQ, represented by the Litigation Division, and Ms. Hwang, appear before the Commission and together stipulate that:

1. Ms. Hwang owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning drop station facility located at 508 Jasper Drive, Killeen, Bell County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 374 and the TCEQ rules.
3. The Commission and Ms. Hwang agree that the Commission has jurisdiction to enter this Agreed Order, and that Ms. Hwang is subject to the Commission's jurisdiction.
4. Ms. Hwang received notice of the violations alleged in Section II ("Allegations") on or about August 16, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ms. Hwang of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of eight hundred fifty-three dollars (\$853.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ms. Hwang has paid eight hundred fifty-three dollars (\$853.00) of the administrative penalty.
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 Ms. Hwang have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Ms. Hwang submitted the required registration form for the Facility on September 26, 2006.
10. 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 Ms. Hwang has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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

Ms. Hwang is alleged to have violated 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102 by failing to renew the 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 18, 2006.

## III. DENIALS

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

#### IV. ORDER

1. It is, therefore, ordered by the TCEQ that Ms. Hwang pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Ms. Hwang'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: Sung Ja Hwang dba Jasper Cleaners, Docket No. 2006-1499-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. The provisions of this Agreed Order shall apply to and be binding upon Ms. Hwang. Ms. Hwang is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Ms. Hwang 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.
4. 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.
5. 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 Ms. Hwang, or three days after the date on which the Commission mails notice of the Order to Ms. Hwang, 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

*John Gordon Perdue*

For the Executive Director

9/14/07

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.

*Sung Ja Hwang*  
Signature

19 July 07  
Date

Sung Ja Hwang  
Name (Printed or typed)  
Authorized representative of  
Sung Ja Hwang dba Jasper Cleaners

OWNER  
Title