EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-0676-DCL-E TCEQ ID: RN102018033 CASE NO.: 29651
RESPONDENT NAME: IVORY CLEANERS II, INC. DBA IVORY CLEANERS & ALTERATIONS

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	X DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 1901 Rio Grande Street, Austin, Travis County

TYPE OF OPERATION: Dry cleaning drop facility

SMALL BUSINESS: X Yes ___ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on July 9, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Mary Coleman, Litigation Division, MC R-4, (817) 588-5917
Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
TCEQ Enforcement Coordinator: Mr. John Shelton, Waste Enforcement Section, MC 128, (512) 239-2563
TCEQ Regional Contact: Mr. Barry Kalda, Austin Regional Office, MC R-11, (512) 339-2929
Respondent: Ms. Nancy Bui, President, Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations, 3800 Alazan Circle, Austin, Texas 78734
Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date of Complaints Relating to this Case:** None **Dates of Investigation Relating to this Case:** May 23, 2006 and June 6, 2006 **Date of NOE Relating to this Case:** June 6, 2006 **Background Facts:** The Respondent originally operated the business as a dry cleaning facility until the building burned down in a fire on October 10, 2005. The Respondent re-opened as a dry cleaning drop station on March 1, 2006. An EDPRP was filed on September 25, 2006. The Respondent filed an Answer on October 6, 2006. An Agreed Order with a payment plan was signed on December 6, 2007. The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report. **DCL:** 1. Failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility [30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102(a)]. 2. Failed to pay outstanding dry cleaner registration fees [30 TEX. ADMIN. CODE § 337.14 (c) and TEX. WATER CODE § 5.702].	**Total Assessed:** $280 **Total Deferred:** $0 **Total Paid/Due to General Revenue:** $180/$100 The Respondent has paid $180 of the administrative penalty. The remaining amount of $100 of the administrative penalty shall be paid in a second payment, payable within 30 days after the effective date of this proposed Agreed Order. **Site Compliance History Classification:** N/A **Person Compliance History Classification:** N/A **Major Source:** __ Yes X No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility in response to this enforcement action: 1. Properly registered as a drop station on July 18, 2006. 2. Paid all outstanding dry cleaner registration fees fiscal year 2005.

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES					
Assigned	05-Jun-2006				
PCW	11-Aug-2006	Screening	07-Jun-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations		
Reg. Ent. Ref. No.	RN102018033		
Facility/Site Region	11-Austin	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	29651	No. of Violations	2
Docket No.	2006-0676-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Alison Echlin
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty $ Limit Minimum	$0	Maximum	$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $280

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement *Subtotals 2, 3, & 7* $0

Notes: The Respondent has no prior orders or NOVs 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

**Capped at the Total EB $ Amount*

Total EB Amounts	$5
Approx. Cost of Compliance	$250

SUM OF SUBTOTALS 1-7 Final Subtotal $280

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 $280

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $280

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 defferal is offered for non-expedited cases.

PAYABLE PENALTY $280

Screening Date 07-Jun-2006 **Docket No.** 2006-0676-DCL-E **PCW**

Respondent Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations *Policy Revision 2 (September 2002)*

Case ID No. 29651 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102018033

Media [Statute] Drycleaner

Enf. Coordinator Alison Echlin

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%
		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 has no prior orders or NOVs within the last five years.

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

PCW

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

Screening Date 07-Jun-2006 **Docket No.** 2006-0676-DCL-E
Respondent Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations
Case ID No. 29651
Reg. Ent. Reference No. RN102018033
Media [Statute] Drycleaner
Enf. Coordinator Alison Echlin
Violation Number 1
Primary Rule Cite(s) 30 Tex. Admin. Code § 337.10(a)
Secondary Rule Cite(s) Tex. Health and Safety Code § 374.102(a)
Violation Description The Respondent failed to complete and submit the required registration form to the TCEQ for a drycleaning and/or drop station facility. Specifically, the completed registration form was not submitted when the facility was opened as a dry cleaning drop station on March 1, 2006.

Base Penalty $50

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> 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: 56

mark only one, use a small x:

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $280

Fifty-six daily events are recommended from March 1, 2006, the date the facility began operations as a dry cleaner drop station, until the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $5

Statutory Limit Test

Violation Final Penalty Total $280

This violation Final Assessed Penalty (adjusted for limits) $280

Economic Benefit Worksheet

Respondent Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations
Case ID No. 29651
Reg. Ent. Reference No. RN102018033
Media [Statute] Drycleaner
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	18-Jul-2006	0.4	$5	n/a	$5
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.

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 $5

PCW

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Screening Date 07-Jun-2006 **Docket No.** 2006-0676-DCL-E

Respondent Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations

Case ID No. 29651

Reg. Ent. Reference No. RN102018033

Media [Statute] Drycleaner

Enf. Coordinator Alison Echlin

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 Failed to pay outstanding drycleaning fees for TCEQ Financial Account No. 24001637 for fiscal year 2005, as documented during a record review conducted on June 6, 2006.

Base Penalty $50

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: No penalty is calculated for this violation.

Adjustment -$50

Base Penalty Subtotal $0

Violation Events

Number of Violation Events

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $0

No additional administrative penalty was calculated for this violation as penalties and interest will be assessed on the next fee billing.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $0

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

Economic Benefit Worksheet

Respondent Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations
Case ID No. 29651
Reg. Ent. Reference No. RN102018033
Media [Statute] Drycleaner
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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:	CN602511107	IVORY CLEANERS II, INC.	Classification:	Rating:
Regulated Entity:	RN102018033	IVORY CLEANERS & ALTERATIONS	Classification:	Site Rating:

ID Number(s):

Location: 1901 RIO GRANDE ST, AUSTIN, TX, 78705

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: June 14, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 06, 2001 to June 06, 2006

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

Name: Alison Echlin Phone: 512-239-3308

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 06/02/2006 (480955)

N/A

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 IVORY CLEANERS II, INC. DBA IVORY CLEANERS & ALTERATIONS RN102018033	§ § § § § § §	**BEFORE THE** **TEXAS COMMISSION ON** **ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-0676-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 Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations ("Ivory") under the authority of TEX. WATER CODE chs. 5 and 7 and TEX. HEALTH & SAFETY CODE ch. 374. The Executive Director of the TCEQ, represented by the Litigation Division, and Ivory appear before the Commission and together stipulate that:

1. Ivory owns and operates a dry cleaners drop facility located at 1901 Rio Grande Street in Austin, Travis 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 TCEQ rules.

3. The Commission and Ivory agree that the Commission has jurisdiction to enter this Agreed Order, and that Ivory is subject to the Commission's jurisdiction.

4. Ivory received notice of the violations alleged in Section II ("Allegations") on or about June 11, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ivory of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of two hundred eighty dollars ($280.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ivory has paid one hundred eighty ($180.00) of the administrative

penalty. The remaining amount of one hundred dollars ($100.00) of the administrative penalty shall be paid in a second payment, payable within 30 days after the effective date of this Agreed Order. If Ivory fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Ivory to meet the payment schedule of this Agreed Order constitutes the failure of Ivory to timely and satisfactorily comply with all of the terms of this Agreed Order.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and Ivory 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 Ivory has implemented the following corrective measures at the Facility in response to this enforcement action:

   a. Ivory properly registered as a drop station; TCEQ processed Ivory's registration form on July 18, 2006.

   b. Ivory paid all outstanding dry cleaner registration fees fiscal year 2005; TCEQ processed Ivory's payment on October 6, 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 Ivory 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

Ivory is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102(a) by failing to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility. Specifically, the completed registration form was not submitted when the facility was opened as a dry cleaning drop station on March 1, 2006.

2. 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702 by failing to pay outstanding dry cleaner registration fees for TCEQ Financial Account No. 24001637 for fiscal year 2005, as documented during a record review conducted on June 6, 2006.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Ivory pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Ivory'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: Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations, Docket No. 2006-0676-DCL" 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 Ivory. Ivory 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 Ivory 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 Ivory, or three days after the date on which the Commission mails notice of the Order to Ivory, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

6/20/07
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 Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations' failure to comply with the Ordering Provisions, if any, in this order and/or its failure to timely pay the penalty amount, may result in:

- A negative impact on Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations' compliance history;
- Greater scrutiny of any permit applications submitted by Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations;
- 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 Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

4/11/07
Date

NANCY BUI
Name (Printed or typed)

President.
Title

Authorized representative of
Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director — Date 1/11/2008

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 Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations' failure to comply with the Ordering Provisions, if any, in this order and/or its failure to timely pay the penalty amount, may result in:

- A negative impact on Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations' compliance history;
- Greater scrutiny of any permit applications submitted by Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations;
- 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 Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature — Date 12/6/07

NANCY BRI
Name (Printed or typed) — Title President

Authorized representative of
Ivory Cleaners II, Inc. dba Ivory Cleaners & Alterations