

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

DOCKET NO.: 2006-1380-DCL-E TCEQ ID: RN104028626 CASE NO.: 30919

RESPONDENT NAME: HAB, INC. DBA NEW VILLAGE CLEANERS AKA NEW VILLAGE CLEANER  
AKA VILLAGE CLEANERS

ORDER TYPE:		
<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	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 14646 Farm to Market Road 529, Houston, Harris County

TYPE OF OPERATION: Dry cleaning facility

SMALL BUSINESS:  Yes  No

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

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 February 25, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**

- TCEQ Attorney: Ms. Tracy Chandler, Litigation Division, MC 175, (512) 239-0629  
Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
- TCEQ Enforcement Coordinator: Ms. Deana Holland, Waste Enforcement Section, MC 219, (512) 239-2504
- TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623
- Respondent: Mr. Barkat Ali, Registered Agent, HAB, Inc. dba New Village Cleaners aka New Village Cleaner aka Village Cleaners, 14646 FM to Market 529, Houston, Texas 77095
- Respondent's Attorney: Not represented by counsel on this enforcement matter.

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case:                      May 22, 2006</p> <p>Date of NOE Relating to this Case:                      September 5, 2006</p> <p>Background Facts:                      The Respondent signed the Agreed Order on December 15, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>DCL                      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 &amp; SAFETY CODE § 374.102].</p>	<p>Total Assessed: \$1,185</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid/Due to General Revenue:                      \$185/\$1000</p> <p>The Respondent has paid \$185 of the administrative penalty. The remaining amount of \$1,000 of the administrative penalty shall be paid in 10 monthly installments of \$100 each.</p> <p>Site Compliance History Classification:                      N/A</p> <p>Person Compliance History Classification                      N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Action(s) Taken</p> <p>The Executive Director recognizes that the Respondent registered the Facility on March 19, 2007.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES Assigned  Screening  EPA Due

RESPONDENT/FACILITY INFORMATION  
 Respondent   
 Reg. Ent. Ref. No.   
 Facility/Site Region  Major/Minor Source

CASE INFORMATION  
 Enf./Case ID No.  No. of Violations   
 Docket No.  Order Type   
 Media Program(s)  Enf. Coordinator   
 Multi-Media  EC's Team   
 Admin. Penalty \$ Limit Minimum  Maximum

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History  Subtotals 2, 3, & 7   
 Notes

Culpability  Subtotal 4   
 Notes

Good Faith Effort to Comply  Subtotal 5   
 Before NOV    NOV to EDPRP/Settlement Offer  
 Extraordinary    
 Ordinary    
 N/A  (mark with a small x)

Notes

Economic Benefit  Subtotal 6   
 Total EB Amounts  \*Capped at the Total EB \$ Amount  
 Approx. Cost of Compliance

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE  Adjustment   
 Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)  
 Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

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

PAYABLE PENALTY

Screening Date 22-Aug-2006

Docket No. 2006-1380-DCL-E

PCW

Respondent HAB, Inc. dba New Village Cleaners aka New Village Cleaner aka Village Cleaners (number 2002)

Case ID No. 30919

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104028626

Media [Statute] Drycleaner

Enf. Coordinator Jason Godeaux

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%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	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%
	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%
Judgments and Decrees	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%
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%
<i>Adjustment Percentage (Subtotal 2)</i>			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%

Screening Date 22-Aug-2006

Docket No. 2006-1380-DCL-E

PCW

Respondent H&B, Inc. dba New Village Cleaners aka New Village Cleaner aka Village Cleaners *ember 2002*

Case ID No. 30919

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104028626

Media [Statute] Drycleaner

Enf. Coordinator Jason Godeaux

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Harm

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

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one</i>	<i>use a small x</i>	<i>daily</i>	<input checked="" type="checkbox"/>
		<i>monthly</i>	<input type="checkbox"/>
		<i>quarterly</i>	<input type="checkbox"/>
		<i>semiannual</i>	<input type="checkbox"/>
		<i>annual</i>	<input type="checkbox"/>
		<i>single event</i>	<input type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

**Economic Benefit Worksheet**

Respondent: HAB, Inc. dba New Village Cleaners aka New Village Cleaner aka Village Cleaners  
 Case ID No. 30919  
 Reg. Ent. Reference No. RN104028626  
 Media [Statute] Drycleaner  
 Violation No. 1

Percent Interest: 5.0  
 Years of Depreciation: 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	01-Feb-2007	1.4	\$18	n/a	\$18
Other (as needed)				0.0	\$0	n/a	\$0

The estimated cost to register a dry cleaning or drop station facility annually. The date required is the date that the completed registration form was due and the final date is the date the respondent is projected to come into compliance.

Item Description	ANNUALIZED (1) avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>					
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: **\$18**

## Compliance History

Customer/Respondent/Owner-Operator:	CN603074824	HAB, INC.	Classification:	Rating:
Regulated Entity:	CN104028626	VILLAGE CLEANERS	Classification:	Site Rating:
ID Number(s):	DRY CLEANERS REGISTRATION INDUSTRIAL AND HAZARDOUS WASTE GENERATION	INTERNAL EPA ID		104028626 TXR000069898
Location:	14646 FM 529 RD, HOUSTON, TX, 77095		Rating Date: 9/1/2006	
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	April 07, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 25, 2001 to August 25, 2006			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Phone:		239-2504	

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 08/15/2006 (497499)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - 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  
HAB, INC. DBA NEW VILLAGE  
CLEANERS AKA NEW VILLAGE  
CLEANER AKA VILLAGE  
CLEANERS, RN104028626

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1380-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 HAB, Inc. dba New Village Cleaners aka New Village Cleaner aka Village Cleaners ("HAB") 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 HAB, appear before the Commission and together stipulate that:

1. HAB owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001 (12), and operates a dry cleaning facility located at 14646 Farm to Market Road 529, Houston, Harris 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 HAB agree that the Commission has jurisdiction to enter this Agreed Order, and that HAB is subject to the Commission's jurisdiction.
4. HAB received notice of the violations alleged in Section II ("Allegations") on or about September 5, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by HAB of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of one thousand one hundred eighty-five dollars (\$1,185.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). HAB has paid one hundred eighty-five dollars (\$185.00) of the administrative penalty. The remaining amount of one thousand dollars (\$1,000.00) of the administrative penalty shall be payable in ten monthly payments of one hundred dollars (\$100.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If HAB 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 HAB to meet the payment schedule of this Agreed Order constitutes the failure by HAB 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 HAB 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 HAB registered the Facility on March 19, 2007.
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 HAB 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

HAB is alleged to have violated 30 TEX. ADMIN. CODE § 337.10(a) and TEX. HEALTH & SAFETY CODE § 374.102 by failing to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.

## III. DENIALS

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

## IV. ORDER

1. It is, therefore, ordered by the TCEQ that HAB pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and HAB'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: HAB, Inc. dba New Village Cleaners aka New Village Cleaner aka Village Cleaners, Docket No. 2006-1380-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 HAB. HAB 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 HAB 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 HAB, or three days after the date on which the Commission mails notice of the Order to HAB, 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

*Robertson Peck*

For the Executive Director

2/3/08

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

*Ali Kenan*  
Signature

12/15/07  
Date

Barkat ali  
Name (Printed or typed)

owner-owner  
Title

Authorized representative of HAB, Inc. dba  
New Village Cleaners aka New Village Cleaner aka  
Village Cleaners