

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0387-DCL-E TCEQ ID: RN103952909 CASE NO.: 35482

RESPONDENT NAME: Sherman Dry Clean City Inc. dba Dry Clean City

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
<p>SITE WHERE VIOLATION(S) OCCURRED: Dry Clean City, 1905 Texoma Parkway, Sherman, Grayson County</p> <p>TYPE OF OPERATION: Dry cleaning</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 6, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Danielle Porras, Enforcement Division, Enforcement Team 7, MC 128, (512) 239-2602; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Yoon Tai Choi, Owner, Sherman Dry Clean City Inc. dba Dry Clean City, 1905 Texoma Parkway, Sherman, Texas 75090 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input checked="" type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 1, 2007</p> <p>Date of NOE Relating to this Case: February 11, 2008 (NOE)</p> <p>Background Facts: This was a follow-up investigation.</p> <p>WASTE</p> <p>1) Failure to obtain a registration by completing and submitted the required registration form to the TCEQ for a dry cleaning and/or drop station facility. Specifically, the Respondent's dry cleaner registration certificate expired on December 31, 2005 and the Respondent had not submitted a new registration form [30 TEX. ADMIN. CODE §337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102].</p> <p>2) Failure to keep secondary containment area free of all materials or objects that would diminish its capacity to contain a leak, spill, or release. Specifically, a white piece of cloth-like material in the secondary containment on the front side of the machine, a dust pan, a piece of grating, and pipes covering the secondary containment on the rear of the machine were noted [30 TEX. ADMIN. CODE § 337.20(e)(5)(A)].</p> <p>3) Failure to maintain inspection records of the secondary containment system [30 TEX. ADMIN. CODE §§ 337.20(e)(6)(B), 337.70(a), and 337.72(3)].</p>	<p>Total Assessed: \$3,500</p> <p>Total Deferred: \$700 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,800</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that a Dry Cleaner Registration Certificate was issued on March 12, 2008.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 15 days after the effective date of this Agreed Order, remove all materials and/or objects from the secondary containment area;</p> <p>b. Within 30 days after the effective date of this Agreed Order, develop and implement procedures to ensure the following:</p> <p>i. Secondary containment area is kept free of all materials or objects that would diminish its capacity to contain a leak, spill, or release; and</p> <p>ii. Weekly inspection records of the secondary containment system are recorded in a log book which can be made readily available upon request by TCEQ personnel.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

Additional ID No(s): None



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 2, 2008

DATES	Assigned	19-Feb-2008			
	PCW	10-Jul-2008	Screening	3-Mar-2008	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Sherman Dry Clean City Inc. dba Dry Clean City
Reg. Ent. Ref. No.	RN103952909
Facility/Site Region	4-DFW Metroplex
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35482	No. of Violations	1
Docket No.	2008-0387-DCL-E	Order Type	1660
Media Program(s)	Dry Cleaner	Enf. Coordinator	Danielle Porras
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	\$3,965
---	------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
---------------------------	------------------	---------------------	-----

Notes: No enhancement is recommended.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	10.0% Reduction	Subtotal 5	\$396
------------------------------------	-----------------	------------	-------

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

Notes: The Respondent returned to compliance on March 12, 2008.

	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$13	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$100		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,569
-----------------------------	----------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	44.0%	Adjustment	-\$1,569
---	-------	------------	----------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction in the penalty so that the dry cleaner registration violation does not overly impact the penalty amount.

Final Penalty Amount	\$2,000
----------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,000
-----------------------------------	------------------------	---------

DEFERRAL	20.0% Reduction	Adjustment	-\$400
-----------------	-----------------	------------	--------

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$1,600
------------------------	---------

Screening Date 3-Mar-2008

Docket No. 2008-0387-DCL-E

PCW

Respondent Sherman Dry Clean City Inc. dba Dry Clean City

Policy Revision 2 (September 2002)

Case ID No. 35482

PCW Revision May 2, 2008

Reg. Ent. Reference No. RN103952909

Media [Statute] Dry Cleaner

Enf. Coordinator Danielle Porras

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 submitted)	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

No enhancement is recommended.

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

Screening Date 3-Mar-2008	Docket No. 2008-0387-DCL-E	PCW
Respondent Sherman Dry Clean City Inc. dba Dry Clean City	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35482	<i>PCW Revision May 2, 2008</i>	
Reg. Ent. Reference No. RN103952909		
Media [Statute] Dry Cleaner		
Enf. Coordinator Danielle Porras		
Violation Number 1		
Rule Cite(s)	30 Tex. Admin. Code § 337.11(e) and Tex. Health & Safety Code § 374.102	
Violation Description	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, as documented during an investigation conducted on November 1, 2007. Specifically, the Respondent's dry cleaner registration certificate expired on December 31, 2005 and the Respondent had not submitted a new registration form.	
Base Penalty		\$50

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
				Percent <input type="text" value="10%"/>	
Matrix Notes	100% of the rule requirement was not met.				

Adjustment

\$5

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

793 daily events are recommended from the December 31, 2005 expiration date of the dry cleaner registration certificate to the March 3, 2008 screening date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$13"/>	Violation Final Penalty Total <input type="text" value="\$2,000"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,000"/>	

Economic Benefit Worksheet

Respondent: Sherman Dry Clean City Inc. dba Dry Clean City
Case ID No.: 35482
Reg. Ent. Reference No.: RN103952909
Media: Dry Cleaner
Violation No.: 1

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 \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$100	1-Aug-2005	12-Mar-2008	2.61	\$13	n/a	\$13
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to renew dry cleaner registration. The Date Required is the due date for the dry cleaning renewal registration for Fiscal Year 2006 and the Final Date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$100	TOTAL	\$13
-----------------------------------	-------	--------------	------



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 7, 2008

TCEQ

DATES	Assigned	19-Feb-2008			
	PCW	10-Jul-2008	Screening	3-Mar-2008	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Sherman Dry Clean City Inc. dba Dry Clean City
Reg. Ent. Ref. No.	RN103952909
Facility/Site Region	4-DFW Metroplex
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35482	No. of Violations	2
Docket No.	2008-0387-DCL-E	Order Type	1660
Media Program(s)	Dry Cleaner	Enf. Coordinator	Danielle Porras
Multi-Media		EC's Team	EnforcementTeam 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$1,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **0.0%** Enhancement *Subtotals 2, 3, & 7* **\$0**

Notes No enhancement is recommended.

Culpability **No** **0.0%** Enhancement *Subtotal 4* **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **0.0%** Reduction *Subtotal 5* **\$0**

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

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts **\$17** **0.0%** Enhancement* *Subtotal 6* **\$0**
Approx. Cost of Compliance **\$400** *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$1,500**

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 **\$1,500**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$1,500**

DEFERRAL **20.0%** Reduction *Adjustment* **-\$300**

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$1,200**

Screening Date 3-Mar-2008

Docket No. 2008-0387-DCL-E

PCW

Respondent Sherman Dry Clean City Inc. dba Dry Clean City

Policy Revision 2 (September 2002)

Case ID No. 35482

PCW Revision May 7, 2008

Reg. Ent. Reference No. RN103952909

Media [Statute] Dry Cleaner

Enf. Coordinator Danielle Porras

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 submitted)</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 enhancement is recommended.

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

Screening Date 3-Mar-2008	Docket No. 2008-0387-DCL-E	PCW	
Respondent Sherman Dry Clean City Inc. dba Dry Clean City	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 35482	<small>PCW Revision May 7, 2008</small>		
Reg. Ent. Reference No. RN103952909			
Media [Statute] Dry Cleaner			
Enf. Coordinator Danielle Porras			
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 337.20(e)(5)(A)		
Violation Description	Failed to keep secondary containment area free of all materials or objects that would diminish its capacity to contain a leak, spill, or release, as documented during an investigation conducted on November 1, 2007. Specifically, a white piece of cloth-like material in the secondary containment on the front side of the machine, a dust pan, a piece of grating, and pipes covering the secondary containment on the rear of the machine were noted.		
	Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Potential	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Percent <input type="text" value="10%"/>
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.		
	Adjustment	<input type="text" value="\$4,500"/>	
		<input type="text" value="\$500"/>	
Violation Events			
	Number of Violation Events	<input type="text" value="2"/>	Number of violation days
		<input type="text" value="123"/>	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	Violation Base Penalty
	semiannual	<input type="checkbox"/>	<input type="text" value="\$1,000"/>
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
	Two quarterly events are recommended from the investigation date, November 1, 2007, to the screening date March 3, 2008.		
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$9"/>	Violation Final Penalty Total	<input type="text" value="\$1,000"/>
	This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$1,000"/>

Economic Benefit Worksheet

Respondent: Sherman Dry Clean City Inc. dba Dry Clean City
Case ID No.: 35482
Reg. Ent. Reference No.: RN103952909
Media: Dry Cleaner
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	1-Nov-2007	15-Sep-2008	0.87	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to remove the materials and/or objects from the secondary containment system. The Date Required is the investigation date and the Final Date is the projected date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$9

Screening Date 3-Mar-2008 **Docket No.** 2008-0387-DCL-E **PCW**
Respondent Sherman Dry Clean City Inc. dba Dry Clean City *Policy Revision 2 (September 2002)*
Case ID No. 35482 *PCW Revision May 7, 2008*
Reg. Ent. Reference No. RN103952909
Media [Statute] Dry Cleaner
Enf. Coordinator Danielle Porras

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 337.20(e)(6)(B), 337.70(a), and 337.72(3)
Violation Description Failed to maintain inspection records of the secondary containment system, as documented during an investigation conducted on November 1, 2007.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text" value="10%"/>
	<input type="text" value="100% of the rule requirement was not met."/>			

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="X"/>

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 Sherman Dry Clean City Inc. dba Dry Clean City

Case ID No. 35482

Reg. Ent. Reference No. RN103952909

Media Dry Cleaner

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	1-Nov-2007	15-Sep-2008	0.87	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to maintain records of weekly inspections of the secondary containment system. The Date Required is the investigation date and the Final Date is the projected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$9

Compliance History

Customer/Respondent/Owner-Operator:	CN603323189 SHERMAN DRY CLEAN CITY INC.	Classification: N/A	Rating: N/A
Regulated Entity:	RN103952909 DRY CLEAN CITY	Classification: N/A	Site Rating: N/A
ID Number(s):	DRY CLEANERS REGISTRATION	INTERNAL	103952909
Location:	1905 TEXOMA PKWY, SHERMAN, TX, 75090		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	February 27, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 27, 2003 to February 27, 2008		

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

Name: Cynthia McKaughan Phone: (512) 239-0735

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.)
N/A
 - 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

Faint, illegible text covering the entire page, likely bleed-through from the reverse side of the document. The text is too light to transcribe accurately.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SHERMAN DRY CLEAN CITY INC.
DBA DRY CLEAN CITY
RN103952909

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0387-DCL-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sherman Dry Clean City Inc. dba Dry Clean City ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 374 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a dry cleaning facility at 1905 Texoma Parkway in Sherman, Grayson County, Texas (the "Facility").
2. The TCEQ has general authority concerning the Facility pursuant to TEX. HEALTH & SAFETY CODE § 374.051.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 16, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Three Thousand Five Hundred Dollars (\$3,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Eight Hundred Dollars (\$2,800) of the administrative penalty and Seven Hundred Dollars (\$700) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred 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 the Respondent 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 a Dry Cleaner Registration Certificate was issued on March 12, 2008.
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 the Respondent 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

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to obtain a registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility, as documented during an investigation conducted on November 1, 2007, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102. Specifically, the Respondent's dry cleaner registration certificate expired on December 31, 2005 and Respondent had not submitted a new registration form.
2. Failed to keep secondary containment area free of all materials or objects that would diminish its capacity to contain a leak, spill, or release, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(5)(A), as documented during an investigation conducted on November 1, 2007. Specifically, a white piece of cloth-like material in the secondary containment on the front side of the machine, a dust pan, a piece of grating and pipes covering the secondary containment on the rear of the machine were noted.

3. Failed to maintain inspection records of the secondary containment system, in violation of 30 TEX. ADMIN. CODE §§ 337.20(e)(6)(B), 337.70(a), and 337.72(3), as documented during an investigation conducted on November 1, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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 requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Sherman Dry Clean City Inc. dba Dry Clean City, Docket No. 2008-0387-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 15 days after the effective date of this Agreed Order, remove all materials and/or objects from the secondary containment area.
 - b. Within 30 days after the effective date of this Agreed Order, develop and implement procedures to ensure the following:
 - i. Secondary containment area is kept free of all materials or objects that would diminish its capacity to contain a leak, spill, or release; and
 - ii. Weekly inspection records of the secondary containment system are recorded in a log book which can be made readily available upon request by TCEQ personnel, in accordance with 30 TEX. ADMIN. CODE ch. 337.
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that

qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

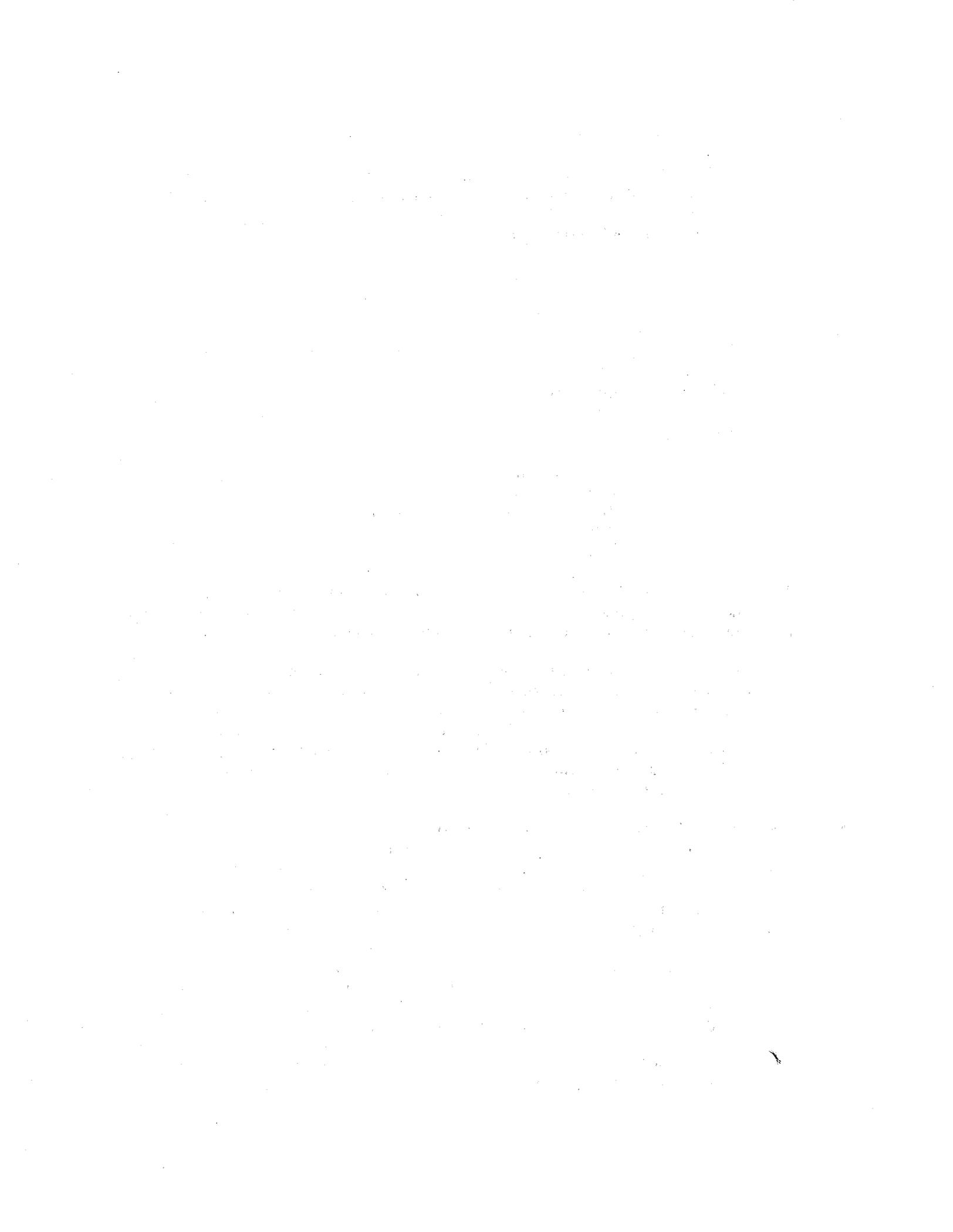
The certification shall be submitted to:

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

with a copy to:

Waste Section, Manager
DFW Metroplex Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
7. 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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 Szalai
For the Executive Director

9/27/2008
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

[Signature]
Signature

9/22/08
Date

Yoon Tae Choi
Name (Printed or typed)

Owner
Title

Authorized Representative of
Sherman Dry Clean City Inc. dba Dry Clean City

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

