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EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-1264-DCL-E TCEQ ID: RN104992847 CASE NO.: 30287
RESPONDENT NAME: WEBERA, INC. DBA MAX DRY CLEAN SUPERSTORE

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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: 9911 Lake June Road, Dallas, Dallas County</p> <p>TYPE OF OPERATION: Dry cleaning drop station</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. The Respondent owes \$1,118.48 in past-due administrative penalties (2006-0997-DCL-E).</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired March 9, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Tammy L. Mitchell, Litigation Division, MC 175, (512) 239-0736 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Ross Fife, Waste Enforcement Section, MC 128, (512) 239-2541 TCEQ Regional Contact: Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903 Respondent: Mr. Wahid Yusuf, Director, Webera Inc., 8600 Coppertown Lane #1004, Dallas, Texas 75243 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:</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 Complaint Relating to this Case: N/A</p> <p>Date of Investigation Relating to this Case: March 27, 2008</p> <p>Date of NOE Relating to this Case: June 18, 2008</p> <p>Background Facts: The EDP RP was filed October 21, 2008, and sent to the Respondent via certified mail, return receipt requested, and via first class mail, postage pre-paid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned. The Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: Not yet in compliance.</p> <p>DCL:</p> <p>1. Failed to complete and submit the required dry cleaners drop station registration form to the TCEQ [30 TEX. ADMIN. CODE § 337.11(e), TEX. HEALTH & SAFETY CODE § 374.102(a), and TCEQ Agreed Order Docket No. 2006-0997-DCL-E, Ordering Provision No. 2.a.].</p> <p>2. Failed to pay outstanding Administrative Penalties and dry cleaner fees [30 TEX. ADMIN. CODE § 337.14(c), TEX. WATER CODE § 5.702, and TCEQ Agreed Order Docket No. 2006-0997-DCL-E, Ordering Provision Nos. 1 and 2.b.].</p>	<p>Total Assessed: \$3,606</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$3,606</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty, but will be required to do so under the terms of this proposed Order.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" 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>Ordering Provisions:</p> <p>The Respondent shall take the following technical Requirements:</p> <ol style="list-style-type: none"> 1. Within 15 days, complete and submit the required drycleaner drop station registration for the facility. 2. Within 30 days, submit payment of all outstanding fees, including any associated penalties and interest. 3. Within 45 days, submit written documentation of compliance with Ordering Provisions 1 and 2.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 17, 2008

DATES	Assigned	1-Jul-2008	Screening	21-Jul-2008	EPA Due	
	PCW	1-Aug-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Webera, Inc. dba Max Dry Clean Superstore
Reg. Ent. Ref. No.	RN104992847
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	30287	No. of Violations	2
Docket No.	2008-1264-DCL-E	Order Type	Findings
Media Program(s)	Dry Cleaner	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ross Fife
		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* **\$2,885**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 25.0% Enhancement *Subtotals 2, 3, & 7* **\$721**

Notes Two enhancements for one previous agreed order and one NOV.

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

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments *Subtotal 5* **\$0**

Economic Benefit 0.0% Enhancement* *Subtotal 6* **\$0**

Total EB Amounts	\$29
Approx. Cost of Compliance	\$250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$3,606**

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% *Adjustment* **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$3,606**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$3,606**

DEFERRAL 0.0% Reduction *Adjustment* **\$0**

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

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$3,606**

Screening Date 21-Jul-2008

Docket No. 2008-1264-DCL-E

PCW

Respondent Webera, Inc. dba Max Dry Clean Superstore

Policy Revision 2 (September 2002)

Case ID No. 30287

PCW Revision June 17, 2008

Reg. Ent. Reference No. RN104992847

Media [Statute] Dry Cleaner

Enf. Coordinator Ross Fife

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)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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%

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) 25%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Two enhancements for one previous agreed order and one NOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 21-Jul-2008		Docket No. 2008-1264-DCL-E		PCW	
Respondent Webera, Inc. dba Max Dry Clean Superstore		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 30287		<i>PCW Revision June 17, 2008</i>			
Reg. Ent. Reference No. RN104992847					
Media [Statute] Dry Cleaner					
Enf. Coordinator Ross Fife					
Violation Number	<input type="text" value="1"/>				
Rule Cite(s)	30 Tex. Admin. Code § 337.11(e); Tex. Health & Safety Code § 374.102(a) and TCEQ Commission Order Docket No. 2006-0997-DCL-E Ordering Provision 2.a				
Violation Description	Failed to renew the facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning drop station facility.				
Base Penalty				<input type="text" value="\$50"/>	
>> Environmental, Property and Human Health Matrix					
OR	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 <input type="text" value="0%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	x	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>	
Matrix Notes	100% of the rule requirement was not met.				
Adjustment				<input type="text" value="\$45"/>	
				<input type="text" value="\$5"/>	
Violation Events					
Number of Violation Events		<input type="text" value="577"/>	Number of violation days		
		<input type="text" value="577"/>			
<i>mark only one with an x</i>	daily	<input type="text" value="x"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
				Violation Base Penalty <input type="text" value="\$2,885"/>	
Five Hundred Seventy-Seven daily events are recommended based on the December 22, 2006 effective date of the order to the July 21, 2008 screening date.					
Good Faith Efforts to Comply		0.0% Reduction		<input type="text" value="\$0"/>	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	x	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				<input type="text" value="\$2,885"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount	<input type="text" value="\$29"/>	Violation Final Penalty Total	<input type="text" value="\$3,606"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,606"/>			

Economic Benefit Worksheet

Respondent Webera, Inc. dba Max Dry Clean Superstore

Case ID No. 30287

Reg. Ent. Reference No. RN104992847

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	\$250	22-Dec-2006	25-Apr-2009	2.34	\$29	n/a	\$29
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to register as a drycleaner and/or drop station facility. Date Required is the date of the previous agreed order and the Final Date is the estimated 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

\$250

TOTAL

\$29

Screening Date 21-Jul-2008

Docket No. 2008-1264-DCL-E

PCW

Respondent Webera, Inc. dba Max Dry Clean Super Store

Policy Revision 2 (September 2002)

Case ID No. 30287

PCW Revision June 17, 2008

Reg. Ent. Reference No. RN104992847

Media [Statute] Dry Cleaner

Enf. Coordinator Ross Fife

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 337.14(c), Tex. Water Code § 5.702, and TCEQ Agreed Order Docket No. 2006-0997-DCL-E Ordering Provisions 1 and 2.b

Violation Description Failed to pay outstanding Administrative Penalty for TCEQ Financial Account Nos. 23800131 and 24002173 and dry cleaner fees, as documented during an investigation conducted on March 27, 2008..

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Adjustment \$50

\$0

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$0

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

Good Faith Efforts to Comply

0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

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

Economic Benefit Worksheet

Respondent: Webera, Inc. dba Max Dry Clean Superstore
Case ID No.: 30287
Reg. Ent. Reference No.: RN104992847
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
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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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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 \$0

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator: CN602539801 Webera, Inc. Classification: AVERAGE Rating: 3.01
 Regulated Entity: RN104992847 MAX DRY CLEAN SUPER STORE Classification: N/A Site Rating: N/A
 ID Number(s): DRY CLEANERS REGISTRATION INTERNAL 104992847
 Location: 9911 LAKE JUNE RD, DALLAS, TX, 75217
 TCEQ Region: REGION 04 - DFW METROPLEX
 Date Compliance History Prepared: August 11, 2008
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: August 11, 2003 to August 11, 2008
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Ross Fife 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.

Effective Date: 12/22/2006 ADMINORDER 2006-0997-DCL-E
 Classification: Major
 Citation: 30 TAC Chapter 337, SubChapter B 337.10(a)
 TEXAS HEALTH AND SAFETY CODE 374.102(a)

Description: Failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.

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 07/11/2006 (481373)
- 2 04/25/2007 (557104)
- 3 06/23/2008 (681858)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 04/19/2007 (557104)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 337, SubChapter B 337.10(a)
 TEXAS HEALTH AND SAFETY CODE 374.102(a)

Description: Failed to complete and submit the required registration form to the TCEQ for a dry cleaning and/or drop station facility.

Self Report? NO Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: ORDER Ordering Provisions 2.a. - 2.c.

Description: Failure to Comply with Commission Order Docket No. 2006-0997-DCL-E.

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
WEBERA, INC. DBA MAX DRY
CLEAN SUPER STORE,
RN104992847**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2008-1264-DCL-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Webera, Inc. dba Max Dry Clean Superstore ("Webera").

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

FINDINGS OF FACT

1. Webera owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility located at 9911 Lake June Road, Dallas, Dallas County, Texas (the "Facility").
2. The Facility is a retail commercial establishment the primary business of which is to act as a collection point for the drop-off and pick-up of garments or other fabrics that are sent to a dry cleaning facility for processing. As such, the Facility is a dry cleaning drop station as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).
3. During an inspection on March 27, 2008, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Webera:
 - a. failed to complete and submit the required registration renewal form to the TCEQ for a dry cleaning drop station facility;

- b. failed to pay outstanding Administrative Penalty for TCEQ Financial Account Nos. 23800131 and 24002173 and dry cleaner fees.
4. Webera received notice of the violations on or about June 23, 2008.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Webera, Inc. dba Max Dry Clean Super Store" (the "EDPRP") in the TCEQ Chief Clerk's office on October 21, 2008.
6. By letter dated October 21, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Webera with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed". The first class mail has not been returned, indicating that Webera received notice of the EDPRP.
7. More than 20 days have elapsed since Webera received notice of the EDPRP, provided by the Executive Director. Webera failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Webera is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 374 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Webera failed to complete and submit the required registration renewal form to the TCEQ for a dry cleaning drop station facility, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102(a) and TCEQ Commission Order Docket No. 2006-0997-DCL-E Ordering Provision 2.a.
3. As evidenced by Finding of Fact No. 3.b., Webera failed to pay outstanding Administrative Penalty for TCEQ Financial Account Nos. 23800131 and 24002173 and dry cleaner fees, in violation of 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702 and TCEQ Commission Order Docket No. 2006-0997-DCL-E Ordering Provisions 1 and 2.b.

4. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served Webera with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
5. As evidenced by Finding of Fact No. 7, Webera has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Webera and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Webera for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of three thousand six hundred dollars (\$3,606.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Webera is assessed an administrative penalty in the amount of three thousand six hundred dollars (\$3,606.00) for violations of TEX. WATER CODE ch. 5 and TEX. HEALTH & SAFETY CODE ch. 374 and rules of the TCEQ. The payment of this administrative penalty and Webera's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Webera, Inc. dba Max Dry Clean Super Store; Docket No. 2008-1264-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. Webera shall undertake the following technical requirements:

- a. Within 15 days after the effective date of the Commission Order, complete and submit the required drycleaner drop station registration for the Facility, in accordance with 30 TEX. ADMIN. CODE ch. 337 to:

Dry Cleaning Registration Team
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 30 days after the effective date of the Commission Order, submit payment of all outstanding fees and administrative penalties, including any associated penalties and interest, with the notation "Webera, Inc. dba Max Dry Clean Super Store, TCEQ Financial Account No. 23800131 and 24002173," to:

Dry Cleaning Registration Team
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- c. Within 45 days after the effective date of the Commission Order, submit written communication of compliance with Ordering Provisions 2.a and 2.b as described below:

The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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, TX 78711-3087

with a copy to:

Sam Barrett, Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

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

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Webera if the Executive Director determines that Webera has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

