

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-2031-DCL-E TCEQ ID: RN104089891 AND RN103958807 CASE NO.: 35126
RESPONDENT NAME: KARL TATSCH DBA HILL COUNTRY CLEANERS & LAUNDRY AND DBA HILL COUNTRY CLEANERS

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 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: 605 Sheffield Avenue, Llano, Llano County ("Hill Country Cleaners & Laundry" or "Facility 1"); 800 Bessemer Avenue, Ste. 1, Llano, Llano County ("Hill Country Cleaners" or "Facility 2")</p> <p>TYPE OF OPERATION: Dry cleaning facility (Facility 1) and drop station (Facility 2)</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 these facility locations.</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 on March 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Gary K. Shiu, Litigation Division, MC R-12, (713) 422-8916 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Clinton Sims, Waste Enforcement Section, MC 128, (512) 239-6933 TCEQ Regional Contact: Mr. Barry Kalda, Austin Regional Office, MC R-11, (512) 339-2929 Respondent: Mr. Karl Tatsch, Owner, Hill Country Cleaners & Laundry and Hill Country Cleaners, 800 Bessemer Avenue, Suite # 1, Llano, Texas 78643 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 checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: November 20, 2007 (investigation) December 17, 2007 (record review)</p> <p>Date of NOE Relating to this Case: December 7, 2007</p> <p>Background Facts: The EDPRP was filed March 20, 2008 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on March 21, 2008. The Respondent failed to answer the EDPRP, 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 renew Facility 1's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning facility for Fiscal Year 2008 [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102].</p> <p>2. Failed to pay registration fees and associated late fees for Fiscal Years 2004 through 2006 and failed to complete payment of an administrative penalty [30 TEX. ADMIN. CODE § 337.14(c), TEX. WATER CODE § 5.702, and TCEQ Agreed Order Docket No. 2006-0919-DCL-E, Ordering Provisions 1 and 2.a.].</p> <p>3. Failed to renew Facility 2's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning drop station for Fiscal Year 2008 [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102].</p> <p>4. Failed to pay registration fees and associated late fees for Fiscal Years 2005 and 2006 and failed to complete payment of an administrative penalty [30 TEX. ADMIN. CODE § 337.14(c), TEX. WATER CODE § 5.702, and TCEQ Agreed Order Docket No. 2006-0919-DCL-E, Ordering Provisions 1 and 2.a.].</p>	<p>Total Assessed: \$350</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$350</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>("Facility 1"): Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</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>("Facility 2"): Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</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>Technical Requirements:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 15 days, complete and submit the required dry cleaner and drop station registration forms for Facility 1 and Facility 2. 2. Within 30 days, <ol style="list-style-type: none"> a. Submit payment for all outstanding fees, including any associated late fees; and b. Submit payment for the remaining unpaid portion of the assessed administrative penalty for Docket No. 2006-0919-DCL-E, including any associated late fees. 3. Within 45 days, submit written certification to demonstrate compliance with these Ordering Provisions.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	10-Dec-2007	Screening	17-Dec-2007	EPA Due	
	PCW	18-Dec-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Karl Tatsch dba Hill Country Cleaners		
Reg. Ent. Ref. No.	RN103958807		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35126	No. of Violations	2
Docket No.	2007-2031-DCL-E	Order Type	Findings
Media Program(s)	Dry Cleaner	Enf. Coordinator	Colin Barth
Multi-Media		EC's Team	EnforcementTeam 7
Admin. Penalty \$	Limit Minimum \$0	Maximum \$50	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$140

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 25% Enhancement Subtotals 2, 3, & 7 \$35

Notes: The Respondent received one NOV for same or similar violations and one Order at this site within the past five years.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

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

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

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts \$423 0% Enhancement* Subtotal 6 \$0
 Approx. Cost of Compliance \$5,199 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$175

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 \$175

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$175

DEFERRAL 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 Order.

PAYABLE PENALTY \$175

Facility 1

Screening Date 17-Dec-2007

Docket No. 2007-2031-DCL-E

PCW

Respondent Karl Tatsch dba Hill Country Cleaners

Policy Revision 2 (September 2002)

Case ID No. 35126

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN103958807

Media [Statute] Dry Cleaner

Enf. Coordinator Colin Barth

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%
<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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

The Respondent received one NOV for same or similar violations and one Order at this site within the past five years.

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

Screening Date 17-Dec-2007 **Docket No.** 2007-2031-DCL-E **PCW**
Respondent Karl Tatsch dba Hill Country Cleaners *Policy Revision 2 (September 2002)*
Case ID No. 35126 *PCW Revision June 26, 2007*
Reg. Ent. Reference No. RN103958807
Media [Statute] Dry Cleaner
Enf. Coordinator Colin Barth
Violation Number
Rule Cite(s)
Violation Description
Base Penalty

>> Environmental, Property and Human Health Matrix
OR

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

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes
Adjustment

Violation Events
 Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input checked="" 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

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$45"/>	Violation Final Penalty Total <input type="text" value="\$169"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$169"/>	

Economic Benefit Worksheet

Respondent Karl Tatsch dba Hill Country Cleaners
Case ID No. 35126
Reg. Ent. Reference No. RN103958807
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
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	31-Dec-2004	11-Aug-2008	3.6	\$45	n/a	\$45
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to register a 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.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$45

Screening Date 17-Dec-2007

Docket No. 2007-2031-DCL-E

PCW

Respondent Karl Tatsch dba Hill Country Cleaners

Policy Revision 2 (September 2002)

Case ID No. 35126

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN103958807

Media [Statute] Dry Cleaner

Enf. Coordinator Colin Barth

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 337.14(c), Tex. Water Code § 5.702, and TCEQ Agreed Order Docket No. 2006-0919-DCL-E, Ordering Provisions 1 and 2.a.

Violation Description

Failed to pay registration fees and associated late fees to TCEQ Financial Account No. 24000502 and failed to an administrative penalty. Specifically, the Respondent failed to pay the outstanding registration fees for Fiscal Years 2004, 2005, and 2006 to TCEQ Financial Account No. 24000502 and failed to complete payment of the administrative penalty as directed by the Order, as documented during a record review conducted on December 17, 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

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10%"/>

Matrix Notes

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="checkbox"/>

Violation Base Penalty

One single event is recommended.

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 Karl Tatsch dba Hill Country Cleaners
Case ID No. 35126
Reg. Ent. Reference No. RN103958807
Media Dry Cleaner
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$4,949	31-Jan-2007	11-Aug-2008	1.5	\$378	n/a	\$378

Notes for DELAYED costs
 Estimated cost to pay the remaining portion of the administrative penalty and outstanding dry cleaner fees for TCEQ Financial Account No. 24000502. The date required is the date of the last payment 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				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$4,949 **TOTAL** \$378

Compliance History

Customer/Respondent/Owner-Operator: CN602459430 Karl Tatsch Classification: AVERAGE Rating: 17.67
 Regulated Entity: RN103958807 HILL COUNTRY CLEANERS Classification: N/A Site Rating: N/A

ID Number(s):
 Location: 800 BESSEMER AVE STE 1, LLANO, TX, 78643

TCEQ Region: REGION 11 - AUSTIN

Date Compliance History Prepared: December 11, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 11, 2002 to December 11, 2007

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

Name: Colin Barth Phone: 512 239-0086

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 Effective Date: 12/22/2006 ADMINORDER 2006-0919-DCL-E
 Classification: Moderate
 Citation: 30 TAC Chapter 337, SubChapter B 337.11(e)
 TEXAS HEALTH AND SAFETY CODE 374.102(e)
 Description: Failure to renew facilities' registrations by completing and submitting the required registration forms to the TCEQ for the facilities.

B. Any criminal convictions of the state of Texas and the federal government.

C. Chronic excessive emissions events.

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 06/29/2006 (483291)
- 2 08/09/2007 (571417)
- 3 12/07/2007 (609704)

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

Date: 08/08/2007 (571417)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 337, SubChapter B 337.11(e)
 TEXAS HEALTH AND SAFETY CODE 374.102(e)
 Description: Failure to renew facilities' registrations by completing and submitting the required registration forms to the TCEQ for the facilities.
 Self Report? NO Classification: Major
 Citation: 2A TWC Chapter 7, SubChapter A 7.101
 Rqmt Prov: ORDER Ordering Provision 1., 2.a. and 2.b.
 Description: Failure to comply with Ordering Provisions of Commission Docket No. 2006-0919-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

Facility 1



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	10-Dec-2007	Screening	17-Dec-2007	EPA Due	
	PCW	18-Dec-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Karl Tatsch dba Hill Country Cleaners & Laundry		
Reg. Ent. Ref. No.	RN104089891		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	35126	No. of Violations	2	
Docket No.	2007-2031-DCL-E	Order Type	Findings	
Media Program(s)	Dry Cleaner	Enf. Coordinator	Colin Barth	
Multi-Media		EC's Team	EnforcementTeam 7	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$50

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 25% Enhancement Subtotals 2, 3, & 7

Notes: The Respondent received one NOV for same or similar violations and one Order at this site within the past five years.

Culpability No 0% Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5

	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.

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

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 0% Reduction Adjustment

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 Order.

PAYABLE PENALTY

Facility 2

Screening Date 17-Dec-2007

Docket No. 2007-2031-DCL-E

PCW

Respondent Karl Tatsch dba Hill Country Cleaners & Laundry

Policy Revision 2 (September 2002)

Case ID No. 35126

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104089891

Media [Statute] Dry Cleaner

Enf. Coordinator Colin Barth

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 judgments 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) 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

The Respondent received one NOV for same or similar violations and one Order at this site within the past five years.

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

Screening Date 17-Dec-2007 Docket No. 2007-2031-DCL-E PCW
 Respondent Karl Tatsch dba Hill Country Cleaners & Laundry Policy Revision 2 (September 2002)
 Case ID No. 35126 PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104089891
 Media [Statute] Dry Cleaner
 Enf. Coordinator Colin Barth

Violation Number

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 facility for Fiscal Year 2008, as documented during an investigation conducted on November 20, 2007.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input checked="" 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

Twenty Seven daily events are recommended from the November 20, 2007 inspection date to the December 17, 2007 screening date.

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 Karl Tatsch dba Hill Country Cleaners & Laundry
Case ID No. 35126
Reg. Ent. Reference No. RN104089891
Media Dry Cleaner
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

-Item Description No commas or \$

Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	1-Sep-2005	11-Aug-2008	2.9	\$37	n/a	\$37
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to register a dry cleaning 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.

Avoided Costs

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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$37

Screening Date 17-Dec-2007

Docket No. 2007-2031-DCL-E

PCW

Respondent Karl Tatsch dba Hill Country Cleaners & Laundry

Policy Revision 2 (September 2002)

Case ID No. 35126

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104089891

Media [Statute] Dry Cleaner

Enf. Coordinator Colin Barth

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 337.14(c), Tex. Water Code § 5.702, and TCEQ Agreed Order Docket No. 2006-0919-DCL-E, Ordering Provisions 1 and 2.a.

Violation Description Failed to pay registration fees and associated late fees to TCEQ Financial Account No. 24000502, and failed to pay an administrative penalty. Specifically, the Respondent failed to pay the outstanding registration fees for Fiscal Years 2005 and 2006 and failed to complete payment of the administrative penalty as directed by the Order, as documented during a record review conducted on December 17, 2007.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

		Harm			
		Major	Moderate	Minor	
OR	Release Actual				Percent 0%
	Potential				

>> Programmatic Matrix

		Major	Moderate	Minor	
Matrix Notes	Falsification	x			Percent 10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$45

\$5

Violation Events

Number of Violation Events 1 293 Number of violation days

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

Violation Base Penalty \$5

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$378

Violation Final Penalty Total \$6

This violation Final Assessed Penalty (adjusted for limits) \$6

Economic Benefit Worksheet

Respondent Karl Tatsch dba Hill Country Cleaners & Laundry
Case ID No. 35126
Reg. Ent. Reference No. RN104089891
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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$4,949	31-Jan-2007	11-Aug-2008	1.5	\$378	n/a	\$378

Notes for DELAYED costs
 Estimated cost to pay the remaining portion of the administrative penalty and outstanding dry cleaner fees for TCEQ Financial Account No. 24000502. The date required is the date of the last payment and the final date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**

\$4,949	\$378
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Compliance History

Customer/Respondent/Owner-Operator: CN602459430 Karl Tatsch Classification: AVERAGE Rating: 17.67
 Regulated Entity: RN104089891 HILL COUNTRY CLEANERS & LAUNDRY Classification: AVERAGE Site Rating: 17.67
 INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000077115
 GENERATION
 Location: 605 SHEFFIELD AVE, LLANO, TX, 78643 Rating Date: 9/1/2007 Repeat Violator: NO
 TCEQ Region: REGION 11 - AUSTIN
 Date Compliance History Prepared: December 11, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: December 11, 2002 to December 11, 2007
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Colin Barth Phone: 512 239 0086

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 Effective Date: 12/22/2006 ADMINORDER 2006-0919-DCL-E
 Classification: Moderate
 Citation: 30 TAC Chapter 337, SubChapter B 337.11(e)
 TEXAS HEALTH AND SAFETY CODE 374.102(a)
 Description: Failure to renew facilities' registrations by completing and submitting the required registration forms to the TCEQ for the facilities.
- B. Any criminal convictions of the state of Texas and the federal government.
 N/A
- C. Chronic excessive emissions events.
 N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 1 06/29/2006 (484373)
 N/A
 2 08/09/2007 (571421)
 3 12/06/2007 (609705)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 Date: 08/08/2007 (571421)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 337, SubChapter B 337.11(e)
 TEXAS HEALTH AND SAFETY CODE 374.102(a)
 Description: Failure to renew facilities' registrations by completing and submitting the required registration forms to the TCEQ for the facilities.
 Self Report? NO Classification: Major
 Citation: 2A TWC Chapter 7, SubChapter A 7.101
 Rqmt Prov: ORDER Ordering Provisions 1., 2.a. and 2.b.
 Description: Failure to comply with Ordering Provisions of Commission Docket No. 2006-0919-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

Facility 2

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
KARL TATSCH DBA HILL
COUNTRY CLEANERS &
LAUNDRY AND DBA HILL
COUNTRY CLEANERS;
RN104089891 AND RN103958807

§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2007-2031-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 Karl Tatsch dba Hill Country Cleaners & Laundry and dba Hill Country Cleaners ("Mr. Tatsch").

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

FINDINGS OF FACT

1. Mr. Tatsch owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility located at 605 Sheffield Avenue, Llano, Llano County, Texas ("Facility 1"). Facility 1 is a retail commercial establishment that operates or has operated, in whole or in part for the purpose of cleaning garments or other fabrics using a process that involves any use of dry cleaning solvents. As such, Facility 1 is a dry cleaning facility as defined in TEX. HEALTH & SAFETY CODE § 374.001(7).
2. Mr. Tatsch owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning drop station located at 800 Bessemer Avenue, Suite # 1, Llano, Llano County, Texas ("Facility 2"). Facility 2 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, Facility 2 is a dry cleaning drop station as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).

3. During an inspection on November 20, 2007, a TCEQ investigator documented that Mr. Tatsch:
 - a. Failed to renew Facility 1's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning facility for Fiscal Year 2008; and
 - b. Failed to renew Facility 2's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning drop station for Fiscal Year 2008.
4. During a record review conducted on December 17, 2007, a TCEQ Enforcement Division staff member documented that Mr. Tatsch:
 - a. Failed to pay registration fees and associated late fees to TCEQ Financial Account No. 24000502 for Facility 1 and failed to pay an administrative penalty assessed by TCEQ Agreed Order Docket No. 2006-0919-DCL-E ("2006 Agreed Order"). Specifically, Mr. Tatsch failed to pay the outstanding registration fees for Fiscal Years 2005 and 2006 and failed to complete payment of the administrative penalty as directed by the 2006 Agreed Order; and
 - b. Failed to pay registration fees and associated late fees to TCEQ Financial Account No. 24000502 for Facility 2 and failed to pay an administrative penalty assessed by the 2006 Agreed Order. Specifically, Mr. Tatsch failed to pay the outstanding registration fees for Fiscal Years 2004, 2005, and 2006 and failed to complete payment of the administrative penalty as directed by the 2006 Agreed Order.
5. Mr. Tatsch received notice of the violations in paragraph 3 on or about December 12, 2007.
6. 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 Karl Tatsch dba Hill Country Cleaners & Laundry and dba Hill Country Cleaners" (the "EDPRP") in the TCEQ Chief Clerk's office on March 20, 2008.
7. By letter dated March 20, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Tatsch with notice of the EDPRP. According to the return receipt "green card", Mr. Tatsch received notice of the EDPRP on March 21, 2008, as evidenced by the signature on the card.

8. More than 20 days have elapsed since Mr. Tatsch received notice of the EDPRP, provided by the Executive Director. Mr. Tatsch 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, Mr. Tatsch is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Mr. Tatsch failed to renew Facility 1's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning facility for Fiscal Year 2008, in violation of 30 TEX. ADMIN CODE § 337.11(e), and TEX. HEALTH & SAFETY CODE § 374.102.
3. As evidenced by Finding of Fact No. 3.b., Mr. Tatsch failed to renew Facility 2's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning drop station for Fiscal Year 2008, in violation of 30 TEX. ADMIN CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102.
4. As evidenced by Finding of Fact No. 4.a., Mr. Tatsch failed to pay registration fees and associated late fees to TCEQ Financial Account No. 24000502 for Facility 1 and failed to pay an administrative penalty assessed by the 2006 Agreed Order, in violation of 30 TEX. ADMIN. CODE § 337.14(c); TEX. WATER CODE § 5.702; and TCEQ Agreed Order Docket No. 2006-0919-DCL-E, Ordering Provisions 1 and 2.a.
5. As evidenced by Finding of Fact No. 4.b., Mr. Tatsch failed to pay registration fees and associated late fees to TCEQ Financial Account No. 24000502 for Facility 2 and failed to pay an administrative penalty assessed by the 2006 Agreed Order, in violation 30 TEX. ADMIN. CODE § 337.14(c); TEX. WATER CODE § 5.702; and TCEQ Agreed Order Docket No. 2006-0919-DCL-E, Ordering Provisions 1 and 2.a.
6. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director timely served Mr. Tatsch with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
7. As evidenced by Finding of Fact No. 8, Mr. Tatsch 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 Mr. Tatsch and assess the penalty recommended by the Executive Director.

8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Tatsch 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.
9. An administrative penalty in the amount of three hundred fifty dollars (\$350.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
10. 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. Mr. Tatsch is assessed an administrative penalty in the amount of three hundred fifty dollars (\$350.00) for violations of TEX. HEALTH & SAFETY CODE ch. 374, TEX. WATER CODE ch 5, and rules of the TCEQ. The payment of this administrative penalty and Mr. Tatsch'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: Karl Tatsch dba Hill Country Cleaners & Laundry and dba Hill Country Cleaners; Docket No. 2007-2031-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. Mr. Tatsch shall undertake the following technical requirements:

- a. Within 15 days after the effective date of this Order, Mr. Tatsch shall complete and submit the required dry cleaner and drop station registration forms for Facility 1 and Facility 2, 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 this Order, Mr. Tatsch shall submit payment for all outstanding fees, including any associated penalties and interest with the notation "Karl Tatsch dba Hill Country Cleaners & Laundry and dba Hill Country Cleaners – Account Number 24000502," to the address listed under Ordering Provision 2.c.
- c. Within 30 days after the effective date of this Order, Mr. Tatsch shall submit payment for the remaining unpaid portion of the assessed administrative penalty including any associated penalties and interest for Docket No. 2006-0919-DCL-E with the notation "Karl Tatsch dba Hill Country Cleaners & Laundry and dba Hill Country Cleaners – Account Number 23800119," 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

- d. Within 45 days after the effective date of this Order, Mr. Tatsch shall 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., 2.b., and 2.c.

The certification shall be notarized by a State of Texas Notary Public and include the following 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 in 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, Texas 78711-3087

with a copy to:

Barry Kalda, Waste Section Manager
Texas Commission on Environmental Quality
Austin Regional Office
1921 Cedar Bend Drive, Suite 150A
Austin, Texas 78758-5327

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Tatsch. Mr. Tatsch is ordered to give notice of this Order to personnel who maintain day-to-day control over the facilities operations referenced in this Order.
5. If Mr. Tatsch 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, Mr. Tatsch's failure to comply is not a violation of this Order. Mr. Tatsch shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Tatsch shall notify the Executive Director within seven days after Mr. Tatsch 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 Mr. Tatsch shall be made in writing to the Executive Director. Extensions are not effective until Mr. Tatsch 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 Mr. Tatsch if the Executive Director determines that Mr. Tatsch 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

AFFIDAVIT OF GARY K. SHIU

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Gary K. Shiu. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

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 Karl Tatsch dba Hill Country Cleaners & Laundry and dba Hill Country Cleaners” (the “EDPRP”) was filed with the Office of the Chief Clerk on March 20, 2008.

The EDPRP was sent to Mr. Tatsch at his last known address on March 20, 2008 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Mr. Tatsch received notice of the EDPRP on March 21, 2008, as evidenced by the signature on the card.

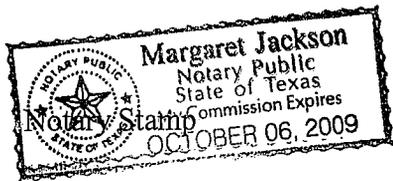
More than 20 days have elapsed since Mr. Tatsch received notice of the EDPRP. Mr. Tatsch failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference”.

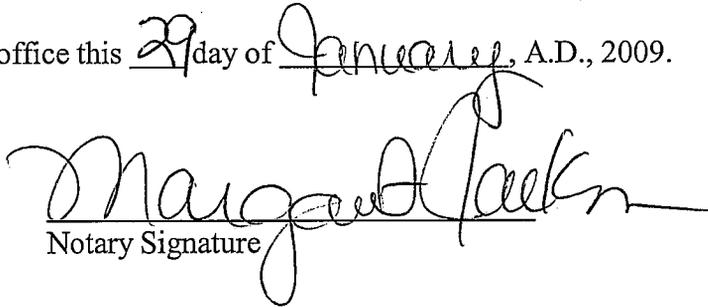


Gary K. Shiu
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Gary K. Shiu, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 29 day of January, A.D., 2009.





Notary Signature