

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2008-1198-MLM-E **TCEQ ID:** RN100618552 **CASE NO.:** 36265
RESPONDENT NAME: Mark Vasquez dba Maverick 1.50 Cleaners

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

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

SITE WHERE VIOLATION(S) OCCURRED: Maverick 1.50 Cleaners, 8133 Bandera Road, San Antonio, Bexar County

TYPE OF OPERATION: Dry cleaning facility

SMALL BUSINESS: Yes No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 9, 2009. No comments were received.

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; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387

Respondent: Mr. Mark A. Vasquez, Owner, Maverick 1.50 Cleaners, 8133 Bandera Road, San Antonio, Texas 78250

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input 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: March 28, 2008</p> <p>Date of NOV/NOE Relating to this Case: June 2, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failure to submit to the TCEQ a complete and correct Annual Waste Summary. Specifically, at the time of the investigation, the Respondent had not submitted an Annual Waste Summary. The Respondent is registered as a small quantity generator and is required to submit an Annual Waste Summary [30 TEX. ADMIN. CODE § 335.9(a)(2)].</p> <p>2) Failure to equip the Facility with emergency control equipment and failure to have a designated emergency coordinator for the Facility who is familiar with emergency response procedures and on the premise or on call at all times. Failure to post the following information by the telephone at the Facility: the name of the emergency coordinator, the location of emergency equipment, and the local fire departments telephone number. Failure to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures. Failure to offer immediate access to an internal alarm or emergency communication device. Failure to make arrangements with local authorities [30 TEX. ADMIN. CODE § 335.69(f)(4) and 40 CODE OF FEDERAL REGULATIONS §§ 265.32, 265.34(a), and 265.37].</p> <p>3) Failure to conduct hazardous waste determinations for waste at the Facility.</p>	<p>Total Assessed: \$9,337</p> <p>Total Deferred: \$1,866 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$341 (remaining \$7,130 due in 23 monthly payments of \$310 each)</p> <p>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>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On April 4, 2008, the Respondent installed secondary containment for the dry cleaning machines and provided a hazardous waste determination for dry cleaning waste;</p> <p>b. On April 11, 2008, the TCEQ received the Respondent's registration form and payment for the Facility;</p> <p>c. On July 7, 2008, the Respondent provided the following documentation:</p> <p>i. an emergency coordinator had been designated for the Facility;</p> <p>ii. emergency equipment had been installed at the Facility;</p> <p>iii. an internal alarm system was installed; and</p> <p>iv. required emergency information was posted next to the telephone.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order, make emergency response arrangements with local authorities;</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Begin conducting monthly inspections of the dry cleaning system for vapor leaks and maintaining records;</p> <p>ii. Begin maintaining waste manifests for dry cleaning waste at the Facility;</p> <p>iii. Submit complete and correct Annual Waste Summaries for 2005, 2006, and 2007; and</p>

<p>Specifically, at the time of the investigation, the Respondent failed to conduct a hazardous waste determination for spent dry cleaning waste [30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS § 262.11].</p> <p>4) Failure to properly maintain complete waste manifests for dry cleaning waste. Specifically, the Respondent did not have the complete waste manifests for each shipment of waste [30 TEX. ADMIN. CODE § 335.10(d)(1) and 40 CODE OF FEDERAL REGULATIONS § 262.23(a)].</p> <p>5) Failure to renew the Facility's registration by submitting the required registration form. Specifically, the Facility's registration expired on October 1, 2007 [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102].</p> <p>6) Failure to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste or dry cleaning wastewater. Specifically, at the time of the investigation, the Respondent did not have secondary containment structures for the drums storing perchloroethylene waste at the Facility [30 TEX. ADMIN. CODE § 337.20(e)(3)(A)].</p> <p>7) Failure to keep records for the inspection of the dry cleaning system for vapor leaks. Specifically, at the time of the investigation, the Respondent had no records indicating monthly inspections had been conducted [30 TEX. ADMIN. CODE § 337.20(d)(2) and 40 CODE OF FEDERAL REGULATIONS §§ 63.324(3) and 63.322(o)(1)].</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 through b.</p>
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Additional ID No(s): 85407, 100618552



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	9-Jun-2008	Screening	22-Jul-2008	EPA Due	
	PCW	6-Nov-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Mark Vasquez dba Maverick 1.50 Cleaners
Reg. Ent. Ref. No.	RN100618552
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36265	No. of Violations	4
Docket No.	2008-1198-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Government/Non-Profit	No
Multi-Media	Dry Cleaner	Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

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 Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
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.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 22-Jul-2008

Docket No. 2008-1198-MLM-E

PCW

Respondent Mark Vasquez dba Maverick 1.50 Cleaners

Policy Revision 2 (September 2002)

Case ID No. 36265

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100618552

Media [Statute] Industrial and Hazardous Waste

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%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

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

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 has no previous NOVs or Orders at this site within the past five years.

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

Screening Date 22-Jul-2008	Docket No. 2008-1198-MLM-E	PCW		
Respondent Mark Vasquez dba Maverick 1.50 Cleaners	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36265	<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN100618552				
Media [Statute] Industrial and Hazardous Waste				
Enf. Coordinator Danielle Porras				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	30 Tex. Admin. Code § 335.9(a)(2)			
Violation Description	Failed to submit to the TCEQ a complete and correct Annual Waste Summary, as documented during an investigation conducted on March 28, 2008. Specifically, at the time of the investigation the Respondent had not submitted an Annual Waste Summary. The Respondent is registered as a small quantity generator and is required to submit an Annual Waste Summary.			
Base Penalty		<input type="text" value="\$10,000"/>		
>> 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="\$9,000"/>
				<input type="text" value="\$1,000"/>
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="116"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
				Violation Base Penalty <input type="text" value="\$1,000"/>
One single event is recommended.				
Good Faith Efforts to Comply				
		0.0% Reduction	<input type="text" value="\$0"/>	
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	<small>(mark with x)</small>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				<input type="text" value="\$1,000"/>
Economic Benefit (EB) for this violation				
Estimated EB Amount <input type="text" value="\$5"/>		Statutory Limit Test		
				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 Mark Vasquez dba Maverick 1.50 Cleaners
Case ID No. 36265
Reg. Ent. Reference No. RN100618552
Media Industrial and Hazardous Waste
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)	\$100	28-Mar-2008	10-Apr-2009	1.04	\$5	n/a	\$5

Notes for DELAYED costs
 Estimated cost to submit an accurate and complete Annual Waste Summary to the TCEQ. The Date Required is the investigation date 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 TOTAL
\$100 \$5

Screening Date 22-Jul-2008	Docket No. 2008-1198-MLM-E	PCW		
Respondent Mark Vasquez dba Maverick 1.50 Cleaners		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36265		<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN100618552				
Media [Statute] Industrial and Hazardous Waste				
Enf. Coordinator Danielle Porras				
Violation Number 2				
Rule Cite(s)	30 Tex. Admin. Code § 335.69(f)(4) and 40 Code of Federal Regulations §§ 265.32, 265.34(a), and 265.37			
Violation Description	Failed to equip the facility with emergency control equipment and failed to have a designated emergency coordinator for the Facility who is familiar with emergency response procedures and on the premise or on call at all times. Failed to post the following information by the telephone at the Facility: the name of the emergency coordinator, the location of emergency equipment, and the local fire departments telephone number. Failed to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures. Failed to offer immediate access to an internal alarm or emergency communication device. Failed to make arrangements with local authorities, as documented during an investigation conducted on March 28, 2008.			
	Base Penalty	\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
				Percent 10%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0%
Matrix Notes	Human health or environmental receptors will or could be exposed to significant amounts of pollutants.			
				Adjustment \$9,000
				\$1,000
Violation Events				
	Number of Violation Events	2	Number of violation days	101
<small>mark only one with an x</small>	daily			
	monthly			
	quarterly		x	
	semiannual			
	annual			
	single event			
				Violation Base Penalty \$2,000
	Two quarterly events are recommended from the March 28, 2008 investigation date to the July 7, 2008 date of compliance.			
Good Faith Efforts to Comply				
		10.0% Reduction		\$200
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>		
Extraordinary				
Ordinary		x		
N/A		<small>(mark with x)</small>		
Notes	The Respondent achieved compliance on July 7, 2008.			
				Violation Subtotal \$1,800
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$13	Violation Final Penalty Total	\$1,800
			This violation Final Assessed Penalty (adjusted for limits)	\$1,800

Economic Benefit Worksheet

Respondent Mark Vasquez dba Maverick 1.50 Cleaners
Case ID No. 36265
Reg. Ent. Reference No. RN100618552
Media Industrial and Hazardous Waste
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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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				0.00	\$0	n/a	\$0
Other (as needed)	\$950	28-Mar-2008	7-Jul-2008	0.28	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to provide the Facility with the necessary control equipment, to post required information by the telephone at the Facility, to train all employees on waste handling and emergency procedures, to provide the Facility with an internal alarm system, and to make arrangements with local authorities. The Date Required is the investigation date and the Final Date is the date in which the Respondent achieved 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 \$950

TOTAL \$13

Screening Date 22-Jul-2008 **Docket No.** 2008-1198-MLM-E **PCW**
Respondent Mark Vasquez dba Maverick 1.50 Cleaners *Policy Revision 2 (September 2002)*
Case ID No. 36265 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN100618552
Media [Statute] Industrial and Hazardous Waste
Enf. Coordinator Danielle Porras
Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 335.62 and 40 Code of Federal Regulations § 262.11
Violation Description Failed to conduct hazardous waste determinations for waste at the Facility, as documented during an investigation conducted on March 28, 2008. Specifically, at the time of the investigation the Respondent failed to conduct a hazardous waste determination for spent dry cleaning waste.

Base Penalty \$10,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					25%
Potential	x				

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

Human health or the environment will or could be exposed to pollutants which would exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 7 Number of violation days

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

Violation Base Penalty \$2,500

One single event is recommended

Good Faith Efforts to Comply

25.0% Reduction
 Before NOV NOV to EDRP/Settlement Offer

\$625

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes The Respondent achieved compliance on April 4, 2008.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

Economic Benefit Worksheet

Respondent Mark Vasquez dba Maverick 1.50 Cleaners
Case ID No. 36265
Reg. Ent. Reference No. RN100618552
Media Industrial and Hazardous Waste
Violation No. 3

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

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)	\$100	28-Mar-2008	4-Apr-2008	0.02	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to conduct hazardous waste determinations for dry cleaning waste. The Date Required is the investigation date and the Final Date is the date the Respondent achieved 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** **\$0**

Screening Date 22-Jul-2008	Docket No. 2008-1198-MLM-E	PCW				
Respondent Mark Vasquez dba Maverick 1.50 Cleaners	<small>Policy Revision 2 (September 2002)</small>					
Case ID No. 36265	<small>PCW Revision June 12, 2008</small>					
Reg. Ent. Reference No. RN100618552						
Media [Statute] Industrial and Hazardous Waste						
Enf. Coordinator Danielle Porras						
Violation Number	4					
Rule Cite(s)	30 Tex. Admin Code § 335.10(d)(1) and 40 Code of Federal Regulations § 262.23(a)					
Violation Description	Failed to properly maintain complete waste manifests for dry cleaning waste, as documented during an investigation conducted on March 28, 2008. Specifically, the Respondent did not have the complete manifests for each shipment of waste.					
Base Penalty		\$10,000				
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual					
Potential						
		Percent	0%			
>> Programmatic Matrix						
		Falsification	Major	Moderate	Minor	
				x		
					Percent	5%
Matrix Notes	Between 30% and 70% of the rule requirement was not met.					
		Adjustment		\$9,500		
\$500						
Violation Events						
		2	116	Number of violation days		
<small>mark only one with an x</small>	daily					
	monthly					
	quarterly	x				
	semiannual					
	annual					
	single event					
				Violation Base Penalty	\$1,000	
Two quarterly events are recommended from the investigation date of March 28, 2008 to the screening date of July 22, 2008.						
Good Faith Efforts to Comply		0.0% Reduction		\$0		
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>				
Extraordinary						
Ordinary						
N/A	x	<small>(mark with x)</small>				
Notes	The Respondent does not meet the good faith criteria for this violation.					
		Violation Subtotal		\$1,000		
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		\$10		Violation Final Penalty Total		
				\$1,000		
				This violation Final Assessed Penalty (adjusted for limits)		
				\$1,000		

Economic Benefit Worksheet

Respondent Mark Vasquez dba Maverick 1.50 Cleaners
Case ID No. 36265
Reg. Ent. Reference No. RN100618552
Media Industrial and Hazardous Waste
Violation No. 4

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				0.00	\$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	\$200	28-Mar-2008	10-Apr-2009	1.04	\$10	n/a	\$10
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: Estimated cost to properly complete manifests for dry cleaning waste. The Date Required is the investigation date 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	\$200	TOTAL	\$10
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 17, 2008

DATES	Assigned	9-Jun-2008	Screening	22-Jul-2008	EPA Due	
	PCW	28-Aug-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Mark Vasquez dba Maverick 1.50 Cleaners		
Reg. Ent. Ref. No.	RN100618552		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36265	No. of Violations	1
Docket No.	2008-1198-MLM-E	Order Type	1660
Media Program(s)	Dry Cleaner	Government/Non-Profit	No
Multi-Media	Industrial and Hazardous Waste	Enf. Coordinator	Danielle Porras
		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**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
 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.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 22-Jul-2008

Docket No. 2008-1198-MLM-E

PCW

Respondent Mark Vasquez dba Maverick 1.50 Cleaners

Policy Revision 2 (September 2002)

Case ID No. 36265

PCW Revision June 17, 2008

Reg. Ent. Reference No. RN100618552

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)

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 has no previous NOVs or Orders at this site within the past five years.

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

Screening Date 22-Jul-2008	Docket No. 2008-1198-MLM-E	PCW	
Respondent Mark Vasquez dba Maverick 1.50 Cleaners	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36265	<small>PCW Revision June 17, 2008</small>		
Reg. Ent. Reference No. RN100618552			
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 submitting the required registration form. Specifically, the Facility's registration expired on October 1, 2007.		
Base Penalty		\$50	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	Percent <input type="text" value="0%"/>
	Potential	<input type="text"/>	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="text"/>	x	Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.		
Adjustment		\$45	
		\$5	
Violation Events			
	Number of Violation Events	<input type="text" value="193"/>	Number of violation days
		<input type="text" value="193"/>	
<small>mark only one with an x</small>	daily	<input type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$965"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
One hundred ninety-three daily events are recommended from the expiration date of October 1, 2007 to the April 11, 2008 date of compliance.			
Good Faith Efforts to Comply		25.0% Reduction	\$241
		Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text" value="x"/>	<input type="text"/>	
N/A	<input type="text"/>	(mark with x)	
Notes	The Respondent achieved compliance on April 11, 2008.		
Violation Subtotal		\$724	
Economic Benefit (EB) for this violation		Statutory Limit Test	
	Estimated EB Amount	<input type="text" value="\$7"/>	Violation Final Penalty Total <input type="text" value="\$724"/>
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$724"/>	

Economic Benefit Worksheet

Respondent Mark Vasquez dba Maverick 1.50 Cleaners
Case ID No. 36265
Reg. Ent. Reference No. RN100618552
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	1-Oct-2007	11-Apr-2008	0.53	\$7	n/a	\$7
Other (as needed)				0.00	\$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 registration renewal was due and the final date is the date the Respondent achieved 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

\$7



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 17, 2008

DATES	Assigned	9-Jun-2008	Screening	22-Jul-2008	EPA Due	
	PCW	3-Sep-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Mark Vasquez dba Maverick 1.50 Cleaners
Reg. Ent. Ref. No.	RN100618552
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36265	No. of Violations	2
Docket No.	2008-1198-MLM-E	Order Type	1660
Media Program(s)	Dry Cleaner	Government/Non-Profit	No
Multi-Media	Industrial and Hazardous Waste	Enf. Coordinator	Danielle Porras
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

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 Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
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.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 22-Jul-2008

Docket No. 2008-1198-MLM-E

PCW

Respondent Mark Vasquez dba Maverick 1.50 Cleaners

Policy Revision 2 (September 2002)

Case ID No. 36265

PCW Revision June 17, 2008

Reg. Ent. Reference No. RN100618552

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 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) 0%

>> 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 has no previous NOVs or Orders at this site within the past five years.

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

Screening Date 22-Jul-2008	Docket No. 2008-1198-MLM-E	PCW	
Respondent Mark Vasquez dba Maverick 1.50 Cleaners	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36265	<small>PCW Revision June 17, 2008</small>		
Reg. Ent. Reference No. RN100618552			
Media [Statute] Dry Cleaner			
Enf. Coordinator Danielle Porras			
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 337.20(e)(3)(A)		
Violation Description	Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste or dry cleaning wastewater, as documented during an investigation conducted on March 28, 2008. Specifically, at the time of the investigation the Respondent did not have secondary containment structures for the drums storing perchloroethylene waste at the Facility.		
Base Penalty		\$5,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	Potential	Percent
	x		25%
>> Programmatic Matrix			
	Major	Moderate	Minor
			Percent
			0%
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors.		
Adjustment		\$3,750	
		\$1,250	
Violation Events			
Number of Violation Events		1	6
		Number of violation days	
<small>mark only one with an x</small>	daily		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
Violation Base Penalty		\$1,250	
One monthly event is recommended from the March 28, 2008 investigation date to the compliance date of April 4, 2008.			
Good Faith Efforts to Comply		25.0% Reduction	\$312
		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary			
Ordinary	x		
N/A		(mark with x)	
Notes	The Respondent came into compliance on April 4, 2008.		
Violation Subtotal		\$938	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		\$3	Violation Final Penalty Total \$938
		This violation Final Assessed Penalty (adjusted for limits) \$938	

Economic Benefit Worksheet

Respondent Mark Vasquez dba Maverick 1.50 Cleaners
Case ID No. 36265
Reg. Ent. Reference No. RN100618552
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	28-Mar-2008	4-Apr-2008	0.02	\$0	\$3	\$3
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
 Estimated cost to install a dike or other secondary containment structures for the dry cleaning wastes. The Date Required is the investigation date and the Final Date is the date in which the Respondent installed secondary containment for the perchloroethylene waste.

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 **\$2,000**

TOTAL **\$3**

Screening Date 22-Jul-2008	Docket No. 2008-1198-MLM-E	PCW			
Respondent Mark Vasquez dba Maverick 1.50 Cleaners	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 36265	<small>PCW Revision June 17, 2008</small>				
Reg. Ent. Reference No. RN100618552					
Media [Statute] Dry Cleaner					
Enf. Coordinator Danielle Porras					
Violation Number <input type="text" value="2"/>					
Rule Cite(s)	30 Tex. Admin. Code § 337.20(d)(2) and 40 Code of Federal Regulations §§ 63.324(3), and 63.322(o)(1)				
Violation Description	Failed to keep records for the inspection of the dry cleaning system for vapor leaks, as documented during an investigation conducted on March 28, 2008. Specifically, at the time of the investigation the Respondent had no records indicating monthly inspections had been conducted.				
Base Penalty		<input type="text" value="\$5,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major Moderate Minor			
	Actual	<input type="text"/>	Percent <input type="text" value="0%"/>		
	Potential	<input type="text"/>			
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				
Adjustment					<input type="text" value="\$4,500"/>
<input type="text" value="\$500"/>					
Violation Events					
Number of Violation Events		<input type="text" value="4"/>	Number of violation days		
		<input type="text" value="116"/>			
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,000"/>		
	monthly	x			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
<input type="text" value="Four monthly events are recommended from the inspection date of March 28, 2008 to the screening date of July 22, 2008."/>					
Good Faith Efforts to Comply		<input type="text" value="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	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>				
Violation Subtotal					<input type="text" value="\$2,000"/>
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$5"/>	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 Mark Vasquez dba Maverick 1.50 Cleaners
Case ID No. 36265
Reg. Ent. Reference No. RN100618552
Media Dry Cleaner
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$100	28-Mar-2008	10-Apr-2009	1.04	\$5	n/a	\$5
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

Estimated cost to record and perform monthly inspections of dry cleaning machines for vapor leaks. The Date Required is the investigation date 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

\$100

TOTAL

\$5

Compliance History

Customer/Respondent/Owner-Operator: CN603110271 VASQUEZ, MARK A Classification: AVERAGE Rating: 3.01
Regulated Entity: RN100618552 MAVERICK 1.50 CLEANERS Classification: AVERAGE BY Site Rating: 3.01
DEFAULT
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000025247
GENERATION
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 85407
GENERATION (SWR)
DRY CLEANERS REGISTRATION INTERNAL 100618552
Location: 8133 BANDERA RD, SAN ANTONIO, TX, 78250 Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region: REGION 13 - SAN ANTONIO
Date Compliance History Prepared: July 22, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 22, 2003 to July 22, 2008

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

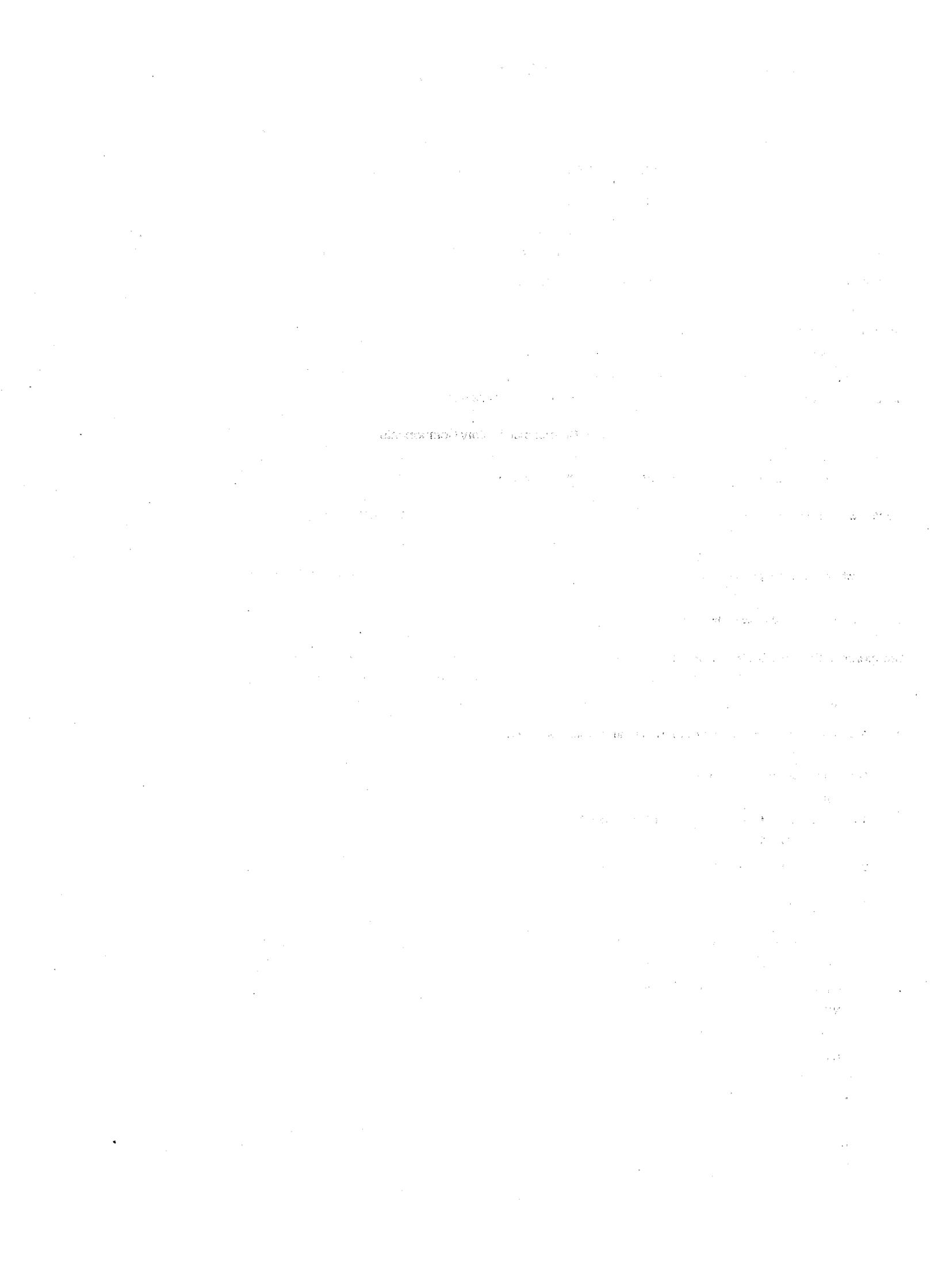
Name: Colin Barth Phone: 512 239 0086

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? Yes
3. If Yes, who is the current owner? Mark A Vasquez
4. If Yes, who was/were the prior owner(s)? Harry Cortez dba Maverick Cleaners
5. When did the change(s) in ownership occur? 07/01/2005

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 06/02/2008 (653693)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MARK VASQUEZ DBA MAVERICK
1.50 CLEANERS
RN100618552

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1198-MLM-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 Mark Vasquez dba Maverick 1.50 Cleaners ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 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 8133 Bandera Road in San Antonio, Bexar County, Texas (the "Facility").
2. The TCEQ has general authority concerning the Facility pursuant to TEX. HEALTH & SAFETY CODE § 374.051. The Facility involves or involved the management of municipal hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
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 June 7, 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 Nine Thousand Three Hundred Thirty-Seven Dollars (\$9,337) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Forty-One Dollars (\$341) of the administrative penalty and One Thousand Eight Hundred Sixty-Six Dollars (\$1,866) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Seven Thousand One Hundred Thirty Dollars (\$7,130) of the administrative penalty shall be payable in 23 monthly payments of Three Hundred Ten Dollars (\$310) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and 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 the Respondent has implemented the following corrective measures at the Facility:
 - a. On April 4, 2008, the Respondent installed secondary containment for the dry cleaning machines and provided a hazardous waste determination for dry cleaning waste.
 - b. On April 11, 2008, the TCEQ received the Respondent's registration form and payment for the Facility.
 - c. On July 7, 2008, the Respondent provided the following documentation:
 - i. an emergency coordinator had been designated for the Facility;
 - ii. emergency equipment had been installed at the Facility;
 - iii. an internal alarm system was installed; and
 - iv. required emergency information was posted next to the telephone.
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 submit to the TCEQ a complete and correct Annual Waste Summary, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(2), as documented during an investigation conducted on March 28, 2008. Specifically, at the time of the investigation the Respondent had not submitted an Annual Waste Summary. The Respondent is registered as a small quantity generator and is required to submit an Annual Waste Summary.
2. Failed to equip the Facility with emergency control equipment and failed to have a designated emergency coordinator for the Facility who is familiar with emergency response procedures and on the premise or on call at all times. Failed to post the following information by the telephone at the Facility: the name of the emergency coordinator, the location of emergency equipment, and the local fire departments telephone number. Failed to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures. Failed to offer immediate access to an internal alarm or emergency communication device. Failed to make arrangements with local authorities, in violation of 30 TEX. ADMIN. CODE § 335.69(f)(4) and 40 CODE OF FEDERAL REGULATIONS §§ 265.32, 265.34(a), and 265.37, as documented during an investigation conducted on March 28, 2008.
3. Failed to conduct hazardous waste determinations for waste at the Facility, in violation of 30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS § 262.11, as documented during an investigation conducted on March 28, 2008. Specifically, at the time of the investigation the respondent failed to conduct a hazardous waste determination for spent dry cleaning waste.
4. Failed to properly maintain complete waste manifests for dry cleaning waste, in violation of 30 TEX. ADMIN. CODE § 335.10(d)(1) and 40 CODE OF FEDERAL REGULATIONS § 262.23(a), as documented during an investigation conducted on March 28, 2008. Specifically, the Respondent did not have the complete waste manifests for each shipment of waste.
5. Failed to renew the Facility's registration by submitting the required registration form, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102, as documented during an investigation conducted on March 28, 2008. Specifically, the Facility's registration expired on October 1, 2007.
6. Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste or dry cleaning wastewater, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(3)(A), as documented during an investigation conducted on March 28, 2008. Specifically, at the time of the investigation the Respondent did not have secondary containment structures for the drums storing perchloroethylene waste at the Facility.

7. Failed to keep records for the inspection of the dry cleaning system for vapor leaks, in violation of 30 TEX. ADMIN. CODE § 337.20(d)(2) and 40 CODE OF FEDERAL REGULATIONS §§ 63.324(3), and 63.322(o)(1), as documented during an investigation conducted on March 28, 2008. Specifically, at the time of the investigation the Respondent had no records indicating monthly inspections had been conducted.

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: Mark Vasquez dba Maverick 1.50 Cleaners, Docket No. 2008-1198-MLM-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 10 days after the effective date of this Agreed Order, make emergency response arrangements with local authorities, in accordance with 30 TEX. ADMIN. CODE § 335.69 and 40 CODE OF FEDERAL REGULATIONS § 265.37; and
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Begin conducting monthly inspections of the dry cleaning system for vapor leaks and maintaining records, in accordance with 30 TEX. ADMIN. CODE § 337.20 and 40 CODE OF FEDERAL REGULATIONS §§ 63.324, and 63.322;
 - ii. Begin maintaining waste manifests for dry cleaning waste at the Facility, in accordance with 30 TEX. ADMIN. CODE § 335.10 and 40 CODE OF FEDERAL REGULATIONS § 262.23;
 - iii. Submit complete and correct Annual Waste Summaries for 2005, 2006, and 2007, in accordance with 30 TEX. ADMIN. CODE § 335.9. The summaries shall be submitted to:

Industrial and Hazardous Waste Permits Section, MC 130
Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- 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 through 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 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, Texas 78711-3087

with a copy to:

Waste Section, Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

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



For the Executive Director

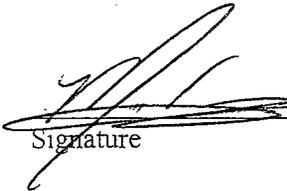
Date 5/6/2009

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

Date 1/2/09

Name (Printed or typed)
Authorized Representative of
Mark Vasquez dba Maverick 1.50 Cleaners

Title
OWNER

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.

