

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-1232-DCL-E TCEQ ID: RN103955506 CASE NO.: 29966
RESPONDENT NAME: NAM SUN PAEK DBA METRO 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 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: 101 East Harwood Road, Suite 100, Hurst, Tarrant County</p> <p>TYPE OF OPERATION: Dry cleaning drop station</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Stephanie J. Frazee, Litigation Division, MC 175, (512) 239-3693 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Bryan Elliott, Air Enforcement Section, MC 149, (512) 239-6162 TCEQ Regional Contact: Mr. Sam Barrett, DFW Regional Office, MC R-04, (817) 588-5903 Respondent: Mr. Nam Sun Paek, Owner, Metro Cleaners, 1657 Niagara Boulevard, Lewisville, Texas 75077 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 type="checkbox"/> Routine <input checked="" type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 18, 2008</p> <p>Date of NOE Relating to this Case: June 26, 2008</p> <p>Background Facts: The EDPRP was filed on October 15, 2008, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that the Respondent received notice of the EDPRP. The Respondent has not filed a response or requested a hearing.</p> <p>Current Compliance Status: Not yet in compliance. The Respondent owes \$633.72 in past due fees and \$2370.00 in past due administrative penalties.</p> <p>DCL:</p> <p>1. Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility [TEX. WATER CODE § 7.051(a)(1)(B), TEX. HEALTH & SAFETY CODE § 374.102(e), 30 TEX. ADMIN. CODE § 337.11(e), and TCEQ Default Order Docket No. 2006-0855-DCL-E, Ordering Provision No. 2.a.].</p> <p>2. Failed to pay outstanding dry cleaner fees, administrative penalties, and associated late fees for TCEQ Financial Account Nos. 23800079, 24000029, and 24000463 [TEX WATER CODE § 5.702, 30 TEX. ADMIN. CODE § 337.14(c), and TCEQ Default Order Docket No. 2006-0855-DCL-E Ordering Provision Nos. 1 and 2.b.].</p>	<p>Total Assessed: \$2,006</p> <p>Total Deferred: \$0</p> <p><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: \$2,006</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this proposed Order.</p> <p>Site Compliance History Classification <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>Ordering Provisions: The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 15 days, complete and submit the required drop station registration form. 2. Within 30 days, submit payment of all outstanding fees, including any associated penalties and interest. 3. Within 45 days, submit written certification to demonstrate compliance with the above Ordering Provisions.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 17, 2008

DATES	Assigned	1-Jul-2008	Screening	9-Jul-2008	EPA Due	
	PCW	9-Jul-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Nam Sun Paek dba Metro Cleaners		
Reg. Ent. Ref. No.	RN103955506		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	29966	No. of Violations	2
Docket No.	2008-1232-DCL-E	Order Type	Findings
Media Program(s)	Dry Cleaner	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Bryan Elliott
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,605
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	25.0% Enhancement	Subtotals 2, 3, & 7 \$401
Notes	The Respondent was issued a Default Order Docket No. 2006-0855-DCL-E with an effective date of August 23, 2007.	
Culpability	No 0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5 \$0
Economic Benefit	0.0% Enhancement* *Capped at the Total EB \$ Amount	Subtotal 6 \$0
Total EB Amounts	\$134	
Approx. Cost of Compliance	\$750	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,006
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment \$0
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	Final Penalty Amount	\$2,006
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty \$2,006
DEFERRAL	0.0% Reduction	Adjustment \$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)		
Notes	No deferral is recommended for Findings Orders.	
PAYABLE PENALTY		\$2,006

Screening Date 9-Jul-2008

Docket No. 2008-1232-DCL-E

PCW

Respondent Nam Sun Paek dba Metro Cleaners

Policy Revision 2 (September 2002)

Case ID No. 29966

PCW Revision June 17, 2008

Reg. Ent. Reference No. RN103955506

Media [Statute] Dry Cleaner

Enf. Coordinator Bryan Elliott

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	1	25%
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%
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)

>> 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 was issued a Default Order Docket No. 2006-0855-DCL-E with an effective date of August 23, 2007.

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

Screening Date 9-Jul-2008	Docket No. 2008-1232-DCL-E	PCW	
Respondent Nam Sun Paek dba Metro Cleaners	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 29966	<i>PCW Revision June 17, 2008</i>		
Reg. Ent. Reference No. RN103955506			
Media [Statute] Dry Cleaner			
Enf. Coordinator Bryan Elliott			
Violation Number 1			
Rule Cite(s)	30 Tex. Admin. Code § 337.11(e), Tex. Health & Safety Code § 374.102(e), Tex. Water Code § 7.051(a)(1)(B), and TCEQ Default Order Docket No. 2006-0855-DCL-E, Ordering Provision 2.a		
Violation Description	Failed to renew the facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility, as documented during an investigation conducted on April 18, 2008. Specifically, the facility's registration was not renewed in fiscal year 2006 and was not renewed at the time of the investigation.		
Base Penalty		\$50	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	Potential	Percent
	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
>> Programmatic Matrix			
	Major	Moderate	Minor
	Falsification	x	Percent
	<input type="text"/>	<input type="text"/>	<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="321"/>	Number of violation days	<input type="text" value="321"/>
<i>mark only one with an x</i>	daily	<input checked="" type="checkbox"/>	Violation Base Penalty <input type="text" value="\$1,605"/>
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
Three Hundred Twenty-One daily events are recommended from the August 23, 2007 effective date of the Default Order to the July 9, 2008 screening date.			
Good Faith Efforts to Comply			
0.0% Reduction		<input type="text" value="\$0"/>	
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$1,605	
Economic Benefit (EB) for this violation			
Statutory Limit Test			
Estimated EB Amount	<input type="text" value="\$134"/>	Violation Final Penalty Total <input type="text" value="\$2,006"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$2,006"/>	

Economic Benefit Worksheet

Respondent Nam Sun Paek dba Metro Cleaners
Case ID No. 29966
Reg. Ent. Reference No. RN103955506
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				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	\$750	1-Sep-2005	29-Mar-2009	3.58	\$134	n/a	\$134
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The estimated cost to register a dry cleaning or drop station facility annually for fiscal years 2006, 2007, and 2008. 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				0.00	\$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

\$750

TOTAL

\$134

Screening Date 9-Jul-2008 **Docket No.** 2008-1232-DCL-E **PCW**
Respondent Nam Sun Paek dba Metro Cleaners *Policy Revision 2 (September 2002)*
Case ID No. 29966 *PCW Revision June 17, 2008*
Reg. Ent. Reference No. RN103955506
Media [Statute] Dry Cleaner
Enf. Coordinator Bryan Elliott
Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 337.14(c) and Tex. Water Code § 5.702 and TCEQ Default Order Docket No. 2006-0855-DCL-E, Ordering Provision Nos. 1 and 2.b
Violation Description Failed to pay outstanding dry cleaner fees, administrative penalties and associated late fees for TCEQ Financial Account Nos. 23800079, 24000029, and 24000463, as documented during an investigation conducted on April 18, 2008.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	0%

Matrix Notes

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 type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	(mark with x)

Notes

Violation Subtotal

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 Nam Sun Paek dba Metro Cleaners
Case ID No. 29966
Reg. Ent. Reference No. RN103955506
Media Dry Cleaner
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN602457228 PAEK, NAM SUN Classification: AVERAGE Rating: 3.01
Regulated Entity: RN103955506 METRO CLEANERS Classification: AVERAGE BY DEFAULT Site Rating: 3.01
ID Number(s): DRY CLEANERS REGISTRATION INTERNAL 103955506
Location: 101 E HARWOOD RD STE 100, HURST, TX, 76054 Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: July 16, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 09, 2003 to July 09, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Bryan Elliott Phone: 239-6162

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 08/23/2007 ADMINORDER 2006-0855-DCL-E
Classification: Major
Citation: 30 TAC Chapter 337, SubChapter B 337.11(e)
TEXAS HEALTH AND SAFETY CODE 374.102(e)
Description: Failure to register the drop station with the TCEQ.

- 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 06/20/2006 (481528)

2 06/27/2008 (639138)

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

N/A

- 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
NAM SUN PAEK DBA METRO
CLEANERS,
RN103955506**

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§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2008-1232-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 Nam Sun Paek dba Metro Cleaners ("Mr. Paek").

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

FINDINGS OF FACT

1. Mr. Paek owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning drop station located at 101 East Harwood Road, Suite 100, Hurst, Tarrant County, Texas (the "Facility").
2. The Facility is a retail commercial establishment the primary business of which is to act as a collection point for the drop-off and pick-up of garments or other fabrics that are sent to a dry cleaning facility for processing. As such, the Facility is a dry cleaning drop station as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).
3. During an investigation conducted on April 18, 2008, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Mr. Paek:
 - a. Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility.

Specifically, the Facility's registration was not renewed in fiscal year 2006 and was not renewed at the time of the investigation.

- b. Failed to pay outstanding dry cleaner fees, administrative penalties, and associated late fees for TCEQ Financial Account Nos. 23800079, 24000029, and 24000463.
4. Mr. Paek received notice of the violations on or about July 1, 2008.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Nam Sun Paek dba Metro Cleaners and dba Custom Cleaners" (the "EDPRP") in the TCEQ Chief Clerk's office on October 15, 2008.
6. By letter dated October 15, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Paek with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Mr. Paek received notice of the EDPRP.
7. More than twenty days have elapsed since Mr. Paek received notice of the EDPRP provided by the Executive Director. Mr. Paek 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. Paek 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. Paek failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility in violation of 30 TEX. ADMIN. CODE § 337.11(e), TEX. WATER CODE § 7.051(a)(1)(B), TEX. HEALTH & SAFETY CODE § 374.102(e), and TCEQ Default Order Docket No. 2006-0855-DCL-E, Ordering Provision No. 2.a.
3. As evidenced by Finding of Fact No. 3.b., Mr. Paek failed to pay outstanding dry cleaner fees, administrative penalties, and associated late fees for TCEQ Financial Account Nos. 23800079, 24000029, and 24000463 in violation of 30 TEX. ADMIN. CODE § 337.14(c), TEX.

WATER CODE § 5.702, and TCEQ Default Order Docket No. 2006-0855-DCL-E, Ordering Provision Nos. 1 and 2.b.

4. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served Mr. Paek with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
5. As evidenced by Finding of Fact No. 7, Mr. Paek has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Paek and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Paek for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of two thousand six dollars (\$2,006.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Mr. Paek is assessed an administrative penalty in the amount of two thousand six dollars (\$2,006.00) for violations of TEX. WATER CODE chs. 5 and 7, HEALTH & SAFETY CODE ch. 374, and rules of the TCEQ. The payment of this administrative penalty and Mr. Paek'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 thirty days after the effective date of this Order and shall be sent

with the notation "Re: Nam Sun Paek dba Metro Cleaners; Docket No. 2008-1232-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. Paek shall undertake the following technical requirements:

- a. Within fifteen days after the effective date of this Order, Mr. Paek shall complete and submit the required drop station registration form in accordance with 30 TEX. ADMIN. CODE ch. 337 to:

Dry Cleaning Registration Team, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within thirty days after the effective date of this Order, Mr. Paek shall submit payment of all outstanding fees and administrative penalties, including any associated penalties and interest and with the notation, "Nam Sun Paek dba Metro Cleaners, TCEQ Financial Account Nos. 2380079, 24000029, and 24000463," to the address in Paragraph 2.a. of this Section; and
- c. Within forty five days after the effective date of this Order, Mr. Paek shall submit written certification of compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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:

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

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

the Executive Director determines that Mr. Paek 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 STEPHANIE J. FRAZEE

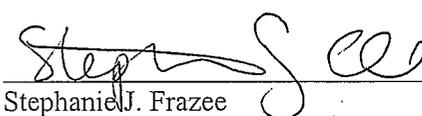
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Stephanie J. Frazee. 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.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I 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 Nam Sun Paek dba Metro Cleaners and dba Custom Cleaners” (the “EDPRP”) with the Office of the Chief Clerk on October 15, 2008.

I sent the EDPRP to Mr. Paek at his last known address on October 15, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as “unclaimed.” The first class mail has not been returned, indicating the respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

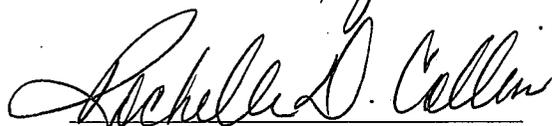
More than twenty days have elapsed since Mr. Paek received notice of the EDPRP. Mr. Paek failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”



Stephanie J. Frazee
Attorney
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 21st day of May, A.D., 2009.



Notary Signature

Notary Stamp

