

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1047-DCL-E TCEQ ID: RN103953683, RN104137443,

RN104137435 and RN104137518 CASE NO.: 30910

RESPONDENT NAME: JOHN TRAN DBA QUALITY CLEANERS AND DBA DELUXE DRYCLEANING

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: ("Facility 1") 2844 Rev Dr. Ransom Howard Street, Port Arthur, Jefferson County; ("Facility 2") 1920 9th Avenue, Port Arthur, Jefferson County; ("Facility 3") 535 Rev Dr. Ransom Howard Street, Port Arthur, Jefferson County; and ("Facility 4") 3889 Main Avenue, Groves, Jefferson County (collectively referred to as the "Facilities").</p> <p>TYPE OF OPERATION: Dry cleaning drop station drop facilities</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.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 18, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Peipey Tang, Litigation Division, MC 175, (512) 239-0654 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. John Shelton, Waste Enforcement Section, MC 128, (512) 239-2563 TCEQ Regional Contact: Mr. Derek Eades, Beaumont Regional Office, MC R-10, (409) 899-8709 Respondent: John Tran, Quality Cleaners and Deluxe Drycleaning, 3728 Touraine Avenue, Port Arthur, Texas 77642 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 checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: April 24, 2008, May 20, 2008 and June 24, 2008</p> <p>Date of NOE Relating to this Case: May 23, 2008</p> <p>Background Facts: The EDP RP was filed on September 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 left notice of the certified mail with the Respondent. The first class mail has not been returned, indicating that the Respondent received notice of the EDP RP. The EDFARP was filed on December 15, 2008 and January 8, 2009. According to the return receipt "green card," the Respondent received notice of the EDFARP on January 10, 2009, as evidenced by the signature on the card. The Respondent has failed to answer the EDP RP or the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: The Respondent is currently not in compliance.</p> <p>DCL:</p> <p>1. Failed to renew Facility 1's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility [30 TEX. ADMIN. CODE § 337.11(e); TEX. HEALTH & SAFETY CODE § 374.102; and TCEQ Default Order Docket No. 2006-1428-DCL-E, Ordering Provision 2.a.].</p> <p>2. Failed to renew Facility 4's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility [30 TEX. ADMIN. CODE § 337.11(e); TEX. HEALTH & SAFETY CODE § 374.102; and TCEQ Default Order Docket No. 2006-1428-DCL-E, Ordering Provision 2.a.].</p>	<p>Total Assessed: \$6,500</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: \$6,500</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 RN103953683 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>RN104137443 <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>RN104137435 <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>RN104137518 <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:</p> <p>The Respondent shall:</p> <p>1. Within 15 days, complete and submit the required dry cleaning or drop station registration forms for the Facilities.</p> <p>2. Within 30 days, submit payments for outstanding dry cleaner fees, including any associated penalties and interest.</p> <p>3. Within 45 days, submit written certification to demonstrate compliance with Ordering Provisions 1 and 2.</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>3. Failed to renew Facility 2's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility [30 TEX. ADMIN. CODE § 337.11(e); TEX. HEALTH & SAFETY CODE § 374.102; and TCEQ Default Order Docket No. 2006-1428-DCL-E, Ordering Provision 2.a.].</p> <p>4. Failed to renew Facility 3's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility [30 TEX. ADMIN. CODE § 337.11(e); TEX. HEALTH & SAFETY CODE § 374.102; and TCEQ Default Order Docket No. 2006-1428-DCL-E, Ordering Provision 2.a.].</p> <p>5. Failed to pay outstanding Dry Cleaner fees, Administrative Penalties, and associated late fees for TCEQ Financial Account Nos. 24002331 and 23800327 [30 TEX. ADMIN. CODE § 337.14(c); TEX. WATER CODE § 5.702; and TCEQ Default Order Docket No. 2006-1428-DCL-E, Ordering Provisions 1 and 2.b.].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 17, 2008

DATES	Assigned	27-May-2008			
	PCW	20-Jun-2008	Screening	20-Jun-2008	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	John Tran dba Quality Cleaners
Reg. Ent. Ref. No.	RN103953683
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	30910	No. of Violations	2
Docket No.	2008-1047-DCL-E	Order Type	Findings
Media Program(s)	Dry Cleaner	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Shelton
		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	\$1,300
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	\$325
Notes	The Respondent was issued a Default Order Docket No. 2006-1428-DCL-E with an effective date of October 4, 2007.		
Culpability	No	0.0% Enhancement	Subtotal 4
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$18	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$250		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$1,625
OTHER FACTORS AS JUSTICE MAY REQUIRE		0.0%	Adjustment
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			
		Final Penalty Amount	\$1,625
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$1,625
DEFERRAL		0.0%	Adjustment
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	No deferral is recommended for Findings Orders.		
PAYABLE PENALTY		\$1,625	

PCW #1

Screening Date 20-Jun-2008

Docket No. 2008-1047-DCL-E

PCW

Respondent John Tran dba Quality Cleaners

Policy Revision 2 (September 2002)

Case ID No. 30910

PCW Revision June 17, 2008

Reg. Ent. Reference No. RN103953683

Media [Statute] Dry Cleaner

Enf. Coordinator John Shelton

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

Adjustment Percentage (Subtotal 2) 25%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The Respondent was issued a Default Order Docket No. 2006-1428-DCL-E with an effective date of October 4, 2007.

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

Screening Date 20-Jun-2008	Docket No. 2008-1047-DCL-E	PCW			
Respondent John Tran dba Quality Cleaners	<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 30910	<i>PCW Revision June 17, 2008</i>				
Reg. Ent. Reference No. RN103953683					
Media [Statute] Dry Cleaner					
Enf. Coordinator John Shelton					
Violation Number <input type="text" value="1"/>					
Rule Cite(s)	30 Tex. Admin. Code § 337.11(e), Tex. Health & Safety Code § 374.102, and TCEQ Default Order Docket No. 2006-1428-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 24, 2008. Specifically, the previous registration expired December 31, 2004 and was not renewed at the time of the investigation.				
Base Penalty		<input type="text" value="\$50"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm			Percent <input type="text" value="0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
		Percent <input type="text" value="10%"/>			
Matrix Notes	100% of the rule requirement was not met.				
Adjustment		<input type="text" value="\$45"/>			
\$5					
Violation Events					
Number of Violation Events		<input type="text" value="260"/>	Number of violation days		
		<input type="text" value="260"/>			
<i>mark only one with an x</i>	daily	<input checked="" type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$1,300"/>		
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
Two Hundred Sixty daily events are recommended from the October 4, 2007 effective date of the Default Order to the June 20, 2008 screening date.					
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	\$0		
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	<input checked="" type="text" value="x"/>	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal		<input type="text" value="\$1,300"/>			
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$18"/>	Violation Final Penalty Total		
			<input type="text" value="\$1,625"/>		
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$1,625"/>			

Economic Benefit Worksheet

Respondent: John Tran dba Quality Cleaners
Case ID No.: 30910
Reg. Ent. Reference No.: RN103953683
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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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	4-Oct-2007	9-Mar-2009	1.43	\$18	n/a	\$18
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. 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

\$250

TOTAL

\$18

Screening Date 20-Jun-2008	Docket No. 2008-1047-DCL-E	PCW			
Respondent John Tran dba Quality Cleaners	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 30910	<small>PCW Revision June 17, 2008</small>				
Reg. Ent. Reference No. RN103953683					
Media [Statute] Dry Cleaner					
Enf. Coordinator John Shelton					
Violation Number <input type="text" value="2"/>					
Rule Cite(s)	30 Tex. Admin. Code § 337.14(c) and Tex. Water Code § 5.702 and TCEQ Default Order Docket No. 2006-1428-DCL-E, Ordering Provisions 1 and 2.b				
Violation Description	Failed to pay outstanding Dry Cleaner fees, Administrative Penalties and associated late fees for TCEQ Financial Account Nos. 24002331 and 23800327, as documented during an investigation conducted on June 24, 2008.				
Base Penalty		<input type="text" value="\$50"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm			Percent <input type="text" value="0%"/>	
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Matrix Notes	<input type="text"/>				
Adjustment				<input type="text" value="\$50"/>	
<input type="text" value="\$0"/>					
Violation Events					
Number of Violation Events <input type="text"/>		Number of violation days <input type="text"/>			
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$0"/>		
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
single event	<input type="text"/>				
No penalty is recommended because penalty and interest will be assessed at the next billing.					
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"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
N/A	x	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				<input type="text" value="\$0"/>	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$0"/>		Violation Final Penalty Total <input type="text" value="\$0"/>			
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$0"/>	

Economic Benefit Worksheet

Respondent: John Tran dba Quality Cleaners
Case ID No.: 30910
Reg. Ent. Reference No.: RN103953683
Media: Dry Cleaner
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 17, 2008

DATES	Assigned	27-May-2008	Screening	20-Jun-2008	EPA Due	
	PCW	20-Jun-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	John Tran dba Deluxe Drycleaning		
Reg. Ent. Ref. No.	RN104137443		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	30910	No. of Violations	1
Docket No.	2008-1047-DCL-E	Order Type	Findings
Media Program(s)	Dry Cleaner	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Shelton
		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	\$1,300
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	25.0% Enhancement	Subtotals 2, 3, & 7	\$325
Notes	The Respondent was issued a Default Order Docket No. 2006-1428-DCL-E with an effective date of October 4, 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*	Subtotal 6	\$0
Total EB Amounts	\$18	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$250		
SUM OF SUBTOTALS 1-7			Final Subtotal \$1,625
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
Notes			
			Final Penalty Amount \$1,625
STATUTORY LIMIT ADJUSTMENT			Final Assessed Penalty \$1,625
DEFERRAL	0.0% Reduction	Adjustment	\$0
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	No deferral is recommended for Findings Orders.		
PAYABLE PENALTY			\$1,625

PCW #2

Screening Date 20-Jun-2008

Docket No. 2008-1047-DCL-E

PCW

Respondent John Tran dba Deluxe Drycleaning

Policy Revision 2 (September 2002)

Case ID No. 30910

PCW Revision June 17, 2008

Reg. Ent. Reference No. RN104137443

Media [Statute] Dry Cleaner

Enf. Coordinator John Shelton

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

Adjustment Percentage (Subtotal 2) 25%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The Respondent was issued a Default Order Docket No. 2006-1428-DCL-E with an effective date of October 4, 2007.

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

Screening Date 20-Jun-2008	Docket No. 2008-1047-DCL-E	PCW	
Respondent John Tran dba Deluxe Drycleaning	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 30910	<i>PCW Revision June 17, 2008</i>		
Reg. Ent. Reference No. RN104137443			
Media [Statute] Dry Cleaner			
Enf. Coordinator John Shelton			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	30 Tex. Admin. Code § 337.11(e), Tex. Health & Safety Code § 374.102, and TCEQ Default Order Docket No. 2006-1428-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 May 20, 2008. Specifically, the previous registration expired December 31, 2004 and was not renewed at the time of the investigation.		
Base Penalty		<input type="text" value="\$50"/>	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
	Actual	Major Moderate Minor	
	Potential		Percent <input type="text" value="0%"/>
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
		x	Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.		
Adjustment		<input type="text" value="\$45"/>	
		<input type="text" value="\$5"/>	
Violation Events			
Number of Violation Events <input type="text" value="260"/>		Number of violation days <input type="text" value="260"/>	
<i>mark only one with an x</i>	daily	<input checked="" type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
		Violation Base Penalty <input type="text" value="\$1,300"/>	
Two Hundred Sixty daily events are recommended from the October 4, 2007 effective date of the Default Order to the June 20, 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="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		<input type="text" value="\$1,300"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$18"/>		Violation Final Penalty Total <input type="text" value="\$1,625"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$1,625"/>	

Economic Benefit Worksheet

Respondent John Tran dba Deluxe Drycleaning
Case ID No. 30910
Reg. Ent. Reference No. RN104137443
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	4-Oct-2007	9-Mar-2009	1.43	\$18	n/a	\$18
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. 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

\$250

TOTAL

\$18



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 17, 2008

DATES	Assigned	27-May-2008	Screening	20-Jun-2008	EPA Due	
	PCW	20-Jun-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	John Tran dba Deluxe Drycleaning
Reg. Ent. Ref. No.	RN104137435
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	30910	No. of Violations	1
Docket No.	2008-1047-DCL-E	Order Type	Findings
Media Program(s)	Dry Cleaner	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Shelton
		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

PCW #3

Screening Date 20-Jun-2008

Docket No. 2008-1047-DCL-E

PCW

Respondent John Tran dba Deluxe Drycleaning

Policy Revision 2 (September 2002)

Case ID No. 30910

PCW Revision June 17, 2008

Reg. Ent. Reference No. RN104137435

Media [Statute] Dry Cleaner

Enf. Coordinator John Shelton

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 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) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent was issued a Default Order Docket No. 2006-1428-DCL-E with an effective date of October 4, 2007.

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

Screening Date 20-Jun-2008 **Docket No.** 2008-1047-DCL-E **PCW**
Respondent John Tran dba Deluxe Drycleaning *Policy Revision 2 (September 2002)*
Case ID No. 30910 *PCW Revision June 17, 2008*

Reg. Ent. Reference No. RN104137435

Media [Statute] Dry Cleaner

Enf. Coordinator John Shelton

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 337.11(e), Tex. Health & Safety Code § 374.102, and TCEQ Default Order Docket No. 2006-1428-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 May 20, 2008. Specifically, the previous registration expired December 31, 2004 and was not renewed at the time of the investigation.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		x			

100% of the rule requirement was not met.

Adjustment \$45

\$5

Violation Events

Number of Violation Events 260 Number of violation days 260

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

Violation Base Penalty \$1,300

Two Hundred Sixty daily events are recommended from the October 4, 2007 effective date of the Default Order to the June 20, 2008 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,300

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$18 **Violation Final Penalty Total** \$1,625

This violation Final Assessed Penalty (adjusted for limits) \$1,625

Economic Benefit Worksheet

Respondent: John Tran dba Deluxe Drycleaning
Case ID No.: 30910
Reg. Ent. Reference No.: RN104137435
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	4-Oct-2007	9-Mar-2009	1.43	\$18	n/a	\$18
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. 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

\$250

TOTAL

\$18



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 17, 2008

DATES	Assigned	27-May-2008	Screening	20-Jun-2008	EPA Due	
	PCW	20-Jun-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	John Tran dba Deluxe Drycleaning
Reg. Ent. Ref. No.	RN104137518
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	30910	No. of Violations	1
Docket No.	2008-1047-DCL-E	Order Type	Findings
Media Program(s)	Dry Cleaner	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	John Shelton
		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 \$1,300

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 \$325

Notes: The Respondent was issued a Default Order Docket No. 2006-1428-DCL-E with an effective date of October 4, 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* Subtotal 6 \$0

Total EB Amounts \$18
 Approx. Cost of Compliance \$250
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$1,625

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$1,625

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$1,625

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 \$1,625

PCW #4

Screening Date 20-Jun-2008

Docket No. 2008-1047-DCL-E

PCW

Respondent John Tran dba Deluxe Drycleaning

Policy Revision 2 (September 2002)

Case ID No. 30910

PCW Revision June 17, 2008

Reg. Ent. Reference No. RN104137518

Media [Statute] Dry Cleaner

Enf. Coordinator John Shelton

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 judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent was issued a Default Order Docket No. 2006-1428-DCL-E with an effective date of October 4, 2007.

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

Screening Date 20-Jun-2008		Docket No. 2008-1047-DCL-E		PCW	
Respondent John Tran dba Deluxe Drycleaning		<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 30910		<i>PCW Revision June 17, 2008</i>			
Reg. Ent. Reference No. RN104137518					
Media [Statute] Dry Cleaner					
Enf. Coordinator John Shelton					
Violation Number <input type="text" value="1"/>					
Rule Cite(s)		30 Tex. Admin. Code § 337.11(e), Tex. Health & Safety Code § 374.102, and TCEQ Default Order Docket No. 2006-1428-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 24, 2008. Specifically, the previous registration expired December 31, 2004 and was not renewed at the time of the investigation.			
Base Penalty				<input type="text" value="\$50"/>	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>	
Matrix Notes		100% of the rule requirement was not met.			
Adjustment				<input type="text" value="\$45"/>	
				<input type="text" value="\$5"/>	
Violation Events					
Number of Violation Events		<input type="text" value="260"/>	Number of violation days		
		<input type="text" value="260"/>			
<i>mark only one with an x</i>	daily	<input checked="" type="text" value="x"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
				Violation Base Penalty <input type="text" value="\$1,300"/>	
Two Hundred Sixty daily events are recommended from the October 4, 2007 effective date of the Default Order to the June 20, 2008 screening date.					
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction		
		<input type="text" value="0.0%"/>			
		<input type="text" value="0.0%"/>			
		<input type="text" value="0.0%"/>			
		<input type="text" value="0.0%"/>			
		<input type="text" value="0.0%"/>			
		<input type="text" value="0.0%"/>			
		<input type="text" value="0.0%"/>			
Notes		The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				<input type="text" value="\$1,300"/>	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		<input type="text" value="\$18"/>	Violation Final Penalty Total		
		<input type="text" value="\$18"/>			
				<input type="text" value="\$1,625"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$1,625"/>	

Economic Benefit Worksheet

Respondent: John Tran dba Deluxe Drycleaning
Case ID No.: 30910
Reg. Ent. Reference No.: RN104137518
Media: Dry Cleaner
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description: No commas or \$						

Delayed Costs

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	4-Oct-2007	9-Mar-2009	1.43	\$18	\$18
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. 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

\$250

TOTAL

\$18

Compliance History

Customer/Respondent/Owner-Operator: CN603079484 TRAN, JOHN Classification: AVERAGE Rating: 2.25

Regulated Entity: RN103953683 QUALITY CLEANERS Classification: AVERAGE Site Rating: 3.01
BY DEFAULT

ID Number(s): DRY CLEANERS REGISTRATION INTERNAL 103953683

Location: 2844 REV DR RANSOM HOWARD ST, PORT ARTHUR, TX, 77640 Rating Date: September 01 07 Repeat
Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: June 03, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 03, 2003 to June 03, 2008

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

Name: John Shelton Phone: (512) 239-2563

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: 10/04/2007 ADMINORDER 2006-1428-DCL-E
Classification: Moderate

Citation: 30 TAC Chapter 337, SubChapter B 337.11(e)
TEXAS HEALTH AND SAFETY CODE 374.102(a)

Description: Failed to renew the registration by completing and submitting the required registration form to the TCEQ for the Facility.

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1 08/17/2006 (488153)
2 05/23/2008 (671507)

- 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

CH #1

Compliance History

Customer/Respondent/Owner-Operator: CN603079484 TRAN, JOHN Classification: AVERAGE Rating: 2.25
Regulated Entity: RN104137443 DELUXE DRYCLEANING Classification: AVERAGE Site Rating: 3.01
BY DEFAULT
ID Number(s): DRY CLEANERS REGISTRATION INTERNAL 104137443
Location: 1920 9TH AVE, PORT ARTHUR, TX, 77642 Rating Date: September 01 07 Repeat
Violator: NO
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: June 03, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: June 03, 2003 to June 03, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: John Shelton Phone: (512) 239-2563

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

N/A Effective Date: 10/04/2007 ADMINORDER 2006-1428-DCL-E
Classification: Moderate
Citation: 30 TAC Chapter 337, SubChapter B 337.11(e)
TEXAS HEALTH AND SAFETY CODE 374.102(a)

Description: Failed to renew the registration by completing and submitting the required registration form to the TCEQ for the Facility.

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1 08/28/2006 (488155)

N/A

2 05/23/2008 (671689)

- 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

CH #2

Compliance History

Customer/Respondent/Owner-Operator:	CN603079484 TRAN, JOHN	Classification: AVERAGE Rating: 2.25
Regulated Entity:	RN104137435 DELUXE DRYCLEANING	Classification: HIGH Site Rating: 0.00
ID Number(s):	DRY CLEANERS REGISTRATION INTERNAL INDUSTRIAL AND HAZARDOUS WASTE EPA ID GENERATION	104137435 TXR000069765
Location:	535 REV DR RANSOM HOWARD ST, PORT ARTHUR, TX, 77640	Rating Date: September 01 07 Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT	
Date Compliance History Prepared:	June 03, 2008	
Agency Decision Requiring Compliance History:	Enforcement	
Compliance Period:	June 03, 2003 to June 03, 2008	

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

Name: John Shelton Phone: (512) 239-2563

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

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

N/A	Effective Date: 10/04/2007	ADMINORDER 2006-1428-DCL-E
	Classification: Moderate	
	Citation: 30 TAC Chapter 337, SubChapter B 337.11(e) TEXAS HEALTH AND SAFETY CODE 374.102(a)	

Description: Failed to renew the registration by completing and submitting the required registration form to the TCEQ for the Facility.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	08/17/2006	(488159)
	N/A	
2	05/23/2008	(673225)

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

CH #3

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
JOHN TRAN DBA QUALITY
CLEANERS AND DBA DELUXE
DRYCLEANING,
RN103953683; RN104137443;
RN104137435; RN104137518

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2008-1047-DCL-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's First Amended 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 John Tran dba Quality Cleaners and dba Deluxe Drycleaning ("Mr. Tran").

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

FINDINGS OF FACT

1. Mr. Tran owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates dry cleaning drop station facilities, referred to collectively as ("the Facilities"), at the following locations:
 - a. Quality Cleaners, 2844 Rev Dr. Ransom Howard Street, Port Arthur, Jefferson County, Texas ("Facility 1")
 - b. Deluxe Drycleaning, 1920 9th Avenue, Port Arthur, Jefferson County, Texas ("Facility 2")
 - c. Deluxe Drycleaning, 535 Rev Dr. Ransom Howard Street, Port Arthur, Jefferson County, Texas ("Facility 3")
 - d. Deluxe Drycleaning, 3889 Main Avenue, Groves, Jefferson County, Texas ("Facility 4")
2. The Facilities are retail commercial establishments, 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 Facilities are dry cleaning drop stations as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).

3. During an inspection conducted on April 24, 2008, a TCEQ Beaumont Regional Office investigator documented that Mr. Tran:
 - a. failed to renew Facility 1's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility. Specifically, the previous registration expired December 31, 2004 and was not renewed at the time of the investigation.
 - b. failed to renew Facility 4's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility. Specifically, the previous registration expired December 31, 2004 and was not renewed at the time of the investigation.
4. During an inspection conducted on May 20, 2008, a TCEQ Beaumont Regional Office investigator documented that Mr. Tran:
 - a. failed to renew Facility 2's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility. Specifically, the previous registration expired December 31, 2004 and was not renewed at the time of the investigation.
 - b. failed to renew Facility 3's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility. Specifically, the previous registration expired December 31, 2004 and was not renewed at the time of the investigation.
5. During a record review conducted on June 24, 2008, TCEQ Central Office staff documented that Mr. Tran failed to pay outstanding Dry Cleaner fees, Administrative Penalties, and associated late fees for TCEQ Financial Account Nos. 24002331 and 23800327.
6. Mr. Tran received notice of the violations on or about May 28, 2008.
7. 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 John Tran dba Quality Cleaners and dba Deluxe Drycleaning" (the "EDPRP") in the TCEQ Chief Clerk's office on September 15, 2008.

8. By letter dated on September 15, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Tran with notice of the EDPRP. The United States Postal Service has not returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Mr. Tran received notice of the EDPRP.
9. The Executive Director filed the "Executive Director's First Amended 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 John Tran dba Quality Cleaners and dba Deluxe Drycleaning" (the "EDFARP") in the TCEQ Chief Clerk's office on January 8, 2009.
10. By letter dated on January 8, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Tran with notice of the EDFARP. According to the return receipt "green card," Mr. Tran received notice of the EDFARP on January 10, 2009, as evidenced by the signature on the card.
11. More than 20 days have elapsed since Mr. Tran received notice of the EDPRP and the EDFARP, provided by the Executive Director. Mr. Tran failed to file an answer to either the EDPRP or the EDFARP, 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. Tran 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. Tran failed to renew Facility 1'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. HEALTH & SAFETY CODE § 374.102; and TCEQ Default Order Docket No. 2006-1428-DCL-E, Ordering Provision 2.a.
3. As evidenced by Finding of Fact No. 3.b., Mr. Tran failed to renew Facility 4'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. HEALTH & SAFETY CODE § 374.102; and TCEQ Default Order Docket No. 2006-1428-DCL-E, Ordering Provision 2.a.
4. As evidenced by Finding of Fact No. 4.a., Mr. Tran failed to renew Facility 2'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. HEALTH & SAFETY CODE § 374.102; and TCEQ Default Order Docket No. 2006-1428-DCL-E, Ordering Provision 2.a.
5. As evidenced by Finding of Fact No. 4.b., Mr. Tran failed to renew Facility 3'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. HEALTH & SAFETY CODE § 374.102; and TCEQ Default Order Docket No. 2006-1428-DCL-E, Ordering Provision 2.a.
 6. As evidenced by Finding of Fact No. 5, Mr. Tran failed to pay outstanding Dry Cleaner fees, Administrative Penalties, and associated late fees for TCEQ Financial Account Nos. 24002331 and 23800327, in violation of 30 TEX. ADMIN. CODE § 337.14(c); TEX. WATER CODE § 5.702; and TCEQ Default Order Docket No. 2006-1428-DCL-E, Ordering Provisions 1 and 2.b.
 7. As evidenced by Finding of Fact Nos. 7 and 8, the Executive Director has timely served Mr. Tran with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
 8. As evidenced by Finding of Fact Nos. 9 and 10, the Executive Director has timely served Mr. Tran with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
 9. As evidenced by Finding of Fact No. 11, Mr. Tran has failed to file a timely answer to either the EDPRP or the EDFARP, 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. Tran and assess the penalty recommended by the Executive Director.
 10. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Tran 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.
 11. An administrative penalty in the amount of six thousand five hundred dollars (\$6,500.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

ORDERING PROVISIONS

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

1. Mr. Tran is assessed an administrative penalty in the amount of six thousand five hundred dollars (\$6,500.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and Mr. Tran's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: John Tran dba Quality Cleaners and dba Deluxe Drycleaning; Docket No. 2008-1047-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. Tran shall undertake the following technical requirements:

- a. Within 15 days after the effective date of this Order, Mr. Tran shall complete and submit the required dry cleaning or drop station registration forms for the Facilities, in accordance with 30 TEX. ADMIN. CODE ch. 337 to:

Dry Cleaning Registration Team
Texas Commission on Environmental Quality
P.O. Box 13807
Austin, Texas 78711-3087

- b. Within 30 days after the effective date of this Order, Mr. Tran shall submit payments for outstanding dry cleaner fees and administrative penalties, including any associated late fees and interest with the notation, "John Tran dba Quality Cleaners and dba Deluxe Drycleaners, Account Nos. 24002331 and 23800327" 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

- c. Within 45 days after the effective date of this Order, Mr. Tran shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 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 the 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."

- d. Mr. Tran shall submit copies of the certification and documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13807
Austin, Texas 78711-3087

with a copy to:

Derek Eades, Waste Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Fwy
Beaumont, Texas 77703-1830

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. Tran. Mr. Tran is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facilities' operations referenced in this Order.
5. If Mr. Tran 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. Tran's failure to comply is not a violation of this Order. Mr. Tran shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Tran shall notify the Executive Director within seven days after Mr. Tran 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. Tran shall be made in writing to the Executive Director. Extensions are not effective until Mr. Tran 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. Tran if the Executive Director determines that Mr. Tran 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.

John Tran dba Quality Cleaners and dba Deluxe Drycleaning
DOCKET NO. 2008-1047-DCL-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF PEIPEY TANG

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Peipey Tang. 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.

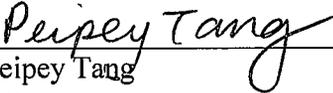
On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of John Tran dba Quality Cleaners and dba Deluxe Drycleaning” (the “EDPRP”) with the Office of the Chief Clerk on September 15, 2008.

I sent the EDPRP to Mr. Tran at his last known address on September 15, 2008 via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service has not 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).

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s First Amended 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 John Tran dba Quality Cleaners and dba Deluxe Drycleaning” (the “EDFARP”) with the Office of the Chief Clerk on January 8, 2009.

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

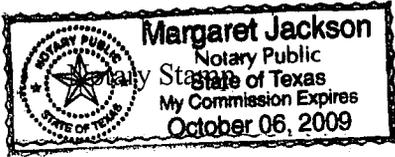


Peipey Tang
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Peipey Tang, 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.

Affidavit of Peipey Tang
Page 2

Given under my hand and seal of office this *26* day of *May*, A.D., 2009.



Margaret Jackson
Notary Signature