

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2006-1468-DCL-E TCEQ ID NOS: RN104097787 AND RN104097795 CASE NO.: 30977**  
**RESPONDENT NAME: DENISON SNOW WHITE LAUNDRY, LLC DBA SHAFFER CLEANERS AND**  
**DBA SNOW WHITE AKA SNOW WHITE LAUNDRY**

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

<b>CASE TYPE:</b>		
<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

**SITE WHERE VIOLATION(S) OCCURRED:** 2815 West Morton Street and 314 West Woodard Street, Denison, Grayson County

**TYPE OF OPERATION:** Dry cleaning drop station and dry cleaning facility

**SMALL BUSINESS:**  Yes  No

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

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired July 27, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Ms. Cheryl Thompson, Waste Enforcement Section, MC R-4, (817) 588-5886

**TCEQ Regional Contact:** Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903

**Respondent:** Mr. David W. Shaffer, Managing Member, Denison Snow White Laundry, LLC, P.O. Box 562, Denison, Texas 7502

**Respondent's Attorney:** Mr. Phillip G. Shaffer, Attorney, Phillip G. Shaffer, P.C., 230 West Main Street, Denison, Texas 75020

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 23, 2006</p> <p><b>Date of NOE Relating to this Case:</b> August 10, 2006</p> <p><b>Background Facts:</b> The EDPRP was filed February 7, 2007. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and a signed Agreed Order was received on May 26, 2009.</p> <p><b>Current Compliance Status:</b> The Respondent submitted a drop-station registration for the Shaffer Facility, which expires on September 30, 2009. The Respondent has not yet submitted a dry cleaner registration for the Snow White Facility.</p> <p><b>DCL:</b></p> <p>1. Failed to renew the Shaffer Facility'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) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p> <p>2. Failed to renew the Snow White Facility'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) and TEX. HEALTH &amp; SAFETY CODE § 374.102].</p>	<p><b>Total Assessed:</b> \$ 2,370</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$104/\$2,266</p> <p>The Respondent paid \$104 of the administrative penalty. The remaining amount of \$2,266 shall be payable in 22 monthly payments of \$103 each.</p> <p><b>Snow White Facility:</b>  <b>Site Compliance History Classification</b> N/A  <b>Person Compliance History Classification</b> N/A</p> <p><b>Shaffer Facility:</b>  <b>Site Compliance History Classification</b>  <input type="checkbox"/> Poor <input type="checkbox"/> Average <input checked="" type="checkbox"/> High  <b>Person Compliance History Classification</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Within 15 days, complete and submit the required dry cleaner and/or drop station registration form for the Facilities.</p> <p>2. Within 30 days, submit written certification demonstrating compliance.</p>



DATES	Assigned	19-Aug-2006	Screening	25-Aug-2006	EPA Due	
	PCW	20-Nov-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Denison Snow White Laundry, LLC dba Shaffer Cleaners		
Reg. Ent. Ref. No.	RN104097787		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	30977	No. of Violations	1
Docket No.	2006-1468-DCL-E	Order Type	1660
Media Program(s)	Drycleaner	Enf. Coordinator	Cheryl Thompson
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,185</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: The respondent does not have any other enforcement actions within the last five years.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

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

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$18	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,185</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	<b>\$1,185</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b>	<b>\$1,185</b>
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<b>DEFERRAL</b>	0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral is not recommended due to settlement termination.

<b>PAYABLE PENALTY</b>	<b>\$1,185</b>
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# A

**Screening Date** 25-Aug-2006      **Docket No.** 2006-1468-DCL-E      **PCW**  
**Respondent** Denison Snow White Laundry, LLC dba Shaffer Cleaners      *Policy Revision 2 (September 2002)*  
**Case ID No.** 30977      *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN104097787  
**Media [Statute]** Drycleaner  
**Enf. Coordinator** Cheryl Thompson

**Compliance History Worksheet**

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were disclosed)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)**

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

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

**>> Compliance History Summary**

**Compliance History Notes**

The respondent does not have any other enforcement actions within the last five years.

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

Screening Date 25-Aug-2006

Docket No. 2006-1468-DCL-E

PCW

Respondent Denison Snow White Laundry, LLC dba Shaffer Cleaners

Policy Revision 2 (September 2002)

Case ID No. 30977

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104097787

Media [Statute] Drycleaner

Enf. Coordinator Cheryl Thompson

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 337.11(e)

Secondary Rule Cite(s) Tex. Health & Safety Code § 374.102

Violation Description The respondent 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.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

		Harm			Percent
Release		Major	Moderate	Minor	
	Actual				
Potential					

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			

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

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 237

mark only one use a small x

daily	X
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$1,185

This violation Final Assessed Penalty (adjusted for limits) \$1,185

## Economic Benefit Worksheet

Respondent: Denison Snow White Laundry, LLC dba Shaffer Cleaners

Case ID No. 30977

Reg. Ent. Reference No. RN104097787

Media [Statute] Drycleaner

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	01-Sep-2005	30-Jan-2007	1.4	\$18	n/a	\$18
Other (as needed)				0.0	\$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				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$250 TOTAL \$18

# Compliance History

Customer/Respondent/Owner-Operator: CN603066648 Denison Snow White Laundry, LLC Classification: Rating:  
Regulated Entity: RN104097787 SHAFFER CLEANERS Classification: Site Rating:  
ID Number(s):  
Location: 2815 W MORTON ST, DENISON, TX, 75020  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: August 28, 2006  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: August 28, 2001 to August 28, 2006

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

Name: Cheryl Thompson Phone: (817)588-5886

## 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
- 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 08/14/2006 (487493)  
N/A
- 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

A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	19-Aug-2006	Screening	25-Aug-2006	EPA Due	
	PCW	20-Nov-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Denison Snow White Laundry, LLC dba Snow White aka Snow White Laundry
Reg. Ent. Ref. No.	RN104097795
Facility/Site Region	4-Dallas/Fort Worth <
Major/Minor Source	Minor Source <

<b>CASE INFORMATION</b>			
Enf./Case ID No.	30977	No. of Violations	1
Docket No.	2006-1468-DCL-E	Order Type	1660 <
Media Program(s)	Drycleaner <	Enf. Coordinator	Cheryl Thompson <
Multi-Media		EC's Team	Enforcement Team 4 <
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,185</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0% Enhancement	<b>Subtotal 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: The respondent does not have any other enforcement actions within the last five years.

<b>Culpability</b>	No <	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

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

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$18	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,185</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: [Empty box]

<b>Final Penalty Amount</b>	<b>\$1,185</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,185</b>
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<b>DEFERRAL</b>	0% Reduction	Adjustment	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral is not recommended due to settlement termination.

<b>PAYABLE PENALTY</b>	<b>\$1,185</b>
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B

**Screening Date** 25-Aug-2006      **Docket No.** 2006-1468-DCL-E      **PCW**  
**Respondent** Denison Snow White Laundry, LLC dba Snow White aka Snow White Laundry      *ember 2002)*  
**Case ID No.** 30977      *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN104097795  
**Media [Statute]** Drycleaner  
**Enf. Coordinator** Cheryl Thompson

**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 <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	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 <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)**      **0%**

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

     **Adjustment Percentage (Subtotal 3)**      **0%**

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

     **Adjustment Percentage (Subtotal 7)**      **0%**

**>> Compliance History Summary**

**Compliance History Notes**      The respondent does not have any other enforcement actions within the last five years.

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

Screening Date 25-Aug-2006

Docket No. 2006-1468-DCL-E

PCW

Respondent: Denison Snow White Laundry, LLC dba Snow White aka Snow White Laundry

ember 2002)

Case ID No. 30977

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN104097795

Media [Statute] Drycleaner

Enf. Coordinator Cheryl Thompson

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 337.11(e)

Secondary Rule Cite(s) Tex. Health & Safety Code § 374.102

Violation Description The respondent 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.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

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

Adjustment -\$45

Base Penalty Subtotal \$5

Violation Events

Number of Violation Events 237

mark only one use a small x	daily	X
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,185

Two hundred thirty-seven daily events are recommended from the September 1, 2005 deadline to the April 26, 2006 deadline established by the TCEQ letter dated March 24, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$1,185

This violation Final Assessed Penalty (adjusted for limits) \$1,185

## Economic Benefit Worksheet

**Respondent** Denison Snow White Laundry, LLC dba Snow White aka Snow White Laundry  
**Case ID No.** 30977  
**Reg. Ent. Reference No.** RN104097795  
**Media [Statute]** Drycleaner  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	\$250	01-Sep-2005	30-Jan-2007	1.4	\$18	n/a	\$18
Other (as needed)				0.0	\$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				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$250

**TOTAL** \$18

# Compliance History

Customer/Respondent/Owner-Operator: CN603066648 Denison Snow White Laundry, LLC Classification: Rating:  
Regulated Entity: RN104097795 SNOW WHITE Classification: HIGH Site Rating:  
ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000075309  
GENERATION  
Location: 314 W WOODARD ST, DENISON, TX, 75020

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: August 28, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 28, 2001 to August 28, 2006

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

Name: Cheryl Thompson Phone: (817)588-5886

## 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

- 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 08/14/2006 (487383)

N/A

- 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

B

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
DENISON SNOW WHITE  
LAUNDRY, LLC DBA SHAFFER  
CLEANERS AND DBA SNOW  
WHITE AKA SNOW WHITE  
LAUNDRY,  
RN104097787  
RN104097795

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BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1468-DCL-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Denison Snow White Laundry, LLC dba Shaffer Cleaners and dba Snow White aka Snow White Laundry ("Denison Snow White Laundry") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 374. The Executive Director of the TCEQ, represented by the Litigation Division, and Denison Snow White Laundry, represented by Phillip G. Shaffer of the law firm of Phillip G. Shaffer, P.C., appear before the Commission and together stipulate that:

1. Denison Snow White Laundry owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning drop station and a dry cleaning facility referred to collectively as (the "Facilities"). The dry cleaning drop station is located at 2815 West Morton Street, Denison, Grayson County, Texas (the "Shaffer Facility") and the dry cleaning facility is located at 314 West Woodard Street, Denison, Grayson County, Texas (the "Snow White Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 374 and TCEQ rules.
3. The Commission and Denison Snow White Laundry agree that the Commission has jurisdiction to enter this Agreed Order, and that Denison Snow White Laundry is subject to the Commission's jurisdiction.

4. Denison Snow White Laundry received notice of the violations alleged in Section II ("Allegations") on or about August 15, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Denison Snow White Laundry of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of two thousand three hundred seventy dollars (\$2,370.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Denison Snow White Laundry paid one hundred four dollars (\$104.00) of the administrative penalty. The remaining amount of two thousand two hundred sixty-six dollars (\$2,266.00) of the administrative penalty shall be payable in twenty-two monthly payments of one hundred three dollars (\$103.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Denison Snow White Laundry fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Denison Snow White Laundry's failure to meet the payment schedule of this Agreed Order constitutes the failure by Denison Snow White Laundry to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Denison Snow White Laundry agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Denison Snow White Laundry has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

1. During an investigation conducted on May 23, 2006 at the Shaffer Facility, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Denison Snow White Laundry violated 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102 by failing to renew the Shaffer Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility.
2. During an investigation conducted on May 23, 2006 at the Snow White Facility, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Denison Snow White Laundry violated 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102 by failing to renew the Snow White Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility.

## III. DENIALS

Denison Snow White Laundry generally denies each allegation in Section II ("Allegations").

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Denison Snow White Laundry pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Denison Snow White Laundry's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Denison Snow White Laundry, LLC dba Shaffer Cleaners and dba Snow White aka Snow White Laundry, Docket No. 2006-1468-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. Denison Snow White Laundry shall undertake the following technical requirements:

- a. Within 15 days after the effective date of this Agreed Order, Denison Snow White Laundry shall complete and submit the required drycleaner and/or drop station registration form 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 13087  
Austin, Texas 78711-3087

- b. Within 30 days after the effective date of this Agreed Order, Denison Snow White Laundry shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.a. 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.”

Denison Snow White Laundry shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision No. 2.a.:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

and

Sam Barrett, Waste Section Manager  
Texas Commission on Environmental Quality  
Dallas/Forth Worth Regional Office  
2309 Gravel Drive

Fort Worth, Texas 76118

3. The provisions of this Agreed Order shall apply to and be binding upon Denison Snow White Laundry. Denison Snow White Laundry is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
4. If Denison Snow White Laundry fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Denison Snow White Laundry's failure to comply is not a violation of this Agreed Order. Denison Snow White Laundry shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Denison Snow White Laundry shall notify the Executive Director within seven days after Denison Snow White Laundry becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Denison Snow White Laundry shall be made in writing to the Executive Director. Extensions are not effective until Denison Snow White Laundry receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Denison Snow White Laundry in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Denison Snow White Laundry, or three days after the date on which the Commission mails notice of the Order to Denison Snow White Laundry, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Denison Snow White Laundry, LLC dba Shaffer Cleaners and dba Snow White aka Snow White Laundry  
Docket No. 2006-1468-DCL-E  
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**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*[Handwritten Signature]*  
For the Executive Director

7/10/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Denison Snow White Laundry's compliance history;
- Greater scrutiny of any permit applications submitted by Denison Snow White Laundry;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Denison Snow White Laundry;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Denison Snow White Laundry; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

*David Shaffer*  
Signature

5-26-09  
Date

David Shaffer  
Name (Printed or typed)  
Authorized representative of  
Denison Snow White Laundry, LLC dba Shaffer  
Cleaners and dba Snow White aka Snow White Laundry

Manager  
Title