

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2008-0038-DCL-E TCEQ ID RN104247861 CASE NO.: 30853
RESPONDENT NAME: GERALD GRIMES DBA CORPORATE CLEANERS & LAUNDRY**

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

SITE WHERE VIOLATION(S) OCCURRED: 11048 Shady Trail, Dallas County

TYPE OF OPERATION: Dry cleaning facility

SMALL BUSINESS: Yes No N/A

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. The Respondent owes \$1,155.41 in past-due penalties (2006-1356-DCL-E).

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 December 21, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-3400
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Mr. Clinton Sims, Waste Enforcement Section, MC 169, (512) 239-6933

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

Respondent: Mr. Gerald Grimes, Corporate Cleaners & Laundry, 1006 Winchester Drive, Forney, Texas 75126

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: October 18, 2007; November 27, 2007</p> <p>Date of NOE Relating to this Case: December 3, 2007</p> <p>Background Facts: The EDP RP was filed on April 10, 2008. The Respondent filed an answer and the case was referred to SOAH. The Respondent did not appear at the preliminary hearing and after a showing of notice, the AJL remanded the matter to the Executive Director to prepare a default order.</p> <p>Current Compliance Status: The Respondent has not yet submitted documentation to certify compliance with the technical requirements. The Respondent owes \$924.89 in past-due fees and \$1,155.41 in past-due administrative penalties.</p> <p>DCL:</p> <ol style="list-style-type: none"> Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning facility [30 TEX. ADMIN. CODE § 337.11(e), TEX. HEALTH & SAFETY CODE § 374.102, and TCEQ Agreed Order 2006-1356-DCL-E, Ordering Provisions nos. 3.a. and 3.b.]. Failed to pay registration fees and associated late fees for TCEQ Financial Account No. 24002548, and failed to pay an administrative penalty [30 TEX. ADMIN. CODE § 337.14(c), TEX. WATER CODE § 5.702, and TCEQ Agreed Order 2006-1356-DCL-E, Ordering Provisions nos. 1 and 3.b.]. 	<p>Total Assessed: \$1,537</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: \$1,537</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 Order.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 15 days, complete and submit the required dry cleaner registration form for the Facility. Within 30 days: <ol style="list-style-type: none"> Submit payment for all outstanding fees, including any associated penalties and interest; and Submit payment for the remaining unpaid portion of the assessed administrative penalty, including any associated penalties and interest, for TCEQ Agreed Order 2006-1356-DCL-E. Within 45 days, submit written certification demonstrating compliance.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	3-Dec-2007	Screening	14-Dec-2007	EPA Due	
	PCW	28-Dec-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Gerald Grimes dba Corporate Cleaners & Laundry		
Reg. Ent. Ref. No.	RN104247861		
Facility/Site Region	4 - Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	30853	No. of Violations	1
Docket No.	2008-0038-DCL-E	Order Type	Findings
Media Program(s)	Dry Cleaner	Enf. Coordinator	Clinton Sims
Multi-Media		EC's Team	EnforcementTeam 7
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$1,230**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History *Subtotals 2, 3, & 7* **\$307**

Notes: The Respondent received one NOV with same or similar violations and one Agreed Order Docket Number 2006-1356-DCL-E.

Culpability *Subtotal 4* **\$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply *Subtotal 5* **\$0**

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

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

Total EB Amounts *Subtotal 6* **\$0**

Approx. Cost of Compliance **\$1,290** **Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$1,537**

OTHER FACTORS AS JUSTICE MAY REQUIRE *Adjustment* **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$1,537**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$1,537**

DEFERRAL *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 **\$1,537**

Screening Date 14-Dec-2007

Docket No. 2008-0038-DCL-E

PCW

Respondent Gerald Grimes dba Corporate Cleaners & Laundry

Policy Revision 2 (September 2002)

Case ID No. 30853

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104247861

Media [Statute] Dry Cleaner

Enf. Coordinator Clinton Sims

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

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 received one NOV with same or similar violations and one Agreed Order Docket Number 2006-1356-DCL-E.

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

Screening Date 14-Dec-2007

Docket No. 2008-0038-DCL-E

PCW

Respondent Gerald Grimes dba Corporate Cleaners & Laundry

Policy Revision 2 (September 2002)

Case ID No. 30853

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN104247861

Media [Statute] Dry Cleaner

Enf. Coordinator Clinton Sims

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 337.11(e) and 337.14(c), Tex. Health & Safety Code § 374.102, Texas Water Code § 5.702, and TCEQ Agreed Order Docket No. 2006-1356-DCL-E, Ordering Provisions 1, 3.a. and 3.b.

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 October 18, 2007. Specifically, the previous registration expired December 31, 2005 and was not renewed at the time of the investigation. Additionally, the Respondent failed to submit payment for the administrative penalty and for outstanding dry cleaner registration fees for TCEQ Financial Account No. 24002548, as required by Agreed Order Docket No. 2006-1356-DCL-E.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
	100% of the rule requirement was not met.				
	Adjustment \$45				

Violation Events

Number of Violation Events 246 Number of violation days 246

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

Violation Base Penalty \$1,230

Two Hundred Forty-Six Daily daily events are recommended from the April 13, 2007 effective date to the December 14, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$90

Violation Final Penalty Total \$1,537

This violation Final Assessed Penalty (adjusted for limits) \$1,537

Economic Benefit Worksheet

Respondent Gerald Grimes dba Corporate Cleaners & Laundry

Case ID No. 30853

Reg. Ent. Reference No. RN104247861

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
<small>No commas or \$</small>							

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	13-Apr-2007	6-Sep-2008	1.4	\$18	n/a	\$18
Other (as needed)	\$1,040	13-Apr-2007	6-Sep-2008	1.4	\$73	n/a	\$73

Notes for DELAYED costs

The estimated cost to register a dry cleaning or drop station facility annually and to pay the remaining portion of Docket No. 2006-1356-DCL-E administrative penalty and outstanding dry cleaner fees. The date required is the effective date 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

\$1,290

TOTAL

\$90

Compliance History

Customer/Respondent/Owner-Operator:	CN603151010 Gerald Grimes	Classification: AVERAGE Rating: 3.01
Regulated Entity:	RN104247861 CORPORATE CLEANERS & LAUNDRY	Classification: AVERAGE Site Rating: 3.01 BY DEFAULT
ID Number(s):	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID TXR000078062
Location:	11048 SHADY TRL, DALLAS, TX, 75229	Rating Date: September 01 07 Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX	
Date Compliance History Prepared:	January 04, 2008	
Agency Decision Requiring Compliance History:	Enforcement	
Compliance Period:	January 04, 2003 to January 04, 2008	
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History		
Name:	Clinton Sims	Phone: (512) 239-6933

Site Compliance History Components

- | | | |
|--|-----------------------------------|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes | |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | Yes | |
| 3. If Yes, who is the current owner? | Gerald Grimes | |
| 4. If Yes, who was/were the prior owner(s)? | Corporate Cleaners & Laundry, LLC | N/A |
| 5. When did the change(s) in ownership occur? | N/A
05/26/2006 | |

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: 04/13/2007	ADMINORDER 2006-1356-DCL-E
	Classification: Major	
	Citation: 30 TAC Chapter 337, SubChapter B 337.11(e) TEXAS HEALTH AND SAFETY CODE 374.102(e)	
	Description: Failure to maintain current Dry Cleaning Facility registration.	

- 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	08/07/2006	(487782)
		N/A	
	2	08/07/2007	(570941)
	3	11/30/2007	(598636)

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

Date	07/31/2007	(570941)	
Self Report?	NO		Classification: Major
Citation:	30 TAC Chapter 337, SubChapter B 337.11(e) TEXAS HEALTH AND SAFETY CODE 374.102(e)		
Description:	Failure to maintain current Dry Cleaning Facility registration.		
Self Report?	NO		Classification: Major
Citation:	2A TWC Chapter 7, SubChapter A 7.101		
Rqmt Prov:	ORDER Ordering Provisions 1. and 3.a.-3.c.		
Description:	Failure to comply with Ordering Provisions of Commission Docket No. 2006-1356-DCL-E.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GERALD GRIMES DBA
CORPORATE CLEANERS &
LAUNDRY;
RN104247861

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2008-0038-DCL-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 374 and TEX. WATER CODE ch. 5 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 Gerald Grimes dba Corporate Cleaners & Laundry ("Mr. Grimes").

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

FINDINGS OF FACT

1. At the time of the violations, Mr. Grimes owned, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operated a dry cleaning facility located at 11048 Shady Trail, Dallas County, Texas (the "Facility").
2. The Facility is a retail commercial establishment that operates in whole or in part for the purpose of cleaning garments or other fabrics using a process that involves any use of dry cleaning solvents. As such, the Facility is a dry cleaning facility as defined in TEX. HEALTH & SAFETY CODE § 374.001(7).
3. During an investigation conducted on October 18, 2007, a TCEQ Dallas / Fort Worth Regional Office investigator documented that Mr. Grimes failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning facility for Fiscal Year 2008. Specifically, the previous registration expired December 31, 2005 and was not renewed at the time of the investigation.

4. During a record review conducted on November 27, 2007, a TCEQ Dallas / Fort Worth Regional Office investigator documented that Mr. Grimes failed to pay registration fees and associated late fees to TCEQ Financial Account No. 24002548 and failed to pay an administrative penalty assessed by TCEQ Agreed Order Docket No. 2006-1356-DCL-E ("Prior Agreed Order"). Specifically, the Respondent failed to pay the outstanding registration fees for Fiscal Years 2004, 2005 and 2006 and failed to complete payment of the administrative penalty as directed by the Prior Agreed Order.
5. Mr. Grimes received notice of the violations on or about December 8, 2007.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Gerald Grimes dba Corporate Cleaners & Laundry" (the "EDPRP") in the TCEQ Chief Clerk's office on April 10, 2008.
7. By letter dated April 10, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Grimes with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed". The first class mail has not been returned, indicating that Mr. Grimes received notice of the EDPRP.
8. The Office of Legal Services of the Texas Commission on Environmental Quality received an answer from Mr. Grimes. Mr. Grimes' answer was filed with the Chief Clerk's Office on March 18, 2009, and, pursuant to 30 TEX. ADMIN. CODE § 70.109, the matter was referred to the State Office of Administrative Hearings ("SOAH") on April 22, 2009.
9. On August 21, 2009, the TCEQ Chief Clerk mailed the Notice of the October 1, 2009 preliminary hearing to Mr. Grimes' last known address via certified mail, return receipt requested, and via first class mail, postage prepaid to Mr. Grimes. The United States Postal Service identified the certified mail as "unclaimed". The first class mail has not been returned.
10. On October 1, 2009 the ALJ convened the preliminary hearing, but Mr. Grimes failed to appear. The Executive Director requested that the matter be remanded to the Executive Director so that a Default Order may be entered and the case may be dismissed from the SOAH Docket.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Grimes is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 374 and TEX. WATER CODE ch. 5 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Mr. Grimes failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning facility, in violation of 30 TEX. ADMIN. CODE § 337.11(e); TEX. HEALTH & SAFETY CODE § 374.102; and the Prior Agreed Order, Ordering Provisions 3.a and 3.b.
3. As evidenced by Finding of Fact No. 4, Mr. Grimes failed to pay registration fees and associated late fees to TCEQ Financial Account No. 24002548 and failed to pay an administrative penalty assessed by the Prior Agreed Order in violation of 30 TEX. ADMIN. CODE § 337.14(c); TEX. WATER CODE § 5.702; and the Prior Agreed Order, Ordering Provisions 1 and 3.b.
4. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director timely served Mr. Grimes with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
5. As evidenced by Finding of Fact No.8, Mr. Grimes' answer was filed as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 30 TEX. ADMIN. CODE § 70.109.
6. As evidenced by Finding of Fact No. 9, Mr. Grimes was provided proper notice of the preliminary hearing pursuant to TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. WATER CODE § 7.058 and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.425, 70.104, and 80.6(b)(3).
7. As evidenced by Finding of Fact No.10, Mr. Grimes failed to appear for the preliminary hearing. Pursuant to TEX. GOV'T CODE § 2001.056, TEX. WATER CODE § 7.057, and 30 TEX. ADMIN. CODE § 70.106(b), the Commission may enter a Default Order against Mr. Grimes and assess the penalty recommended by the Executive Director.
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Grimes for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

9. An administrative penalty in the amount of one thousand five hundred thirty-seven dollars (\$1,537.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
10. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Mr. Grimes is assessed an administrative penalty in the amount of one thousand five hundred thirty-seven dollars (\$1,537.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and Mr. Grimes'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: Gerald Grimes dba Corporate Cleaners & Laundry; Docket No. 2008-0038-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. Grimes shall undertake the following technical requirements:
 - a. Within 15 days after the effective date of this Order, Mr. Grimes shall complete and submit the required dry cleaner registration form for the Facility, in accordance with 30 TEX. ADMIN. CODE ch. 337 to:

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

- b. Within 30 days after the effective date of this Order, Mr. Grimes shall:
- i. Submit payment for all outstanding fees, including any associated penalties and interest with the notation "Gerald Grimes dba Corporate Cleaners & Laundry – Account Number 24002548", to the Financial Administration Division, Revenues Section to the address listed in Ordering Provision 2.b.ii.; and
 - ii. Submit payment for the remaining unpaid portion of the assessed administrative penalty including any associated penalties and interest for Docket No. 2006-1356-DCL-E with the notation "Gerald Grimes dba Corporate Cleaners & Laundry – Account Number 23800381", 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. Grimes shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Mr. Grimes shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b. to:

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

with a copy to:

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

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

Gerald Grimes dba Corporate Cleaners & Laundry
Docket No. 2008-0038-DCL-E
Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF JENNIFER COOK

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Jennifer Cook. 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, 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 Gerald Grimes dba Corporate Cleaners & Laundry” (the “EDPRP”) was filed with the Office of the Chief Clerk on April 10, 2008.

I sent the EDPRP to Mr. Grimes at his last known address on April 10, 2008 via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as “unclaimed”. The first class mail has not been returned, indicating the respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

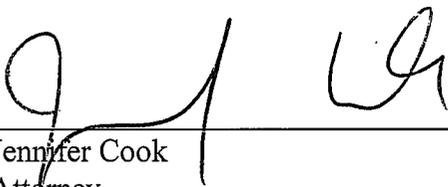
The Office of Legal Services of the Texas Commission on Environmental Quality received an answer from Mr. Grimes. Mr. Grimes’ answer was filed with the Chief Clerk’s Office on March 18, 2009, and, pursuant to 30 TEX. ADMIN. CODE § 70.109, the matter was referred to the State Office of Administrative Hearings (“SOAH”) on April 22, 2009.

On June 4, 2009, the TCEQ Chief Clerk mailed the Notice of a July 9, 2009 preliminary hearing via certified mail, return receipt requested, and via first class mail, postage prepaid to Mr. Grimes. Proof of service was not obtained for this notice, Mr. Grimes did not appear and the Administrative Law Judge (“ALJ”) continued the preliminary hearing.

On August 21, 2009, the TCEQ Chief Clerk mailed the Notice of an October 1, 2009 preliminary hearing to Mr. Grimes’ last known address via certified mail, return receipt requested, and via first class mail, postage prepaid to Mr. Grimes. The United States Postal Service identified the certified mail as “unclaimed”. The first class mail has not been returned.

Notice of the October 1, 2009, preliminary hearing was mailed to Mr. Grimes last known address by the TCEQ Chief Clerk on August 21, 2009. The Notice was sent to Mr. Grimes’ last know address via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service identified the certified mail as “unclaimed”. The first class mail has not been returned.

Mr. Grimes failed to appear at the preliminary hearing on October 1, 2009. At that hearing, I requested and received a finding that Mr. Grimes was served with proper notice of the hearing. I also requested and received a remand from the Administrative Law Judge pursuant to 1 TEX. ADMIN. CODE § 155.501(e)(1), which gives an ALJ the authority to remand the case back to the agency "to allow the agency to dispose of the case on a default basis under TEX. GOV'T CODE § 2001.056 and the referring agency's rules." Pursuant to TEX. GOV'T CODE § 2001.056, TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106(b), the Commission may enter a Default Order against Mr. Grimes and assess the penalty recommended by the Executive Director."

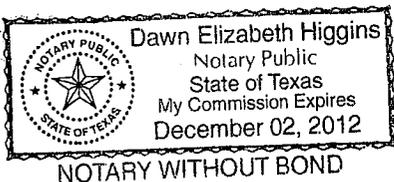


Jennifer Cook
Attorney
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 7th day of December, A.D., 2009.

Notary Stamp





Notary Signature