

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-0560-MLM-E **TCEQ ID:** RN104207634 **CASE NO.:** 33180**RESPONDENT NAME:** Arfa & Shifa Business, Inc. dba Oaks Cleaners

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input checked="" type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input checked="" type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Oaks Cleaners, 229 Dowlen Road, Suite 9, Beaumont, Jefferson County</p> <p>TYPE OF OPERATION: Dry cleaning facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 2, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Michael Meyer, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-4492; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Hassan Badruddin, Owner, Oaks Cleaners, 1106 Jasons Bend Drive, Sugarland, Texas 77479 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: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 6, 2007</p> <p>Date of NOV/NOE Relating to this Case: February 23, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failure to conduct a hazardous waste determination and classification. Specifically, no hazardous waste determination had been conducted on perchloroethylene [30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS § 262.11(a)].</p> <p>2) Failure to maintain records of all hazardous waste activities regarding the quantity of waste generated [30 TEX. ADMIN. CODE § 335.9(a)(1)(B)].</p> <p>3) Failure to mark or clearly label each container used to store hazardous waste with the words "Hazardous Waste". Specifically, three containers, each containing approximately 15 gallons of hazardous waste, had not been labeled [30 TEX. ADMIN. CODE § 335.69(a)(3)].</p> <p>4) Failure to provide secondary containment around each storage area for dry cleaning solvent waste [30 TEX. ADMIN. CODE § 337.20(e)(3)(A)].</p> <p>5) Failure to renew its dry cleaning registration. Specifically, the Respondent failed to renew its registration prior to its December 31, 2006 expiration [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102(e)].</p>	<p>Total Assessed: \$9,495</p> <p>Total Deferred: \$1,899 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$252 (remaining \$7,344 due in 34 monthly payments of \$216 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent renewed its dry cleaning registration on January 9, 2007.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin conducting waste determinations and classifications for all waste generated at the Facility;</p> <p>b. Immediately upon the effective date of this Agreed Order, begin maintaining records of the quantity of waste generated from all hazardous and industrial waste activities;</p> <p>c. Within five days after the effective date of this Agreed Order, mark or clearly label each container with words "Hazardous Waste";</p> <p>d. Within 60 days after the effective date of this Agreed Order, provide secondary containment around each storage area for dry cleaning solvent waste; and</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a through 7d.</p>

Additional ID No(s): F-1927



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	26-Feb-2007	Screening	10-Apr-2007	EPA Due	
	PCW	10-Apr-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Arfa & Shifa Business, Inc. dba Oaks Cleaners
Reg. Ent. Ref. No.	RN104207634
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	33180	No. of Violations	1	
Docket No.	2007-0560-MLM-E	Order Type	1660	
Media Program(s)	Drycleaning	Enf. Coordinator	Michael Meyer	
Multi-Media	Industrial and Hazardous Waste	EC's Team	EnforcementTeam 8	
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 2% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability No 0% Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply 0% Reduction **Subtotal 5**

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

Notes

Total EB Amounts 0% Enhancement* **Subtotal 6**
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. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL 20% Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 10-Apr-2007

Docket No. 2007-0560-MLM-E

PCW

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners

Policy Revision 2 (September 2002)

Case ID No. 33180

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104207634

Media [Statute] Drycleaning

Enf. Coordinator Michael Meyer

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	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 2%

>> 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

Enhancement for a previous NOV for dissimilar violations.

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

Screening Date 10-Apr-2007

Docket No. 2007-0560-MLM-E

PCW

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners

Policy Revision 2 (September 2002)

Case ID No. 33180

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104207634

Media [Statute] Drycleaning

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 337.11(e) and Tex. Health & Safety Code § 374.102(e)

Violation Description

Failed to renew dry cleaning registration, as documented during an investigation conducted on February 6, 2007. Specifically, the Respondent failed to renew its registration prior to its December 31, 2006 expiration.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100 percent of the rule requirement was not met.

Adjustment \$45

\$5

Violation Events

Number of Violation Events 9 Number of violation days 9

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

Violation Base Penalty \$45

Nine daily events are recommended from the December 31, 2006 expiration to the date of registration renewal, January 9, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$45

This violation Final Assessed Penalty (adjusted for limits) \$45

Economic Benefit Worksheet

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners
Case ID No. 33180
Reg. Ent. Reference No. RN104207634
Media Drycleaning
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$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	31-Dec-2006	9-Jan-2007	0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to renew the permit. The Date Required was the December 31, 2006 expiration date and the Final Date is the date of 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
 (Empty box for notes)

Approx. Cost of Compliance **TOTAL**
\$250 \$0



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	19-Mar-2007	Screening	10-Apr-2007	EPA Due	
	PCW	10-Apr-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Arfa & Shifa Business, Inc. dba Oaks Cleaners		
Reg. Ent. Ref. No.	RN104207634		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	33180	No. of Violations	3	
Docket No.	2007-0560-MLM-E	Order Type	1660	
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Michael Meyer	
Multi-Media	Drycleaning	EC's Team	EnforcementTeam 8	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$6,500
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5% Enhancement	Subtotals 2, 3, & 7	\$325
---------------------------	----------------	--------------------------------	-------

Notes: Enhancement for a previous NOV for same or similar violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
--------------------	----	----------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	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	\$32	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$750	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,825
-----------------------------	-----------------------	---------

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	\$6,825
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,825
-----------------------------------	-------------------------------	---------

DEFERRAL	20% Reduction	Adjustment	\$1,365
-----------------	---------------	-------------------	---------

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$5,460
------------------------	---------

Screening Date 10-Apr-2007

Docket No. 2007-0560-MLM-E

PCW

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners

Policy Revision 2 (September 2002)

Case ID No. 33180

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104207634

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

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

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for a previous NOV for same or similar violations.

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

Screening Date 10-Apr-2007

Docket No. 2007-0560-MLM-E

PCW

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners

Policy Revision 2 (September 2002)

Case ID No. 33180

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104207634

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 335.62 and Code of Federal Regulations § 262.11(a)

Violation Description

Failed to conduct a hazardous waste determination and classification, as documented during an investigation conducted on February 6, 2007. Specifically, no hazardous waste determination had been conducted on perchloroethylene waste.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

63 Number of violation days

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

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$15

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

Economic Benefit Worksheet

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners

Case ID No. 33180

Reg. Ent. Reference No. RN104207634

Media: Industrial and Hazardous Waste

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
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				0.0	\$0	n/a	\$0
Other (as needed)	\$400	6-Feb-2007	31-Oct-2007	0.7	\$15	n/a	\$15

Notes for DELAYED costs

Estimated cost to conduct a hazardous waste determination. The Date Required is the date of the February 6, 2007 investigation and the Final Date is the estimated compliance date.

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

\$400

TOTAL

\$15

Screening Date 10-Apr-2007

Docket No. 2007-0580-MLM-E

PCW

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners

Policy Revision 2 (September 2002)

Case ID No. 33180

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104207634

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 335.9(a)(1)(B)

Violation Description

Failed to maintain records of all hazardous waste activities, regarding the quantity of waste generated, as documented during an investigation conducted on February 6, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100 percent of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

63 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners

Case ID No. 33180

Reg. Ent. Reference No. RN104207634

Media Industrial and Hazardous Waste

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							
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	\$250	6-Feb-2007	31-Oct-2007	0.7	\$9	n/a	\$9
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain records of all regulated waste activities. The Date Required is the February 6, 2007 investigation and the Final Date is the estimated compliance date.

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

\$9

Screening Date 10-Apr-2007

Docket No. 2007-0580-MLM-E

PCW

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners

Policy Revision 2 (September 2002)

Case ID No. 33180

PCW Revision March 10, 2007

Reg. Ent. Reference No. RN104207634

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Michael Meyer

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(3)

Violation Description Failed to mark or clearly label each container used to store hazardous waste with the words "Hazardous Waste", as documented during an investigation conducted on February 6, 2007. Specifically, three containers, each containing approximately 15 gallons of hazardous waste, had not been labeled.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 63 Number of violation days

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

Violation Base Penalty \$3,000

Three events are recommended (one for each unlabeled container).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$3,150

This violation Final Assessed Penalty (adjusted for limits) \$3,150

Economic Benefit Worksheet

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners
Case ID No. 33180
Reg. Ent. Reference No. RN104207634
Media Industrial and Hazardous Waste
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description: No commas or \$							
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				0.0	\$0	n/a	\$0
Other (as needed)	\$100	6-Feb-2006	15-Oct-2007	1.7	\$8	n/a	\$8

Notes for DELAYED costs
 Estimated cost to mark or label three containers of hazardous waste. The Date Required is the February 6, 2007 investigation and the Final Date is the estimated compliance date.

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
 (Empty box for notes)

Approx. Cost of Compliance \$100 **TOTAL** \$8



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	26-Feb-2007	Screening	10-Apr-2007	EPA Due	
	PCW	7-Dec-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	Arfa & Shifa Business, Inc. dba Oaks Cleaners
Reg. Ent. Ref. No.	RN104207634
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	33180	No. of Violations	1
Docket No.	2007-0560-MLM-E	Order Type	1660
Media Program(s)	Drycleaning	Enf. Coordinator	Michael Meyer
Multi-Media	Industrial and Hazardous Waste	EC's Team	Enforcement Team 8
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
---	------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5% Enhancement	Subtotals 2, 3, & 7	\$125
---------------------------	----------------	---------------------	-------

Notes: Enhancement for a previous NOV for same or similar violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
--------------------	----	----------------	------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	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	\$142	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$2,500	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,625
-----------------------------	----------------	---------

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	\$2,625
----------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,625
-----------------------------------	------------------------	---------

DEFERRAL	20% Reduction	Adjustment	\$525
-----------------	---------------	------------	-------

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

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,100
------------------------	---------

Screening Date 10-Apr-2007

Docket No. 2007-0660-MLM-E

PCW

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners

Policy Revision 2 (September 2002)

Case ID No. 33180

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104207634

Media [Statute] Drycleaning

Enf. Coordinator Michael Meyer

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

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 5%

>> 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

Enhancement for a previous NOV for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 10-Apr-2007

Docket No. 2007-0560-MLM-E

PCW

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners

Policy Revision 2 (September 2002)

Case ID No. 33180

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN104207634

Media [Statute] Drycleaning

Enf. Coordinator Michael Meyer

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 337.20(e)(3)(A)

Violation Description

Failed to provide secondary containment around each storage area for dry cleaning solvent waste, as documented during an investigation conducted on February 6, 2007. Specifically, the investigator observed that there was not secondary containment around the container storage area.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective as a result of the violation.

Adjustment \$3,750

\$1,250

Violation Events

Number of Violation Events 2

63 Number of violation days

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

Violation Base Penalty \$2,500

Two monthly events are recommended

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$142

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

Economic Benefit Worksheet

Respondent Arfa & Shifa Business, Inc. dba Oaks Cleaners

Case ID No. 33180

Reg. Ent. Reference No. RN104207634

Media Drycleaning

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,500	6-Feb-2007	30-Nov-2007	0.8	\$7	\$136	\$142
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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide secondary containment around the container storage area. The Date Required is the February 6, 2007 investigation and the Final Date is the estimated compliance date.

Avoided Costs

ANNUALIZE [4] 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

\$2,500

TOTAL

\$142

Compliance History Report

Customer/Respondent/Owner-Operator: CN602966715 Arfa & Shifa Business, Inc Classification: AVERAGE Rating: 3.01
 BY DEFAULT

Regulated Entity: RN104207634 OAKS CLEANERS Classification: AVERAGE Site Rating:

ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXR000076463
 GENERATION

INDUSTRIAL AND HAZARDOUS WASTE ID NUMBER F-1927
 GENERATION

Location: 229 DOWLEN RD STE 9, BEAUMONT, TX, 77706

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: April 2, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 03, 2002 to April 02, 2007

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

Name: Michael Meyer Phone: 239 - 4492

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2007 Repeat Violator: NO

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 | 11/09/2006 | (515777) |
| 2 | 02/23/2007 | (540670) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | |
|--------------|---|--------------------------|
| Date: | 11/09/2006 | (515777) |
| Self Report? | NO | Classification: Moderate |
| Citation: | 30 TAC Chapter 337, SubChapter C 337.20(e)(3) | |
| Description: | Failure for the owner/operator of a dry cleaning facility to install a dike or other secondary containment around each storage area for dry cleaning solvent waste. | |
| Self Report? | NO | Classification: Moderate |
| Citation: | 30 TAC Chapter 337, SubChapter C 337.20(e)(6) | |

Description: Failure for the owner/operator of a dry cleaning facility to conduct and record weekly inspections on each installed secondary containment structure.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 337, SubChapter C 337.20(c)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11

Description: Failure to provide hazardous waste determinations and waste classifications.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(1)(B)
30 TAC Chapter 337, SubChapter C 337.20(c)

Description: Failure to keep records of all hazardous and industrial solid waste activities regarding the quantities generated onsite during the calendar year.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter C 335.69(a)(3)
30 TAC Chapter 337, SubChapter C 337.20(c)
40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(3)

Description: Failure to properly label hazardous waste storage containers.

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
ARFA & SHIFA BUSINESS, INC.
DBA OAKS CLEANERS
RN104207634**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0560-MLM-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Arfa & Shifa Business, Inc. dba Oaks Cleaners ("Arfa & Shifa") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 374 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Arfa & Shifa appear before the Commission and together stipulate that:

1. Arfa & Shifa owns and operates a dry cleaning facility at 229 Dowlen Road, Suite 9 in Beaumont, Jefferson County, Texas (the "Facility").
2. The TCEQ has general authority to regulate the Facility pursuant to TEX. HEALTH & SAFETY CODE § 374.051.
3. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
4. The Commission and Arfa & Shifa agree that the Commission has jurisdiction to enter this Agreed Order, and that Arfa & Shifa is subject to the Commission's jurisdiction.
5. Arfa & Shifa received notice of the violations alleged in Section II ("Allegations") on or about February 28, 2007.
6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Arfa & Shifa of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

7. An administrative penalty in the amount of Nine Thousand Four Hundred Ninety-Five Dollars (\$9,495) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Arfa & Shifa has paid Two Hundred Fifty-Two Dollars (\$252) of the administrative penalty and One Thousand Eight Hundred Ninety-Nine Dollars (\$1,899) is deferred contingent upon Arfa & Shifa's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Arfa & Shifa fails to timely and satisfactorily comply with all requirements of this Agreed order, including the payment schedule, the Executive Director may require Arfa & Shifa to pay all or part of the deferred penalty.

The remaining amount of Seven Thousand Three Hundred Forty-Four Dollars (\$7,344) of the administrative penalty shall be payable in 34 monthly payments of Two Hundred Sixteen Dollars (\$216) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the previous payment until paid in full. If Arfa & Shifa fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure by Arfa & Shifa to meet the payment schedule of this Agreed Order constitutes the failure by Arfa & Shifa to timely and satisfactorily comply with all the terms of this Agreed Order.

8. 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.
9. The Executive Director of the TCEQ and Arfa & Shifa have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. The Executive Director recognizes that Arfa & Shifa renewed its dry cleaning registration on January 9, 2007.
11. 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 Arfa & Shifa has not complied with one or more of the terms or conditions in this Agreed Order.
12. 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.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Arfa & Shifa is alleged to have:

1. Failed to conduct a hazardous waste determination and classification, in violation of 30 TEX. ADMIN. CODE § 335.62 and 40 CODE OF FEDERAL REGULATIONS § 262.11(a), as documented during an investigation conducted on February 6, 2007. Specifically, no hazardous waste determination had been conducted on perchloroethylene.
2. Failed to maintain records of all hazardous waste activities regarding the quantity of waste generated, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(1)(B), as documented during the investigation conducted on February 6, 2007.
3. Failed to mark or clearly label each container used to store hazardous waste with the words "Hazardous Waste", in violation of 30 TEX. ADMIN. CODE § 335.69(a)(3), as documented during an investigation conducted on February 6, 2007. Specifically, three containers, each containing approximately 15 gallons of hazardous waste, had not been labeled.
4. Failed to provide secondary containment around each storage area for dry cleaning solvent waste, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(3)(A), as documented during an investigation conducted on February 6, 2007.
5. Failed to renew its dry cleaning registration, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102(e), as documented during an investigation conducted on February 6, 2007. Specifically, Arfa & Shifa failed to renew its registration prior to its December 31, 2006 expiration.

III. DENIALS

Arfa & Shifa generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Arfa & Shifa pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and Arfa & Shifa's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Arfa & Shifa Business, Inc. dba Oaks Cleaners, Docket No. 2007-0560-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that Arfa & Shifa shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin conducting waste determinations and classifications for all waste generated at the Facility, in accordance with 30 TEX. ADMIN. CODE § 335.62;

- b. Immediately upon the effective date of this Agreed Order, begin maintaining records of the quantity of waste generated from all hazardous and industrial waste activities, in accordance with 30 TEX. ADMIN. CODE § 335.9(a)(1)(B);
- c. Within five days after the effective date of this Agreed Order, mark or clearly label each container with words "Hazardous Waste", in accordance with 30 TEX. ADMIN. CODE § 335.69(a)(3);
- d. Within 60 days after the effective date of this Agreed Order, provide secondary containment around each storage area for dry cleaning solvent waste, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(3); and
- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No(s). 2.a through 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon Arfa & Shifa. Arfa & Shifa is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Arfa & Shifa 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, Arfa & Shifa's failure to comply is not a violation of this Agreed Order. Arfa & Shifa shall have the burden of establishing to the Executive Director's satisfaction that such an

event has occurred. Arfa & Shifa shall notify the Executive Director within seven days after Arfa & Shifa 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 Arfa & Shifa shall be made in writing to the Executive Director. Extensions are not effective until Arfa & Shifa 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 Arfa & Shifa in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Arfa & Shifa, or three days after the date on which the Commission mails notice of the Order to Arfa & Shifa, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

FROM TRANSET PAYMENT SYSTEM

(TUE) JAN 26 2010 11:55/ST. 11:53/NO. 6330690700 P 1

Arfa & Shifa Business, Inc. dba Oaks Cleaners
DOCKET NO. 2007-0560-M.L.M.B
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Johi Szolter
For the Executive Director

2/25/2010
Date

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

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

- A negative impact on compliance history;
 - Greater scrutiny of any permit applications submitted;
 - Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
 - Increased penalties in any future enforcement actions;
 - Automatic referral to the Attorney General's Office of any future enforcement actions; and
 - TCEQ seeking other relief as authorized by law.
- In addition, any falsification of any compliance documents may result in criminal prosecution.

[Signature]
Signature

1-25-2010
Date

Hassan Badruddin
Name (Printed or typed)
Authorized Representative of
Arfa & Shifa Business, Inc. dba Oaks Cleaners

President
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Room 4000 Section in the address in Section IV, Paragraph 7 of this Agreed Order.