

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0640-MLM-E **TCEQ ID:** RN102215704 **CASE NO.:** 35752

RESPONDENT NAME: William S. Crouch dba Value 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
<p>SITE WHERE VIOLATION(S) OCCURRED: Value Cleaners, 2700 Richmond Road, Suite 10B, Texarkana, Bowie 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: A complaint was received on October 5, 2007, alleging dry cleaning waste was being improperly disposed of at the Facility. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 5, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Clinton Sims, Enforcement Division, Enforcement 7, MC 128, (512) 239-6933; Ms. Carli-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. William Crouch, Owner, Value Cleaners, 2700 Richmond Road, Suite 10B, Texarkana, Texas 75503 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: October 5, 2007</p> <p>Date of Investigations Relating to this Case: November 27, 2007 and February 12, 2008</p> <p>Date of NOE Relating to this Case: March 28, 2008 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WASTE</p> <p>1) Failure to prevent the unauthorized discharge of industrial solid waste. Specifically, three distinct stained areas were observed on the paved area near the rear entrance to the Facility. Samples were collected from the three areas along with a background sample collected 40 yards northeast of the rear entrance to the Facility for volatile organic compound ("VOC") analysis. Results indicated Sample ID Nos. 016343-01, 016343-02, and 016343-03 were contaminated with tetrachloroethene [30 TEX. ADMIN. CODE § 335.4(1)].</p> <p>2) Failure to transfer hazardous waste from a failing container to a container in good condition. Specifically, a paper sack labeled with a corrosive placard was noticed behind the dry cleaning machines. The sack had become wet and was spilling its contents onto the floor [30 TEX. ADMIN. CODE § 335.69(a)(1)(A)].</p> <p>3) Failure to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility. Specifically, the previous registration expired on December 31, 2006 and had not been renewed at the time of the investigation [30 TEX. ADMIN. CODE § 337.11(c) and TEX. HEALTH & SAFETY</p>	<p>Total Assessed: \$5,432</p> <p>Total Deferred: \$1,086 <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: \$1,204 (remaining \$3,142 due in 30 monthly payments of \$100 each and one final payment of \$142)</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>1) The Executive Director recognizes that the Respondent completed and submitted the required registration form on December 4, 2007.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a) Immediately upon the effective date of this Agreed Order, cease the unauthorized discharge of industrial solid waste at the Facility;</p> <p>b) Within 15 days of the effective date of this Agreed Order, transfer all hazardous wastes from failing containers at the Facility to containers in good condition;</p> <p>c) Within 30 days of the effective date of this Agreed Order:</p> <p>i. Ensure that all spilled dry cleaner waste and contaminated soil at the Facility is properly removed and disposed of at an authorized facility; and</p> <p>ii. Install a secondary containment structure around the hazardous waste storage area and the dry cleaning solvent storage area.</p> <p>d) Within 45 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 Provision Nos. 2.a. through 2.c.ii.</p>

<p>CODE § 374.102].</p> <p>4) Failure to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater. Specifically, it was observed that there was no secondary containment surrounding the hazardous waste storage area or the solvent storage area at the time of the investigation [30 TEX. ADMIN. CODE § 337.20(e)(3)(A)].</p>		
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Additional ID No(s): DCL 102215704



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	31-Mar-2008	Screening	11-Apr-2008	EPA Due	
	PCW	2-Jul-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	William S. Crouch dba Value Cleaners
Reg. Ent. Ref. No.	RN102215704
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35752	No. of Violations	1
Docket No.	2008-0640-MLM-E	Order Type	1660
Media Program(s)	Dry Cleaner	Enf. Coordinator	Clinton Sims
Multi-Media	Industrial and Hazardous Waste	EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$1,690

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** \$84

Notes: The Respondent received one NOV with similar violations.

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

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction **Subtotal 5** \$422

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

Notes: The Respondent returned to compliance on December 4, 2007.

0% Enhancement **Subtotal 6** \$0

Total EB Amounts \$12
Approx. Cost of Compliance \$250
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$1,352

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 \$1,352

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$1,352

DEFERRAL 20% Reduction **Adjustment** -\$270

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 \$1,082

Screening Date 11-Apr-2008

Docket No. 2008-0640-MLM-E

PCW

Respondent William S. Crouch dba Value Cleaners

Policy Revision 2 (September 2002)

Case ID No. 35752

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102215704

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)	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

The Respondent received one NOV with similar violations.

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

Screening Date 11-Apr-2008 **Docket No.** 2008-0640-MLM-E **PCW**
Respondent William S. Crouch dba Value Cleaners *Policy Revision 2 (September 2002)*
Case ID No. 35752 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN102215704

Media [Statute] Dry Cleaner

Enf. Coordinator Clinton Sims

Violation Number 1

Rule Cite(s)

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

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 November 27, 2007. Specifically, the previous registration expired on December 31, 2006 and had not been renewed at the time of the investigation.

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% of the rule requirement was not met.

Adjustment \$45

\$5

Violation Events

Number of Violation Events 338

338 **Number of violation days**

mark only one with an x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,690

Three hundred thirty-one daily events are recommended from the December 31, 2006 expiration date to the December 4, 2007 date of compliance.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$1,352

This violation Final Assessed Penalty (adjusted for limits) \$1,352

Economic Benefit Worksheet

Respondent: William S. Crouch dba Value Cleaners
Case ID No.: 35752
Reg. Ent. Reference No.: RN102215704
Media: Dry Cleaner
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	4-Dec-2007	0.9	\$12	n/a	\$12
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 came into compliance.

Avoided Costs

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

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

\$12



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ				
DATES	Assigned	31-Mar-2008		
	PCW	2-Jul-2008	Screening	11-Apr-2008
			EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	William S. Crouch dba Value Cleaners		
Reg. Ent. Ref. No.	RN102215704		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35752	No. of Violations	1
Docket No.	2008-0640-MLM-E	Order Type	1660
Media Program(s)	Dry Cleaner	Enf. Coordinator	Clinton Sims
Multi-Media	Industrial and Hazardous Waste	EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$5,000

Penalty Calculation Section

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

Compliance History	2.0% Enhancement	Subtotals 2, 3, & 7	\$50
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Notes The Respondent received one NOV without same or similar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0.0% Reduction	Subtotal 5	\$0
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	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.

	0.0% Enhancement	Subtotal 6	\$0
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Total EB Amounts	\$146
Approx. Cost of Compliance	\$2,500

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,550
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$2,550
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,550
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DEFERRAL	20.0% Reduction	Adjustment	-\$510
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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	\$2,040
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Screening Date 11-Apr-2008

Docket No. 2008-0640-MLM-E

PCW

Respondent William S. Crouch dba Value Cleaners

Policy Revision 2 (September 2002)

Case ID No. 35752

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102215704

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

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 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

The Respondent received one NOV without same or similar violations.

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

Screening Date 11-Apr-2008	Docket No. 2008-0640-MLM-E	PGW																
Respondent: William S. Crouch dba Value Cleaners	<i>Policy Revision 2 (September 2002)</i>																	
Case ID No. 35752	<i>PCW Revision June 28, 2007</i>																	
Reg. Ent. Reference No. RN102215704																		
Media [Statute] Dry Cleaner																		
Enf. Coordinator: Clinton Sims																		
Violation Number 1																		
Rule Cite(s)	30 Tex. Admin. Code § 337.20(e)(3)(A)																	
Violation Description	Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater, as documented during an investigation conducted on February 12, 2008. Specifically, it was observed that there was no secondary containment surrounding the hazardous waste storage area or the solvent storage area at the time of the investigation.																	
Base Penalty	\$5,000																	
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td>Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td>Actual</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Potential	x	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="25%"/>
	Harm																	
Release	Major	Moderate	Minor															
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
Potential	x	<input type="checkbox"/>	<input type="checkbox"/>															
>> Programmatic Matrix																		
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td>Falsification</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		Major	Moderate	Minor	Falsification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>								
	Major	Moderate	Minor															
Falsification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>															
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed protective levels.																	
Adjustment	\$3,750																	
			\$1,250															
Violation Events																		
	Number of Violation Events <input type="text" value="2"/>	Number of violation days <input type="text" value="59"/>																
mark only one with an x	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	monthly	x	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>	Violation Base Penalty	\$2,500			
daily	<input type="checkbox"/>																	
monthly	x																	
quarterly	<input type="checkbox"/>																	
semiannual	<input type="checkbox"/>																	
annual	<input type="checkbox"/>																	
single event	<input type="checkbox"/>																	
Two monthly events are recommended from the February 12, 2008 investigation date to the April 11, 2008 screening date.																		
Economic Benefit (EB) for this violation		Statutory Limit Test																
Estimated EB Amount	<input type="text" value="\$146"/>	Violation Final Penalty Total	<input type="text" value="\$2,550"/>															
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$2,550"/>															

Economic Benefit Worksheet

Respondent: William S. Crouch dba Value Cleaners
Case ID No.: 35752
Reg. Ent. Reference No.: RN102215704
Media: Dry Cleaner
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,500	12-Feb-2008	13-Dec-2008	0.84	\$7	\$139	\$146
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a dike or other secondary containment structure around the hazardous waste storage area and the dry cleaning solvent storage area. The Date Required is the investigation date and the Final Date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$146

Compliance History

Customer/Respondent/Owner-Operator:	CN602997181 CROUCH, WILLIAM S	Classification: AVERAGE	Rating: 1.50
Regulated Entity:	RN102215704 VALUE CLEANERS	Classification: AVERAGE	Site Rating: 1.50
ID Number(s):	AIR NEW SOURCE PERMITS DRY CLEANERS REGISTRATION	ACCOUNT NUMBER INTERNAL	BK0135J 102215704
Location:	2700 RICHMOND RD STE 10B, TEXARKANA, TX, 75503	Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 05 - TYLER		
Date Compliance History Prepared:	April 11, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 11, 2003 to April 11, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	<u>Clinton Sims</u>	Phone:	<u>(512) 239-6933</u>

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? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | <u>WATKINS U.S. CLEANERS,</u>
N/A
COASTER MANAGEMENT INC
4EP INVESTMENTS LTD
CO |
| 5. When did the change(s) in ownership occur? | 8/30/2005 |

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 | 08/01/2006 | (485586) |
| | N/A | |
| 2 | 03/28/2008 | (610153) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | |
|--------------|--|----------|
| Date: | 04/28/2006 | (455413) |
| Self Report? | NO | |
| Citation: | 30 TAC Chapter 337, SubChapter B 337.10(a) | |
| Description: | Failure to register with the Texas Commission on Environmental Quality as a dry cleaner. | |
| | Classification: | Moderate |
- 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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 8, 2008

TCEQ

DATES	Assigned	31-Mar-2008			
	PCW	2-Jul-2008	Screening	11-Apr-2008	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	William S. Crouch dba Value Cleaners
Reg. Ent. Ref. No.	RN102215704
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35752	No. of Violations	2
Docket No.	2008-0640-MLM-E	Order Type	1660
Media Program(s)	Industrial and Hazardous Waste	Enf. Coordinator	Clinton Sims
Multi-Media	Dry Cleaner	EC's Team	Enforcement Team 7
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000

Penalty Calculation Section

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

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** **\$30**

Notes: The Respondent received one NOV without 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.

0% Enhancement **Subtotal 6** **\$0**
 Total EB Amounts \$73
 Approx. Cost of Compliance \$1,750
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$1,530**

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$1,530**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$1,530**

DEFERRAL **20%** Reduction **Adjustment** **-\$306**

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 **\$1,224**

Screening Date: 11-Apr-2008

Docket No.: 2008-0640-MLM-E

PCW

Respondent: William S. Crouch dba Value Cleaners

Policy Revision 2 (September 2002)

Case ID No.: 35752

PCW Revision March 8, 2008

Reg. Ent. Reference No.: RN102215704

Media [Statute]: Industrial and Hazardous Waste

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)	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

The Respondent received one NOV without same or similar violations.

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

Screening Date 11-Apr-2008	Docket No. 2008-0640-MLM-E	PCW	
Respondent William S. Crouch dba Value Cleaners	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 35752	<i>PCW Revision March 8, 2008</i>		
Reg. Ent. Reference No. RN102215704			
Media [Statute] Industrial and Hazardous Waste			
Enf. Coordinator Clinton Sims			
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 335.4(1)		
Violation Description	Failed to prevent the unauthorized discharge of industrial solid waste, as documented during an investigation conducted on February 12, 2008. Specifically, three distinct stained areas were observed on the paved area near the rear entrance to the Facility. Samples were collected from the three areas along with a background sample collected 40 yards northeast of the rear entrance to the Facility for volatile organic compound (VOC) analysis. Results indicated Sample ID Nos. 016343-01, 016343-02, and 016343-03 were contaminated with tetrachloroethene.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			10%
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Percent			0%
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.		
Adjustment		\$9,000	
		\$1,000	
Violation Events			
Number of Violation Events		1	Number of violation days
		62	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
Violation Base Penalty		\$1,000	
One quarterly event is recommended from the February 12, 2008 investigation date to the April 11, 2008 screening date.			
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		\$63	Violation Final Penalty Total
		\$1,020	
		This violation Final Assessed Penalty (adjusted for limits)	
		\$1,020	

Economic Benefit Worksheet

Respondent William S. Crouch dba Value Cleaners
Case ID No. 35752
Reg. Ent. Reference No. RN102215704
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 costs 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	\$1,500	12-Feb-2008	13-Dec-2008	0.8	\$83	n/a	\$83
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of spilled dry cleaning waste and contaminated soil. The Date Required is the investigation date and the Final Date is the expected 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

Approx. Cost of Compliance

\$1,500

TOTAL

\$83

Screening Date 11-Apr-2008

Docket No. 2008-0640-MLM-E

PCW

Respondent William S. Crouch dba Value Cleaners

Policy Revision 2 (September 2002)

Case ID No. 35752

PCW Revision March 8, 2008

Reg. Ent. Reference No. RN102215704

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Clinton Sims

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.69(a)(1)(A)

Violation Description Failed to transfer hazardous waste from a failing container to a container in good condition, as documented during an investigation conducted on February 12, 2008. Specifically, a paper sack labeled with a corrosive placard was noticed behind the dry cleaning machines. The sack had become wet and was spilling its contents onto the floor.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed protective levels.

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 62

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$10 Violation Final Penalty Total \$510

This violation Final Assessed Penalty (adjusted for limits) \$510

Economic Benefit Worksheet

Respondent: William S. Crouch dba Value Cleaners
Case ID No.: 35752
Reg. Ent. Reference No.: RN102215704
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Item Description: No commas or \$

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$250	12-Feb-2008	13-Dec-2008	0.8	\$10	n/a	\$10
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to transfer hazardous waste from a falling container to a container in good condition. The Date Required is the investigation date and the Final Date is the expected date of compliance.

Avoided Costs

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

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

\$10

Compliance History

Customer/Respondent/Owner-Operator:	CN602997181 CROUCH, WILLIAM S	Classification:	Rating: 1.50
		AVERAGE	
Regulated Entity:	RN102215704 VALUE CLEANERS	Classification:	Site Rating: 1.50
		AVERAGE	
ID Number(s):	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	BK0135J
	DRY CLEANERS REGISTRATION	INTERNAL	102215704
Location:	2700 RICHMOND RD STE 10B, TEXARKANA, TX, 75503	Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 05 - TYLER		
Date Compliance History Prepared:	April 11, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 11, 2003 to April 11, 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? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | <u>WATKINS U.S. CLEANERS,</u>
N/A
COASTER MANAGEMENT INC
4EP INVESTMENTS LTD
CO |
| 5. When did the change(s) in ownership occur? | 8/30/2005 |

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 08/01/2006 (485586)
 - N/A
 - 2 03/28/2008 (610153)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - Date: 04/28/2006 (455413)
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 337, SubChapter B 337.10(a)
 - Description: Failure to register with the Texas Commission on Environmental Quality as a dry cleaner.
- 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
WILLIAM S. CROUCH DBA VALUE
CLEANERS
RN102215704**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0640-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 William S. Crouch dba Value Cleaners ("the Respondent") 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 the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a dry cleaning facility at 2700 Richmond Road, Suite 10B, in Texarkana, Bowie County, Texas (the "Facility").
2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361, and the TCEQ has general authority to regulate the Facility pursuant to TEX. HEALTH & SAFETY CODE § 374.051.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 2, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Five Thousand Four Hundred Thirty-Two Dollars (\$5,432) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Two Hundred Four Dollars (\$1,204) of the administrative penalty and One Thousand Eighty-Six Dollars (\$1,086) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Three Thousand One Hundred Forty-Two Dollars (\$3,142) of the administrative penalty shall be payable in 30 monthly payments of One Hundred Dollars (\$100) each with one final payment of One Hundred Forty-Two Dollars (\$142). 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 due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment 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 of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all 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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent completed and submitted the required registration form on December 4, 2007.
10. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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, the Respondent is alleged to have:

1. Failed to prevent the unauthorized discharge of industrial solid waste, in violation of 30 TEX. ADMIN. CODE § 335.4(1), as documented during an investigation conducted on February 12, 2008. Specifically, three distinct stained areas were observed on the paved area near the rear entrance to the facility. Samples were collected from the three areas along with a background sample collected 40 yards northeast of the rear entrance to the Facility for volatile organic compound ("VOC") analysis. Results indicated Sample ID Nos. 016343-01, 016343-02, and 016343-03 were contaminated with tetrachloroethene.
2. Failed to transfer hazardous waste from a failing container to a container in good condition, in violation of 30 TEX. ADMIN. CODE § 335.69(a)(1)(A), as documented during an investigation conducted on February 12, 2008. Specifically, a paper sack labeled with a corrosive placard was noticed behind the dry cleaning machines. The sack had become wet and was spilling its contents onto the floor.
3. Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102, as documented during an investigation conducted on November 27, 2007. Specifically, the previous registration expired on December 31, 2006 and was not renewed at the time of the investigation.
4. Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater, in violation of TEX. ADMIN. CODE § 337.20(e)(3)(A), as documented during an investigation conducted on February 12, 2008. Specifically, it was observed that there was no secondary containment surrounding the hazardous waste storage area or the solvent storage area at the time of the investigation.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: William S. Crouch dba Value Cleaners, Docket No. 2008-0640-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 the Respondent shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, cease the unauthorized discharge of industrial solid waste at the Facility;
 - b. Within 15 days of the effective date of this Agreed Order, transfer all hazardous wastes from failing containers at the Facility to containers in good condition;
 - c. Within 30 days of the effective date of this Agreed Order:
 - i. Ensure that all spilled dry cleaner waste and contaminated soil at the Facility is properly removed and disposed of at an authorized facility;
 - ii. Install a secondary containment structure around the hazardous waste storage area and the dry cleaning solvent storage area, in accordance with 30 TEX. ADMIN. CODE § 337.20(e)(3)(A);
 - d. Within 45 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 Nos. 2.a. through 2.c.ii.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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 the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 the Respondent 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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szolter
For the Executive Director

4/23/2010
Date

I, the undersigned, have read and understand 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.

W.S.C.
Signature

3-13-09
Date

William S Crouch
Name (Printed or typed)
Authorized Representative of
William S. Crouch dba Value Cleaners

owner
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Section at the address in Section IV, Paragraph 1 of this Agreed Order.