

Executive Summary – Enforcement Matter – Case No. 34557
Patrick Y. Shin d/b/a Cedar Hill Cleaners
RN100607845
Docket No. 2010-1646-DCL-E

Page 1 of 3

Order Type:
Default Order

Findings Order Justification:
N/A

Media:
DCL

Small Business:
Yes

Location Where Violation Occurred:
223 East Farm-to-Market Road 1382, Cedar Hill, Dallas County

Type of Operation:
Dry cleaning facility

Other Significant Matters:

Additional Pending Enforcement Actions: Docket No. 2010-1647-DCL-E

Past-Due Penalties: \$1,327.50 (2007-1438-DCL-E/Acct. No. 23800552) Returned as Uncollectable;
\$2,126.69 (2007-1780-DCL-E/Acct. No. 23800556) Referred for Collection

Past-Due Fees: \$1,385.32 (Acct. No. 24002381)

Other: As of May 1, 2011, Respondent owes \$4,882.51 in past-due penalties and fees.

Interested Third-Parties: None

Texas Register Publication Date: April 1, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed: \$7,374

Amount Deferred for Expedited Settlement: N/A

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$7,374

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – Poor

Site/RN – Poor

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: August 17, 2010
Date(s) of NOV(s): June 22, 2007; April 29, 2010
Date(s) of NOE(s): September 30, 2010

Violation Information

1. Failed to renew the Facility's dry cleaner registration [TEX. HEALTH & SAFETY CODE § 374.102(e), 30 TEX. ADMIN. CODE § 337.11(e), and TCEQ Agreed Order, Docket No. 2007-1438-DCL-E, Ordering Provision No. 2.a.].
2. Failed to pay an administrative penalty and outstanding dry cleaner fees [TEX. WATER CODE § 5.702, 30 TEX. ADMIN. CODE § 337.14(c), and TCEQ Agreed Order, Docket No. 2007-1438-DCL-E, Ordering Provisions Nos. 1 and 2.b.].

Corrective Actions/Technical Requirements

Corrective Action Completed:
N/A

Technical Requirements:

Respondent's dry cleaner registration certificate is revoked immediately. Respondent may submit an application for a new dry cleaner registration certificate only after Respondent has complied with all of the requirements of the Order.

1. Within 15 days, Respondent shall surrender his dry cleaner registration certificate.
2. Within 30 days:
 - a. Submit payment for all outstanding fees, including any associated penalties and interest; and
 - b. Submit payment for all outstanding administrative penalties, including any associated penalties and interest.
3. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition Filed: February 3, 2011
Date Green Card Signed: February 7, 2011
Date Answer Filed: N/A
SOAH Referral Date: N/A
Hearing Date: N/A

Contact Information

TCEQ Attorneys: Mr. Rudy Calderon, Litigation Division, MC 175, (512) 239-3400
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Mr. Mike Pace, Water enforcement Section, (817) 588-5933

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Patrick Y. Shin d/b/a Cedar Hill Cleaners
RN100607845
Docket No. 2010-1646-DCL-E

Page 3 of 3

TCEQ Regional Contact: Mr. Sam Barrett, Dallas/Fort Worth Regional Office, (817) 588-5903

Respondent: Mr. Patrick Shin, Owner, Cedar Hills Cleaners, 223 Farm-to-Market Road 1382, Cedar Hill, Texas 75104

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	4-Oct-2010	Screening	5-Oct-2010	EPA Due	
	PCW	5-Oct-2010				

RESPONDENT/FACILITY INFORMATION

Respondent	Patrick Y. Shin dba Cedar Hill Cleaners				
Reg. Ent. Ref. No.	RN100607845				
Facility/Site Region	11-Austin	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	34557	No. of Violations	2
Docket No.	2010-1646-DCL-E	Order Type	Findings
Media Program(s)	Dry Cleaner	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mike Pace
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$50

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,120
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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	65.0% Enhancement	Subtotals 2, 3, & 7	\$2,678
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Notes: Enhancement for two NOVs with same/similar violations, one order with denial of liability, repeat violator and poor performer classification.

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 Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$586
 Approx. Cost of Compliance: \$750
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,798
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OTHER FACTORS AS JUSTICE MAY REQUIRE	8.5%	Adjustment	\$576
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement for the avoided cost of compliance associated with violation no. 1.

Final Penalty Amount	\$7,374
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,374
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$7,374
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Screening Date 5-Oct-2010

Docket No. 2010-1646-DCL-E

PCW

Respondent Patrick Y. Shin dba Cedar Hill Cleaners

Policy Revision 2 (September 2002)

Case ID No. 34557

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100607845

Media [Statute] Dry Cleaner

Enf. Coordinator Mike Pace

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2)

>> 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 two NOVs with same/similar violations, one order with denial of liability, repeat violator and poor performer classification.

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

Screening Date 5-Oct-2010

Docket No. 2010-1646-DCL-E

PCW

Respondent Patrick Y. Shin dba Cedar Hill Cleaners

Policy Revision 2 (September 2002)

Case ID No. 34557

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100607845

Media [Statute] Dry Cleaner

Enf. Coordinator Mike Pace

Violation Number 1

Rule Cite(s)

TCEQ Agreed Order, Docket No. 2007-1438-DCL-E, Ordering Provision No. 2.a. and 30 Tex. Admin. Code § 337.11(e) and Tex. Health & Safety Code § 374.102(e)

Violation Description

Failed to renew the facility's dry cleaner registration. Specifically, the previous registration expired on December 31, 2004 and was not renewed at the time of the record review.

Base Penalty \$50

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$45

\$5

Violation Events

Number of Violation Events 824

824 Number of violation days

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$4,120

Eight hundred twenty-four daily events are recommended from the July 3, 2008 order effective date to the October 5, 2010 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$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 for this violation.

Violation Subtotal \$4,120

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$586

Violation Final Penalty Total \$7,374

This violation Final Assessed Penalty (adjusted for limits) \$7,374

Economic Benefit Worksheet

Respondent Patrick Y. Shin dba Cedar Hill Cleaners
Case ID No. 34557
Req. Ent. Reference No. RN100607845
Media Violation No. Dry Cleaner
 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$250	17-Aug-2010	5-Jun-2011	0.80	\$10	n/a	\$10
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to register a dry cleaning or drop station facility. The date required is the record review date and the final date is the expected compliance date.

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]	\$500	3-Jul-2008	17-Aug-2010	3.04	\$76	\$500	\$576
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost (\$250 per full year) to register a dry cleaning or drop facility. The date required is the effective date of the previous Agreed Order and the final date is the record review date.

Approx. Cost of Compliance

\$750

TOTAL

\$586

Screening Date 5-Oct-2010

Docket No. 2010-1646-DCL-E

PCW

Respondent Patrick Y. Shin dba Cedar Hill Cleaners

Policy Revision 2 (September 2002)

Case ID No. 34557

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100607845

Media [Statute] Dry Cleaner

Enf. Coordinator Mike Pace

Violation Number 2

Rule Cite(s) TCEQ Agreed Order, Docket No. 2007-1438-DCL-E, Ordering Provision Nos. 1 and 2.b. and 30 Tex. Admin. Code § 337.14(c) and Tex. Water Code § 5.702

Violation Description

Failed to pay the administrative penalty for Financial Account No. 23800552 and outstanding dry cleaner fees for TCEQ Financial Account No. 24002381 for fiscal years 2005, 2006, 2007, 2008, 2009, 2010.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Matrix Notes

Falsification	Major	Moderate	Minor	Percent
				0%

N/A

Adjustment \$0

\$0

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$0

No penalty is recommended because penalty and interest will be assessed at the next billing cycle.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Patrick Y. Shin dba Cedar Hill Cleaners
Case ID No. 34557
Req. Ent. Reference No. RN100607845
Media Violation No. Dry Cleaner
 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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Description: Failure to reregister as a dry cleaner facility in order to obtain a valid, current agency registration certificate for FY 05, FY 06 and FY 07 as required.

Date: 04/29/2010 (789446)

Self Report? NO

Classification: Major

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

Description: Failure to reregister as a dry cleaner facility in order to obtain a valid, current agency registration certificate for FY 05, FY 06 and FY 07 as required.

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
PATRICK Y. SHIN DBA CEDAR
HILL CLEANERS;
RN100607845**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2010-1646-DCL-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH AND SAFETY CODE ch. 374, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty, corrective action of the respondent, and revocation of the respondent's dry cleaner registration certificate. The respondent made the subject of this Order is Patrick Y. Shin d/b/a Cedar Hill Cleaners ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility located at 223 East Farm-to Market Road 1382 in Cedar Hill, Dallas County, Texas (the "Facility"). The Facility is a retail commercial establishment that operates or has operated, in whole or in part, for the purpose of cleaning garments or other fabrics using a process that involves any use of dry cleaning solvents. As such, the Facility is a dry cleaning facility as defined in TEX. HEALTH & SAFETY CODE § 374.001(7).
2. During a record review conducted on August 17, 2010, a TCEQ Central Office investigator documented that Respondent:
 - a. Failed to renew the Facility's dry cleaner registration. Specifically, the registration expired on December 31, 2004; and
 - b. Failed to pay the administrative penalty for TCEQ Financial Account No. 23800552 and outstanding dry cleaner fees for TCEQ Financial Account No. 24002381 for fiscal years 2005, 2006, 2007, 2008, 2009, and 2010.
3. Respondent received notice of the violations on or about October 5, 2010.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Patrick Y. Shin d/b/a Cedar Hill Cleaners" (the "EDPRP") in the TCEQ Chief Clerk's office on February 3, 2011.

5. By letter dated February 3, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on February 7, 2011, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDPRP, provided by the Executive Director. Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to renew the Facility's dry cleaner registration, in violation of TEX. HEALTH & SAFETY CODE § 374.102(e); 30 TEX. ADMIN. CODE § 337.11(e); and TCEQ Agreed Order, Docket No. 2007-1438-DCL-E, Ordering Provision No. 2.a.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to pay an administrative penalty and outstanding dry cleaner fees, in violation of TEX. WATER CODE § 5.702; 30 TEX. ADMIN. CODE § 337.14(c); and TCEQ Agreed Order, Docket No. 2007-1438-DCL-E, Ordering Provision Nos. 1 and 2.b.
4. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
5. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of seven thousand three hundred seventy-four dollars (\$7,374.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE §§ 7.053 and 7.0525(c).
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.
9. Pursuant to 30 TEX. ADMIN. CODE § 337.11(f)(1)(C), the Commission has authority to revoke Respondent's dry cleaner registration certificate if the Commission finds that good cause exists.

10. Good cause for revocation of Respondent's dry cleaner registration certificate exists as justified by Findings of Fact Nos. 2 through 6 and Conclusions of Law Nos. 2 through 5.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount seven thousand three hundred seventy-four dollars (\$7,374.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Patrick Y. Shin d/b/a Cedar Hill Cleaners; Docket No. 2010-1646-DCL-E" to:

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

3. Respondent's dry cleaner registration certificate is revoked immediately upon the effective date of this Order. Respondent may submit an application for a new dry cleaner registration certificate only after Respondent has complied with all of the requirements of this Order.
4. Within 15 days after the effective date of this Order, Respondent shall send his dry cleaner registration certificate to:

Dry Cleaner Registration Team, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order, Respondent shall submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "Patrick Y. Shin d/b/a Cedar Hill Cleaners, TCEQ Financial Administration Account No. 24002381" 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

- b. Within 30 days after the effective date of this Order, Respondent shall submit payment for outstanding administrative penalties, including any associated penalties and interest and with the notation, "Patrick Y. Shin d/b/a Cedar Hill Cleaners, TCEQ Financial Administration Account No. 23800552" to:

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

- c. Within 45 days after the effective date of this Order, Respondent shall submit written certification and detailed supporting documentation, including photographs, receipts, and/or other records, to demonstrate compliance with Ordering Provision Nos. 4, 5.a. and 5.b. The certification shall be notarized by a State of Texas Notary Public and shall 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."

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

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

6. All relief not expressly granted in this Order is denied.
7. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

8. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
9. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
10. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
11. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
12. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF RUDY CALDERON

STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

"My name is Rudy Calderon. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Patrick Y. Shin d/b/a Cedar Hill Cleaners," (the "EDPRP") was filed in the TCEQ Chief Clerk's office on February 3, 2011.

The EDPRP was mailed to Respondent's last known address on February 3, 2011 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on February 7, 2011, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference."



Rudy Calderon, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 10th day of March, A.D. 2011.

Jacqueline Frances Duckworth
Notary Public
State of Texas
My Commission Expires
April 25, 2011

Notary Signature 