

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 36265  
MARK A. VASQUEZ DBA MAVERICK CLEANERS  
RN100618552  
Docket No. 2010-1973-MLM-E

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

MLM – IHW and DCL

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

8133 Bandera Road, San Antonio, Bexar County

**Type of Operation:**

dry cleaning facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: None  
Past-Due Penalties: \$3,149.60 (2008-1198-MLM-E; referred for collection)  
Interested Third-Parties: None

**Texas Register Publication Date:** March 16, 2012

**Comments Received:** None

***Penalty Information***

**Total Penalty Assessed:** \$30,444

**Amount Deferred for Financial Inability to Pay:** N/A

**Total Paid to General Revenue:** \$869

**Total Due to General Revenue:** \$29,575

Payment Plan: 35 payments of \$845 each

**SEP Conditional Offset:** N/A

**Compliance History Classifications:**

Person/CN – Poor

Site/RN – Poor

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2002

***Investigation Information***

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** October 5, 2010  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** November 28, 2010

***Violation Information***

1. Failed to make emergency response arrangements with local authorities [30 TEX. ADMIN. CODE § 335.69(f)(4), 40 C.F.R. § 265.37, and TCEQ Agreed Order Docket No. 2008-1198-MLM-E, Ordering Provision No. 2.a.].
2. Failed to maintain manifests for dry cleaning waste [30 TEX. ADMIN. CODE § 335.10(d)(1), 40 C.F.R. § 262.23(a), and TCEQ Agreed Order Docket No. 2008-1198-MLM-E, Ordering Provision No. 2.b.ii.].
3. Failed to submit and provide Annual Waste Summaries [30 TEX. ADMIN. CODE § 335.9(a)(2) and TCEQ Agreed Order Docket No. 2008-1198-MLM-E, Ordering Provisions No. 2.b.iii.].
4. Failed to conduct hazardous waste determinations for waste at the Facility [30 TEX. ADMIN. CODE § 335.62 and 40 C.F.R. § 262.11].
5. 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 [TEX. HEALTH & SAFETY CODE § 374.102 and 30 TEX. ADMIN. CODE § 337.11(e)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On June 21, 2010, Respondent began maintaining waste manifests for dry cleaning waste.

**Technical Requirements:**

1. Within 15 days:
  - a. Complete and submit the required dry cleaner and/or drop station registration forms for the Facility; and
  - b. Make emergency response arrangements with local authorities.
2. Within 30 days:
  - a. Develop procedures to ensure that all Annual Waste Summaries are submitted as required;
  - b. Submit complete and correct Annual Waste Summaries for calendar years 2005, 2006, 2007, 2008, and 2009; and
  - c. Begin conducting hazardous waste determinations for all spent dry cleaning waste.
3. Within 45 days, submit written certification to demonstrate compliance.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 36265  
MARK A. VASQUEZ DBA MAVERICK CLEANERS  
RN100618552  
Docket No. 2010-1973-MLM-E

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***Litigation Information***

**Date Petition(s) Filed:** April 8, 2011  
**Date Answer(s) Filed:** April 27, 2011  
**SOAH Referral Date:** June 6, 2011  
**Hearing Date(s):**  
    Preliminary hearing: July 14, 2011  
    Evidentiary hearing: February 23, 2012 (scheduled)  
**Settlement Date:** February 21, 2012

***Contact Information***

**TCEQ Attorneys:** Jeffrey Huhn, Litigation Division, (512) 239-3400  
    Lena Roberts, Litigation Division, (512) 239-3400  
**TCEQ SEP Coordinator:** N/A  
**TCEQ Enforcement Coordinator:** Danielle Porras, Enforcement Division, (713) 767-3682  
**TCEQ Regional Contact:** Joel Anderson, San Antonio Regional Office, (210) 403-4010  
**Respondent:** Mark A. Vasquez, 8133 Bandera Road, San Antonio, Texas 78250  
**Respondent's Attorney:** Ruben N. Moreno, 1919 Oakwell Farms Parkway, Suite 103, San Antonio, Texas 78218



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	6-Dec-2010	<b>Screening</b>	8-Dec-2010	<b>EPA Due</b>	
	<b>PCW</b>	15-Feb-2012				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Mark A. Vasquez dba Maverick Cleaners		
<b>Reg. Ent. Ref. No.</b>	RN100618552		
<b>Facility/Site Region</b>	13-San Antonio	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36265	<b>No. of Violations</b>	4
<b>Docket No.</b>	2010-1973-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Dry Cleaner	<b>Enf. Coordinator</b>	Danielle Porras
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$21,500
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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.

<b>Compliance History</b>	30.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$6,450
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<b>Notes</b>	Enhancement for one Agreed Order with denial and poor performer classification.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$86	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$27,950
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	
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<b>Final Penalty Amount</b>	\$27,950
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$27,950
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$27,950
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**Screening Date** 8-Dec-2010

**Docket No.** 2010-1973-MLM-E

**PCW**

**Respondent** Mark A. Vasquez dba Maverick Cleaners

*Policy Revision 2 (September 2002)*

**Case ID No.** 36265

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN100618552

**Media [Statute]** Industrial and Hazardous Waste

**Enf. Coordinator** Danielle Porras

### 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> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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)** 20%

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

No

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

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

Poor Performer

**Adjustment Percentage (Subtotal 7)** 10%

**>> Compliance History Summary**

**Compliance History Notes**

Enhancement for one Agreed Order with denial and poor performer classification.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 30%

Screening Date 8-Dec-2010

Docket No. 2010-1973-MLM-E

PCW

Respondent Mark A. Vasquez dba Maverick Cleaners

Policy Revision 2 (September 2002)

Case ID No. 36265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100618552

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 335.69(f)(4) and 40 Code of Federal Regulations § 265.37 and TCEQ Agreed Order Docket No. 2008-1198-MLM-E, Ordering Provisions No. 2.a.

Violation Description Failed to make emergency response arrangements with local authorities.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				10%
	Potential		x		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 6 Number of violation days 518

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$6,000

Six quarterly events are recommended from the July 9, 2009 effective date of the Agreed Order to the December 8, 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 \$6,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$7,800

This violation Final Assessed Penalty (adjusted for limits) \$7,800

## Economic Benefit Worksheet

**Respondent** Mark A. Vasquez dba Maverick Cleaners  
**Case ID No.** 36265  
**Req. Ent. Reference No.** RN100618552  
**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
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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)	\$200	9-Jul-2009	5-Aug-2011	2.07	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to make arrangements with local authorities. The Date Required is the effective date of the Agreed Order and the Final Date is the estimated 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

\$200

**TOTAL**

\$21

Screening Date 8-Dec-2010

Docket No. 2010-1973-MLM-E

PCW

Respondent Mark A. Vasquez dba Maverick Cleaners

Policy Revision 2 (September 2002)

Case ID No. 36265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100618552

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 335.10(d)(1) and 40 Code of Federal Regulations § 262.23(a) and TCEQ Agreed Order Docket No. 2008-1198-MLM-E, Ordering Provisions No. 2.b.ii.

Violation Description Failed to maintain waste manifests for dry cleaning waste. Specifically, the Respondent did not maintain manifests for the dry cleaning waste.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 12 347 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$12,000

Twelve monthly events are recommended from the July 9, 2009 effective date of the Agreed Order to the June 21, 2010 compliance 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 \$12,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10 Violation Final Penalty Total \$15,600

This violation Final Assessed Penalty (adjusted for limits) \$15,600

## Economic Benefit Worksheet

**Respondent** Mark A. Vasquez dba Maverick Cleaners  
**Case ID No.** 36265  
**Req. Ent. Reference No.** RN100618552  
**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				0.00	\$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	\$200	9-Jul-2009	21-Jun-2010	0.95	\$10	n/a	\$10
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 properly complete and maintain manifests for dry cleaning waste. The Date Required is the effective date of the Agreed Order 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				0.00	\$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

\$200

**TOTAL**

\$10

Screening Date 8-Dec-2010

Docket No. 2010-1973-MLM-E

PCW

Respondent Mark A. Vasquez dba Maverick Cleaners

Policy Revision 2 (September 2002)

Case ID No. 36265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100618552

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 335.9(a)(2) and TCEQ Agreed Order Docket No. 2008-1198-MLM-E, Ordering Provisions No. 2.b.iii.

Violation Description

Failed to submit and provide Annual Waste Summaries ("AWSs"). Specifically, at the time of the investigation the Respondent had not submitted AWSs.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 1780 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$1,300

This violation Final Assessed Penalty (adjusted for limits) \$1,300

## Economic Benefit Worksheet

**Respondent** Mark A. Vasquez dba Maverick Cleaners  
**Case ID No.** 36265  
**Req. Ent. Reference No.** RN100618552  
**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
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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)	\$500	9-Jul-2009	5-Aug-2011	2.07	\$52	n/a	\$52

Notes for DELAYED costs

Estimated cost to submit accurate AWSs. The Date Required is the effective date of the Agreed Order and the Final Date is the estimated 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

\$500

**TOTAL**

\$52

Screening Date 8-Dec-2010

Docket No. 2010-1973-MLM-E

PCW

Respondent Mark A. Vasquez dba Maverick Cleaners

Policy Revision 2 (September 2002)

Case ID No. 36265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100618552

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Danielle Porras

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 335.62 and 40 Code of Federal Regulations § 262.11

Violation Description Failed to conduct hazardous waste determinations for waste at the Facility. Specifically, the Respondent was not conducting hazardous waste determinations for the spent dry cleaning waste.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (25%).

>> Programmatic Matrix

Table with columns: 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 of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 65 Number of violation days

Table for frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$2,500

One single event is recommended based on documentation of the violation during the October 5, 2010 investigation.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$3,250

This violation Final Assessed Penalty (adjusted for limits) \$3,250

## Economic Benefit Worksheet

**Respondent** Mark A. Vasquez dba Maverick Cleaners  
**Case ID No.** 36265  
**Req. Ent. Reference No.** RN100618552  
**Media** Industrial and Hazardous Waste  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$100	5-Oct-2010	5-Aug-2011	0.83	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to conduct hazardous waste determinations for dry cleaning waste. The Date Required is the investigation date and the Final Date is the estimated 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

\$100

**TOTAL**

\$4



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	6-Dec-2010	<b>Screening</b>	8-Dec-2010	<b>EPA Due</b>	
	<b>PCW</b>	30-Dec-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Mark A. Vasquez dba Maverick Cleaners
<b>Reg. Ent. Ref. No.</b>	RN100618552
<b>Facility/Site Region</b>	13-San Antonio
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36265	<b>No. of Violations</b>	1
<b>Docket No.</b>	2010-1973-MLM-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Dry Cleaner	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Danielle Porras
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$50

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,710
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	30.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$513
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<b>Notes</b>	Enhancement for one Agreed Order with denial and poor performer classification.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$271	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$2,223
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	12.2%	<b>Adjustment</b>	\$271
---	-------	-------------------	-------

Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement for the avoided cost of compliance associated with the violation.
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<b>Final Penalty Amount</b>	\$2,494
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$2,494
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$2,494
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Screening Date 8-Dec-2010

Docket No. 2010-1973-MLM-E

PCW

Respondent Mark A. Vasquez dba Maverick Cleaners

Policy Revision 2 (September 2002)

Case ID No. 36265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100618552

Media [Statute] Dry Cleaner

Enf. Coordinator Danielle Porras

### 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> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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)** 20%

#### >> Repeat Violator (Subtotal 3)

No

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

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

Poor Performer

**Adjustment Percentage (Subtotal 7)** 10%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for one Agreed Order with denial and poor performer classification.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 30%

Screening Date 8-Dec-2010

Docket No. 2010-1973-MLM-E

PCW

Respondent Mark A. Vasquez dba Maverick Cleaners

Policy Revision 2 (September 2002)

Case ID No. 36265

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100618552

Media [Statute] Dry Cleaner

Enf. Coordinator Danielle Porras

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 337.11(e) and 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. Specifically, the previous registration expired on December 31, 2009 and was not 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

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

Adjustment \$45

\$5

Violation Events

Number of Violation Events 342 342 Number of violation days

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

Violation Base Penalty \$1,710

Three Hundred Forty-Two daily events are recommended from the December 31, 2009 registration expiration date to the December 8, 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 \$1,710

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$271 Violation Final Penalty Total \$2,494

This violation Final Assessed Penalty (adjusted for limits) \$2,494

## Economic Benefit Worksheet

**Respondent** Mark A. Vasquez dba Maverick Cleaners  
**Case ID No.** 36265  
**Req. Ent. Reference No.** RN100618552  
**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				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

### 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]	\$250	31-Dec-2009	5-Oct-2010	1.68	\$21	\$250	\$271
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to register a dry cleaning or drop facility annually. The Date Required is the expiration date of the registration and the Final Date is the date of investigation.

Approx. Cost of Compliance \$250

**TOTAL** \$271

# Compliance History

Customer/Respondent/Owner-Operator:	CN603110271	Mark A. Vasquez	Classification: Poor	Rating: 122.50
Regulated Entity:	RN100618552	Maverick Cleaners	Classification: Poor	Site Rating: 122.50
ID Number(s):	DRY CLEANERS REGISTRATION	INTERNAL		100618552
	IHW CORRECTIVE ACTION	SOLID WASTE REGISTRATION # (SWR)		85407
Location:	8133 BANDERA RD, SAN ANTONIO, TX, 78250			
TCEQ Region:	REGION 13 - SAN ANTONIO			
Date Compliance History Prepared:	December 08, 2010			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 08, 2005 to December 08, 2010			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	<u>Danielle Porras</u>	Phone:	<u>(713) 767-3682</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/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: 9/1/2010 Repeat Violator:  | No  |

### Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

**Effective Date: 07/09/2009**

**ADMINORDER 2008-1198-MLM-E**

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter C 335.69(f)(4)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(a)(4)  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.32  
 40 CFR Chapter 265, SubChapter I, PT 265, SubPT C 265.37

Description: Failure to obtain required emergency equipment.

Classification: Minor

Citation: 30 TAC Chapter 335, SubChapter A 335.10(d)(1)  
 40 CFR Chapter 262, SubChapter I, PT 262, SubPT B 262.23(a)

Description: Failure to retain complete waste manifests since taking ownership of facility.

Classification: Moderate

Citation: 30 TAC Chapter 335, SubChapter A 335.9(a)(2)

Description: Failure to complete annual waste summaries.

Classification: Moderate

Citation: 30 TAC Chapter 337, SubChapter C 337.20(d)(2)

Description: Failure to complete inspections as required by 40 CFR 63 Subpart M.

Classification: Major

Citation: 30 TAC Chapter 337, SubChapter B 337.11(e)

Description: Failure to maintain dry cleaning registration current.

Classification: Moderate

Citation: 30 TAC Chapter 337, SubChapter C 337.20(e)(3)(A)

Description: Failure to obtain secondary containment for hazardous waste.

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 06/02/2008 (653693)

2 12/03/2010 (879936)

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

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MARK A. VASQUEZ DBA  
MAVERICK CLEANERS;  
RN100618552**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2010-1973-MLM-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Mark A. Vasquez d/b/a Maverick Cleaners ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE chs. 361 and 374. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Ruben N. Moreno, presented this Agreed Order to the Commission.

Respondent understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon 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 8133 Bandera Road in San Antonio, Bexar 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). The Facility involves the management and/or the disposal of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. During an investigation conducted on October 5, 2010, a TCEQ San Antonio Regional Office investigator documented that Respondent:

- a. Failed to make emergency response arrangements with local authorities;
  - b. Failed to maintain manifests for dry cleaning waste;
  - c. Failed to submit and provide Annual Waste Summaries;
  - d. Failed to conduct hazardous waste determinations for waste at the Facility. Specifically, Respondent was not conducting waste determinations for the spent dry cleaning waste; and
  - e. 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. Specifically, the previous registration expired on December 31, 2009, and was not renewed at the time of the investigation.
3. Respondent received notice of the violations on or about December 3, 2010.
  4. The Executive Director recognizes that on June 21, 2010, Respondent began maintaining waste manifests for dry cleaning waste (Conclusion of Law 3).

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE chs. 361 and 374 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to make emergency response arrangements with local authorities, in violation of 30 TEX. ADMIN. CODE § 335.69(f)(4), and 40 CODE OF FEDERAL REGULATIONS ("C.F.R.") § 265.37, and TCEQ Agreed Order Docket No. 2008-1198-MLM-E, Ordering Provision No. 2.a.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to maintain manifests for dry cleaning waste, in violation of 30 TEX. ADMIN. CODE § 335.10(d)(1), and 40 C.F.R. § 262.23(a), and TCEQ Agreed Order Docket No. 2008-1198-MLM-E, Ordering Provision No. 2.b.ii.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to submit and provide Annual Waste Summaries, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(2) and TCEQ Agreed Order Docket No. 2008-1198-MLM-E, Ordering Provisions No. 2.b.iii.
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to conduct hazardous waste determinations for waste at the Facility, in violation of 30 TEX. ADMIN. CODE § 335.62 and 40 C.F.R. § 262.11.
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility, in violation of TEX. HEALTH & SAFETY CODE § 374.102 and 30 TEX. ADMIN. CODE § 337.11(e).
7. 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.

8. An administrative penalty in the amount of thirty thousand four hundred forty-four dollars (\$30,444.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 . Respondent paid eight hundred sixty-nine dollars (\$869.00) of the administrative penalty. The remaining amount of twenty-nine thousand five hundred seventy-five dollars (\$29,575.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of eight hundred forty-five dollars (\$845.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

### **ORDERING PROVISIONS**

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 8, above, 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 Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Mark A. Vasquez d/b/a Maverick Cleaners, Docket No. 2010-1973-MLM-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

2. Respondent shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Agreed Order, Respondent shall:
    - i. Complete and submit the required dry cleaner and/or drop station registration forms for the Facility, in accordance with 30 TEX. ADMIN. CODE ch. 337 (Conclusion of Law 6) to:

Dry Cleaning Registration Team, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13807  
Austin, Texas 78711-3088

- ii. Make emergency response arrangements with local authorities, in accordance with 30 TEX. ADMIN. CODE § 335.69 and 40 CFR § 265.37 (Conclusion of Law 2).
- b. Within 30 days after the effective date of this Agreed Order, Respondent shall:
  - i. Develop procedures to ensure that all Annual Waste Summaries are submitted as required, in accordance with 30 TEX. ADMIN. CODE § 335.9;
  - ii. Submit complete and correct Annual Waste Summaries for calendar years 2005, 2006, 2007, 2008, and 2009, in accordance with 30 TEX. ADMIN. CODE § 335.9 (Conclusion of Law 4) to:

Industrial and Hazardous Waste Permits Section, MC 130  
Waste Permits Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- iii. Begin conducting hazardous waste determinations for all spent dry cleaning waste, in accordance with 30 TEX. ADMIN. CODE § 335.62 and 40 CFR § 262.11 (Conclusion of Law 5).
- c. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.d., below, to demonstrate compliance with Ordering Provisions Nos. 2.a. and 2.b.
- d. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, 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 certifications and supporting 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  
Texas Commission on Environmental Quality  
San Antonio Regional Office  
14250 Judson Road  
San Antonio, Texas 78233-4480

3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If 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, Respondent's failure to comply is not a violation of this Agreed 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.
6. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director.
7. The determination of what constitutes good cause rests solely with the Executive Director.
8. 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 Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally,

electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

11. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to 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

  
\_\_\_\_\_  
For the Executive Director

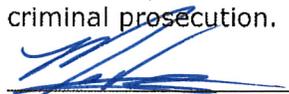
4/30/12  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Mark A. Vasquez d/b/a Maverick Cleaners 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Mark A. Vasquez

2-20-2012  
\_\_\_\_\_  
Date