

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47378
GERARDO SALAS D/B/A DRY CLEAN SUPER CENTER
RN104111158
Docket No. 2013-1527-DCL-E

Order Type:

Default Order

Media:

DCL

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1104 East Bethany Drive, Allen, Collin County

Type of Operation:

dry cleaning facility

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: March 14, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: \$2,250

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$2,250

Compliance History Classifications:

Person/CN –N/A

Site/RN –N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: May 13, 2013; August 13, 2013

Date(s) of NOV(s): N/A

Date(s) of NOE(s): June 25, 2013

Violation Information

1. Failed to display a dry cleaning and/or drop station registration [30 TEX. ADMIN. CODE § 337.11(d)(3)].
2. Failed to install a dike or other secondary containment structure around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater [30 TEX. ADMIN. CODE § 337.20(e)(3)(A)].
3. Failed to maintain weekly inspection logs of each secondary containment structure at the Facility to ensure that it has not been damaged [30 TEX. ADMIN. CODE § 337.20(e)(6)(B)].
4. Failed to maintain all required records and make them available for examination by the TCEQ at all reasonable times [30 TEX. ADMIN. CODE § 337.70(a)].
5. Failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24002289 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 337.14(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. The Facility'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 this Order, including payment of the administrative penalty.
2. Immediately:
 - a. Cease purchasing dry cleaner solvents or any other regulated substance at the Facility until such time as a valid dry cleaner registration certificate is obtained from the TCEQ; and
 - b. Begin maintaining all required records and make them immediately available for inspection upon request.
3. Within 10 days, surrender the Facility's dry cleaner registration certificate to the TCEQ.
4. Within 15 days:
 - a. Submit written certification to demonstrate compliance with Technical Requirements Nos. 2 and 3; and
 - b. Submit payment for outstanding dry cleaner fees, including any associated penalties and interest.
5. Within 30 days:
 - a. Install secondary containment structures around the waste and wastewater storage areas at the Facility; and
 - b. Begin conducting weekly inspections for each secondary containment structure and maintain a log of the inspections at the Facility.
6. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 4.b. through 5.b.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47378
GERARDO SALAS D/B/A DRY CLEAN SUPER CENTER
RN104111158
Docket No. 2013-1527-DCL-E

Litigation Information

Date Petition(s) Filed: December 12, 2013
Date Green Card(s) Signed: December 14, 2013
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Steven M. Fishburn, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Margarita Dennis, Enforcement Division, (817) 588-5892
TCEQ Regional Contact: Sam Barrett, Dallas/Fort Worth Regional Office, (817) 588-5800
Respondent: Gerardo Salas, 1104 East Bethany Drive, Allen, Texas 75002
Respondent's Attorney: N/A

THIS PAGE INTENTIONALLY LEFT BLANK



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	1-Jul-2013			
	PCW	13-Nov-2013	Screening	8-Jul-2013	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Gerardo Salas dba Dry Clean Super Center
Reg. Ent. Ref. No.	RN104111158
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	47378	No. of Violations	5
Docket No.	2013-1527-DCL-E	Order Type	1660
Media Program(s)	Dry Cleaner	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Margarita Dennis
		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	\$2,250
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	0.0% Enhancement Subtotals 2, 3, & 7
Notes	No adjustment for compliance history.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	-----

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$136	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$2,725		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,250
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			

Final Penalty Amount	\$2,250
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,250
-----------------------------------	-------------------------------	---------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)				
Notes	Deferral not offered for non-expedited settlement.			

PAYABLE PENALTY	\$2,250
------------------------	---------

Screening Date 8-Jul-2013

Docket No. 2013-1527-DCL-E

PCW

Respondent Gerardo Salas dba Dry Clean Super Center

Policy Revision 3 (September 2011)

Case ID No. 47378

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104111158

Media [Statute] Dry Cleaner

Enf. Coordinator Margarita Dennis

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>)	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 (<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

No adjustment for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

Screening Date 8-Jul-2013 **Docket No.** 2013-1527-DCL-E **PCW**
Respondent Gerardo Salas dba Dry Clean Super Center *Policy Revision 3 (September 2011)*
Case ID No. 47378 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN104111158
Media [Statute] Dry Cleaner
Enf. Coordinator Margarita Dennis

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 337.11(d)(3)

Violation Description

Failed to display a dry cleaning and/or drop station registration.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

Reduction

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Gerardo Salas dba Dry Clean Super Center
Case ID No. 47378
Reg. Ent. Reference No. RN104111158
Media Violation No. Dry Cleaner
 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)	\$25	13-May-2013	3-Feb-2014	0.73	\$1	n/a	\$1

Notes for DELAYED costs
 Estimated cost to display a dry cleaning or drop facility registration. The date required is the date of the investigation 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	\$25	TOTAL	\$1
----------------------------	------	--------------	-----

Screening Date 8-Jul-2013

Docket No. 2013-1527-DCL-E

PCW

Respondent Gerardo Salas dba Dry Clean Super Center

Policy Revision 3 (September 2011)

Case ID No. 47378

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104111158

Media [Statute] Dry Cleaner

Enf. Coordinator Margarita Dennis

Violation Number 2

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 storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater. Specifically, the Respondent did not have secondary containment around the dry cleaning waste and wastewater storage areas.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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 \$4,250

\$750

Violation Events

Number of Violation Events 2

56 Number of violation days

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

Violation Base Penalty \$1,500

Two monthly events are recommended from the May 13, 2013 investigation date to the July 8, 2013 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 \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$128

Violation Final Penalty Total \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent Gerardo Salas dba Dry Clean Super Center
Case ID No. 47378
Reg. Ent. Reference No. RN104111158
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	\$2,500	13-May-2013	3-Feb-2014	0.73	\$6	\$121	\$128
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 storage areas. 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

\$2,500

TOTAL

\$128

Screening Date 8-Jul-2013

Docket No. 2013-1527-DCL-E

PCW

Respondent Gerardo Salas dba Dry Clean Super Center

Policy Revision 3 (September 2011)

Case ID No. 47378

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104111158

Media [Statute] Dry Cleaner

Enf. Coordinator Margarita Dennis

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 337.20(e)(6)(B)

Violation Description

Failed to maintain weekly inspection logs of each secondary containment structure at the Facility to ensure that it has not been damaged. Specifically, the Respondent did not maintain inspection logs of the dry cleaning machines' secondary containment.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 56 Number of violation days

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

Violation Base Penalty \$250

One single event is recommended based on documentation of the violation during the May 13, 2013 investigation.

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$250

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

Economic Benefit Worksheet

Respondent Gerardo Salas dba Dry Clean Super Center
Case ID No. 47378
Reg. Ent. Reference No. RN104111158
Media Dry Cleaner
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
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	\$100	13-May-2013	3-Feb-2014	0.73	\$4	n/a	\$4
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 maintain inspection records. 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

Screening Date 8-Jul-2013

Docket No. 2013-1527-DCL-E

PCW

Respondent Gerardo Salas dba Dry Clean Super Center

Policy Revision 3 (September 2011)

Case ID No. 47378

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104111158

Media [Statute] Dry Cleaner

Enf. Coordinator Margarita Dennis

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 337.70(a)

Violation Description Failed to maintain all required records and make them available for examination by the TCEQ at all reasonable times.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 56

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$250

One single event is recommended based on documentation of the violation during the May 13, 2013 investigation.

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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$250

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

Economic Benefit Worksheet

Respondent Gerardo Salas dba Dry Clean Super Center
Case ID No. 47378
Reg. Ent. Reference No. RN104111158
Media Dry Cleaner
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
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	\$100	13-May-2013	3-Feb-2014	0.73	\$4	n/a	\$4
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 retain waste manifests. 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

Screening Date 8-Jul-2013

Docket No. 2013-1527-DCL-E

PCW

Respondent Gerardo Salas dba Dry Clean Super Center

Policy Revision 3 (September 2011)

Case ID No. 47378

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104111158

Media [Statute] Dry Cleaner

Enf. Coordinator Margarita Dennis

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 337.14(c) and Tex. Water Code § 5.702

Violation Description

Failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24002289, as documented during a record review conducted on August 13, 2013.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

No penalty was calculated for this violation.

Adjustment \$5,000

\$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 additional administrative penalty was calculated for this violation as penalties and interest will be assessed on the next fee billing.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/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 Gerardo Salas dba Dry Clean Super Center
Case ID No. 47378
Reg. Ent. Reference No. RN104111158
Media Violation No. Dry Cleaner
 5

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

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN602547176, RN104111158, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN602547176, Gerado Salas **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN104111158, Dry Clean Super Center **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 1104 E BETHANY DR, ALLEN, TX 75002-1814, COLLIN COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s): **DRY CLEANERS REGISTRATION** INTERNAL 104111158

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: July 19, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 19, 2008 to July 19, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Margarita Dennis

Phone: (817) 588-5892

Site and Owner/Operator History:

- | | |
|--|-----|
| 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 for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES, when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

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

THIS PAGE INTENTIONALLY LEFT BLANK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GERARDO SALAS D/B/A
DRY CLEAN SUPER CENTER;
RN104111158**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2013-1527-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 & 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 facility's dry cleaner registration certificate. The respondent made the subject of this Order is Gerardo Salas d/b/a Dry Clean Super Center ("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 1104 East Bethany Drive in Allen, Collin 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 an investigation conducted on May 13, 2013, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Respondent:
 - a. Failed to display a dry cleaning and/or drop station registration;
 - b. Failed to install a dike or other secondary containment structure around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater. Specifically, Respondent did not have secondary containment around the dry cleaning waste and wastewater storage areas;
 - c. Failed to maintain weekly inspection logs of each secondary containment structure at the Facility to ensure that it has not been damaged. Specifically, Respondent did not maintain inspection logs of the dry cleaning machines' secondary containment; and
 - d. Failed to maintain all required records and make them available for examination by the TCEQ at all reasonable times.
3. During a record review conducted on August 13, 2013, TCEQ Central Office Staff documented that Respondent failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24002289.
4. Respondent received notice of the violations in Finding of Fact No. 2 on or about June 30, 2013.

5. 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 Gerardo Salas d/b/a Dry Clean Super Center" (the "EDPRP") in the TCEQ Chief Clerk's office on December 12, 2013.
6. By letter dated December 12, 2013, sent to Respondent's last known address via certified mail, return receipt requested, 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 December 14, 2013, as evidenced by the signature on the card.
7. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

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 TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to display a dry cleaning and/or drop station registration, in violation of 30 TEX. ADMIN. CODE § 337.11(d)(3).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to install a dike or other secondary containment structure around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(3)(A).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to maintain weekly inspection logs of each secondary containment structure at the Facility to ensure that it has not been damaged, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(6)(B).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to maintain all required records and make them available for examination by the TCEQ at all reasonable times, in violation of 30 TEX. ADMIN. CODE § 337.70(a).
6. As evidenced by Finding of Fact No. 3, Respondent failed to pay outstanding dry cleaner fees for TCEQ Financial Account No. 24002289, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 337.14(c).
7. As evidenced by Findings of Fact Nos. 5 and 6, 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(b)(1).
8. As evidenced by Finding of Fact No. 7, 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.
9. 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 TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

10. An administrative penalty in the amount of two thousand two hundred fifty dollars (\$2,250.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in §§ 7.053 and 7.0525(c).
11. 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.
12. Pursuant to TEX. HEALTH & SAFETY CODE § 374.252(d) and 30 TEX. ADMIN. CODE § 337.11(f), the Commission has authority to revoke the Facility's dry cleaner registration certificate if the Commission finds that good cause exists.
13. Good cause for revocation of the Facility's dry cleaner registration certificate exists as justified by Findings of Fact Nos. 2, 3, and 5 through 7, and Conclusions of Law Nos. 2 through 8.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of two thousand two hundred fifty dollars (\$2,250.00) 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: Gerardo Salas d/b/a Dry Clean Super Center; Docket No. 2013-1527-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. The Facility'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, including payment of the administrative penalty.
4. Immediately upon the effective date of this Order, Respondent shall cease purchasing dry cleaner solvents or any other regulated substance at the Facility until such time as a valid dry cleaner registration certificate is obtained from the TCEQ in accordance with TEX. HEALTH & SAFETY CODE § 374.252(d) and 30 TEX. ADMIN. CODE § 337.11(f).
5. Within 10 days after the effective date of this Order, Respondent shall send the Facility's dry cleaner registration certificate to:

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

6. Within 15 days after the effective date of this Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 7.e., below, to demonstrate compliance with Ordering Provisions Nos. 4 and 5.
7. Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, Respondent shall begin maintaining all required records and make them immediately available for inspection upon request, in accordance with 30 TEX. ADMIN. CODE § 337.70;
 - b. Within 15 days after the effective date of this Order, Respondent shall submit payment for outstanding dry cleaner fees, including any associated penalties and interest, with the notation "Gerardo Salas d/b/a Dry Clean Super Center, Account No. 24002289," to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
 - c. Within 30 days after the effective date of this Order, Respondent shall:
 - i. Install secondary containment structures around the waste and wastewater storage areas at the Facility, in accordance with 30 TEX. ADMIN. CODE § 337.20; and
 - ii. Begin conducting weekly inspections for each secondary containment structure and maintain a log of the inspections at the Facility, in accordance with 30 TEX. ADMIN. CODE § 337.20.
 - d. Within 45 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 7.e., below, to demonstrate compliance with Ordering Provisions Nos. 7.a. through 7.c.
 - e. 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:

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

8. Upon obtaining a new dry cleaner registration certificate, Respondent shall post the dry cleaner registration certificate in a public area at the Facility where the certificate is clearly visible at all times, in accordance with 30 TEX. ADMIN. CODE § 337.11.
9. All relief not expressly granted in this Order is denied.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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 PHILLIP M. GOODWIN

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

"My name is Phillip M. Goodwin. 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 Gerardo Salas d/b/a Dry Clean Super Center" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on December 12, 2013.

The EDPRP was mailed to Respondent's last known address on December 12, 2013, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on December 14, 2013, as evidenced by the signature on the card.

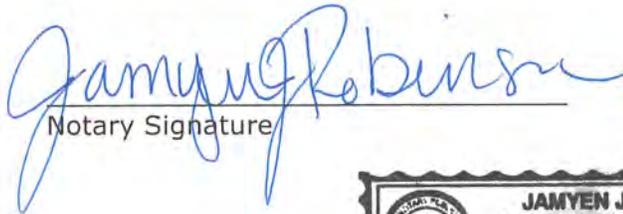
More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."



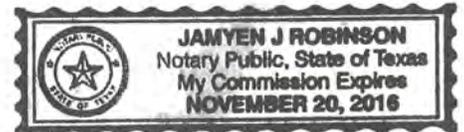
Phillip M. Goodwin, P.G., Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Phillip M. Goodwin, 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 12th day of February, A.D. 2014.



Notary Signature



Notary without Bond