

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47820
Elvi L. Arias-Chavez d/b/a Mockingbird Cleaners
RN104101035
Docket No. 2013-1961-DCL-E

Order Type:

Agreed Order

Media:

DCL

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

3714 Cheyenne Street, Irving, Dallas County

Type of Operation:

dry cleaning drop station

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	\$820.72 (Account No. 24002127)
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: May 23, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: \$9,355

Total Paid to General Revenue: \$290

Total Due to General Revenue: \$9,065

Payment Plan: 35 payments of \$259 each

Compliance History Classifications:

Person/CN – High

Site/RN – High

Major Source: No

Statutory Limit Adjustment: \$1 downward adjustment (PCW 1)

Applicable Penalty Policy: September 2011

Elvi L. Arias-Chavez d/b/a Mockingbird Cleaners

RN104101035

Docket No. 2013-1961-DCL-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: June 26, 2013
Date(s) of NOV(s): October 3, 2013
Date(s) of NOE(s): August 30, 2013

Violation Information

1. Failed to provide written notice to the agency of any change or additional information regarding the Facility within 30 days from the date of the change or addition [30 TEX. ADMIN. CODE § 337.10 and TEX. HEALTH & SAFETY CODE § 374.102].
2. Failed to ensure that dry cleaning solvent, dry cleaning wastewater, waste materials containing dry cleaning solvent, and abandoned wastes are removed from the Facility within 30 days after ceasing dry cleaning operations for 180 continuous days, and failed to empty all dry cleaning machines within 30 days after being temporarily removed from service for more than 180 days [30 TEX. ADMIN. CODE §§ 335.4 and 337.21(b) and (c)(1)].
3. Failed to install a dike or secondary containment structure around the out of service dry cleaning machine containing perchloroethylene and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater [TEX. ADMIN. CODE § 337.20(e)(3)(A) and TEX. HEALTH & SAFETY CODE § 374.053].
4. Failed to perform weekly inspections on any dry cleaning machine that is temporarily removed from service and is not empty [30 TEX. ADMIN. CODE § 337.21(c)(2)].
5. Failed to pay outstanding fees for TCEQ Financial Administration ("FA") Account No. 24002127 [30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

None

Technical Requirements:

1. Within 30 days:
 - a. Remove the remaining perchloroethylene from the out of service dry cleaning machine and dispose of it at an authorized facility;
 - b. Either:
 - i. Install secondary containment around the out of service dry cleaning machine containing perchloroethylene; and
 - ii. Begin conducting weekly inspections and maintaining records on the out of service dry cleaning machine containing perchlorethylene; or
 - iii. Submit documentation demonstrating that the out of service dry cleaning machine containing perchorethylene has been permanently removed from service.
 - c. Properly remove all dry cleaner waste from the Facility, including dry cleaning solvent, dry cleaning wastewater, waste materials containing dry cleaning solvent, and abandoned wastes, and dispose of the waste at an authorized facility; and
 - d. Submit payment for outstanding fees, including any associated penalties and interest, for TCEQ FA Account No. 24002127.
2. Within 45 days, submit written certification to demonstrate compliance.

Elvi L. Arias-Chavez d/b/a Mockingbird Cleaners

RN104101035

Docket No. 2013-1961-DCL-E

Litigation Information

Date Petition(s) Filed: March 27, 2014

Date Answer(s) Filed: N/A

Settlement Date: April 23, 2014

Contact Information

TCEQ Attorneys: Steven M. Fishburn, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Eli Martinez, 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) 588-5903

Respondent: Elvi L. Arias-Chavez, 3714 Cheyenne Street, Irving, Texas 75038

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

DATES	Assigned	3-Sep-2013		
	PCW	14-Feb-2014	Screening	7-Oct-2013
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Elvi L. Arias-Chavez dba Mockingbird Cleaners		
Reg. Ent. Ref. No.	RN104101035		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47820	No. of Violations	1
Docket No.	2013-1961-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	\$50
		Violation Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,150
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-5.0% Reduction	Subtotals 2, 3, & 7	-\$57
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Notes	Reduction for High Performer classification and enhancement for one NOV with same/similar violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$287
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$16	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$250	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$806
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$806
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$805
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$805
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Screening Date	7-Oct-2013	Docket No.	2013-1961-DCL-E	PCW
Respondent	Elvi L. Arias-Chavez dba Mockingbird Cleaners			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47820			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN104101035			
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>)	1	5%
	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

Reduction for High Performer classification and enhancement for one NOV with same/similar violations.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100%

Screening Date	7-Oct-2013	Docket No.	2013-1961-DCL-E	PCW
Respondent	Elvi L. Arias-Chavez dba Mockingbird Cleaners		Policy Revision 3 (September 2011)	
Case ID No.	47820	PCW Revision August 3, 2011		
Reg. Ent. Reference No.	RN104101035			
Media [Statute]	Dry Cleaner			
Enf. Coordinator	Margarita Dennis			

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 337.10 and Tex. Health & Safety Code § 374.102

Violation Description

Failed to provide written notice to the agency of any change or additional information regarding the Facility within 30 days from the date of the change or addition. Specifically, the registration was not updated to reflect the change from a dry cleaner to a drop station and the change in owner/operator on March 30, 2012.

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="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

<i>mark only one with an x</i>	daily	<input checked="" type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>

Violation Base Penalty

Four hundred sixty events are recommended from the March 30, 2012 change of ownership to the July 3, 2013 compliance date.

Good Faith Efforts to Comply

Reduction

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	(mark with x)

Notes

The Respondent achieved compliance on July 3, 2013 prior to the Notice of Enforcement (NOE) dated August 30, 2013.

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 Elvi L. Arias-Chavez dba Mockingbird Cleaners
Case ID No. 47820
Reg. Ent. Reference No. RN104101035
Media Dry Cleaner
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment			0.00	\$0	\$0	\$0	
Buildings			0.00	\$0	\$0	\$0	
Other (as needed)			0.00	\$0	\$0	\$0	
Engineering/construction			0.00	\$0	\$0	\$0	
Land			0.00	\$0	n/a	\$0	
Record Keeping System			0.00	\$0	n/a	\$0	
Training/Sampling			0.00	\$0	n/a	\$0	
Remediation/Disposal			0.00	\$0	n/a	\$0	
Permit Costs	\$250	30-Mar-2012	3-Jul-2013	1.26	\$16	n/a	\$16
Other (as needed)			0.00	\$0	n/a	\$0	

Notes for DELAYED costs Estimated cost to provide an updated registration for the Facility. Date required is the date of ownership change. Final date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	3-Sep-2013	Screening	7-Oct-2013	EPA Due	
	PCW	14-Feb-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	Elvi L. Arias-Chavez dba Mockingbird Cleaners		
Reg. Ent. Ref. No.	RN104101035		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	47820	No. of Violations	4
Docket No.	2013-1961-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	\$9,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-5.0% Enhancement	Subtotals 2, 3, & 7	-\$450
Notes	Reduction for High Performer classification and enhancement for one NOV with same/similar violations.		
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	\$190	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$3,100		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,550
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		Final Penalty Amount	\$8,550
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,550
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.		
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PAYABLE PENALTY	\$8,550
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Screening Date 7-Oct-2013

Docket No. 2013-1961-DCL-E

PCW

Respondent Elvi L. Arias-Chavez dba Mockingbird Cleaners

Policy Revision 3 (September 2011)

Case ID No. 47820

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104101035

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>)	1	5%
	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	*Please Select	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	*Please Select	0%
	Participation in a voluntary pollution reduction program	*Please Select	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	*Please Select	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification and enhancement for one NOV with same/similar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -5%

Screening Date 7-Oct-2013 **Docket No.** 2013-1961-DCL-E **PCW**
Respondent Elvi L. Arias-Chavez dba Mockingbird Cleaners *Policy Revision 3 (September 2011)*
Case ID No. 47820 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN104101035
Media [Statute] Dry Cleaner
Enf. Coordinator Margarita Dennis

Violation Number
Rule Cite(s)
Violation Description
Base Penalty

>> Environmental, Property and Human Health Matrix
OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes
Adjustment

Violation Events
 Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text" value="x"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

Good Faith Efforts to Comply Reduction
 Before NOV NOV to EDRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes
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 Elvi L. Arias-Chavez dba Mockingbird Cleaners
Case ID No. 47820
Reg. Ent. Reference No. RN104101035
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	\$500	26-Jun-2013	31-May-2014	0.93	\$23	n/a	\$23
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 remove and dispose of the waste from the Facility. Date required is the investigation date. 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 \$23

Screening Date	7-Oct-2013	Docket No.	2013-1961-DCL-E	PCW
Respondent	Elvi L. Arias-Chavez dba Mockingbird Cleaners			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	47820			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN104101035			
Media [Statute]	Dry Cleaner			
Enf. Coordinator	Margarita Dennis			

Violation Number

Rule Cite(s)

Violation Description

Failed to install a dike or secondary containment structure around the dry cleaning machine containing perchloroethylene and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater. Specifically, the perchloroethylene dry cleaning machine did not have secondary containment.

Base Penalty

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

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Harm			Percent
	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="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

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" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Four monthly events are recommended from the June 26, 2013 investigation to the October 7, 2013 screening date.

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 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 Elvi L. Arias-Chavez dba Mockingbird Cleaners
Case ID No. 47820
Reg. Ent. Reference No. RN104101035
Media Dry Cleaner
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	\$2,500	26-Jun-2013	31-May-2014	0.93	\$8	\$155	\$163
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 out of service dry cleaning machine. Date required is the investigation date. 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	\$163
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Screening Date 7-Oct-2013 **Docket No.** 2013-1961-DCL-E **PCW**
Respondent Elvi L. Arias-Chavez dba Mockingbird Cleaners *Policy Revision 3 (September 2011)*
Case ID No. 47820 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN104101035
Media [Statute] Dry Cleaner
Enf. Coordinator Margarita Dennis

Violation Number

Rule Cite(s)

Violation Description Failed to perform weekly inspections on any dry cleaning machine that is temporarily removed from service and is not empty. Specifically, the Respondent was not conducting weekly inspections on the out of service dry cleaning machine at the Facility.

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

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" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Four monthly events are recommended from the June 26, 2013 investigation to the October 7, 2013 screening date.

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 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 Elvi L. Arias-Chavez dba Mockingbird Cleaners
Case ID No. 47820
Reg. Ent. Reference No. RN104101035
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	26-Jun-2013	31-May-2014	0.93	\$5	n/a	\$5
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 perform weekly inspections and maintain records. Date required is the investigation date. 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 \$5

Screening Date 7-Oct-2013 **Docket No.** 2013-1961-DCL-E **PCW**
Respondent Elvi L. Arias-Chavez dba Mockingbird Cleaners *Policy Revision 3 (September 2011)*
Case ID No. 47820 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN104101035
Media [Statute] Dry Cleaner
Enf. Coordinator Margarita Dennis

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	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 type="text"/>	

Violation Base Penalty

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	(mark with x)	

Notes

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 Elvi L. Arias-Chavez dba Mockingbird Cleaners
Case ID No. 47820
Reg. Ent. Reference No. RN104101035
Media Dry Cleaner
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment			0.00	\$0	\$0	\$0	
Buildings			0.00	\$0	\$0	\$0	
Other (as needed)			0.00	\$0	\$0	\$0	
Engineering/construction			0.00	\$0	\$0	\$0	
Land			0.00	\$0	n/a	\$0	
Record Keeping System			0.00	\$0	n/a	\$0	
Training/Sampling			0.00	\$0	n/a	\$0	
Remediation/Disposal			0.00	\$0	n/a	\$0	
Permit Costs			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

TOTAL

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

PENDING Compliance History Report for CN602538746, RN104101035, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN602538746, Elvi L Arias-Chavez **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN104101035, Mockingbird Cleaners **Classification:** HIGH **Rating:** 0.00

Complexity Points: 1 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 3714 CHEYENNE ST IRVING, TX 75038-6601, DALLAS COUNTY

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s): **DRY CLEANERS REGISTRATION** INTERNAL 104101035
INDUSTRIAL AND HAZARDOUS WASTE NONPERMITTED ID NUMBER R04104101035

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: October 07, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 07, 2008 to October 07, 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.

- | | | | |
|----------|-------------------------|---|--------------------------|
| 1 | Date: 10/03/2013 | (1113840) | CN602538746 |
| | Self Report? | NO | Classification: Moderate |
| | Citation: | 30 TAC Chapter 335, SubChapter C 335.62
30 TAC Chapter 335, SubChapter R 335.503
30 TAC Chapter 335, SubChapter R 335.504
40 CFR Chapter 262, SubChapter I, PT 262, SubPT A 262.11 | |
| | Description: | Failure to determine if waste is hazardous and classify any non-hazardous waste. | |
| | Self Report? | NO | Classification: Moderate |
| | Citation: | 30 TAC Chapter 335, SubChapter A 335.4 | |
| | Description: | Failure to remove abandoned waste drums and abandoned dry cleaner waste. | |

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
ELVI L. ARIAS-CHAVEZ DBA
MOCKINGBIRD CLEANERS;
RN104101035**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2013-1961-DCL-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Elvi L. Arias-Chavez d/b/a Mockingbird Cleaners ("Respondent") under the authority of TEX. WATER CODE chs. 5 and 7 and TEX. HEALTH & SAFETY CODE chs. 361 and 374. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaner drop station located at 3714 Cheyenne Street in Irving, Dallas County, Texas (the "Facility"). The Facility is a retail commercial establishment the primary business of which is to act as a collection point for the drop-off and pick-up of garments or other fabrics that are sent to a dry cleaning facility for processing. As such, the Facility is a dry cleaning drop station as defined in TEX. HEALTH & SAFETY CODE § 374.001(6).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The TCEQ has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE chs. 361 and 374, and TCEQ rules.
3. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Agreed Order, and that Respondent is subject to TCEQ's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of nine thousand three hundred fifty-five dollars (\$9,355.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid two hundred ninety dollars (\$290.00) of the administrative penalty. The remaining amount of nine thousand sixty-five dollars (\$9,065.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of two hundred fifty-nine dollars (\$259.00) 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.
6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
 7. The Executive Director and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
 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 contained 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. 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.
 11. The Executive Director recognizes that Respondent provided TCEQ with an updated registration on July 3, 2013, reflecting the Facility's status as a drop station and updating the current owner and operator information.

II. ALLEGATIONS

1. During an investigation conducted on June 26, 2013, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Respondent:
 - a. Failed to provide written notice to the agency of any change or additional information regarding the Facility within 30 days from the date of the change or addition, in violation of 30 TEX. ADMIN. CODE § 337.10 and TEX. HEALTH & SAFETY CODE § 374.102. Specifically, the registration was not updated to reflect the change from a dry cleaner to a drop station and the change in owner/operator on March 30, 2012;
 - b. Failed to ensure that dry cleaning solvent, dry cleaning wastewater, waste materials containing dry cleaning solvent, and abandoned wastes are removed from the Facility within 30 days after ceasing dry cleaning operations for 180 continuous days, and failed to empty all dry cleaning machines within 30 days after being temporarily removed from service for more than 180 days, in violation of 30 TEX. ADMIN. CODE §§ 335.4 and 337.21(b) and (c)(1). Specifically, four containers containing dry cleaning waste were being stored at the Facility and an out of service dry cleaning machine contained approximately two inches of perchloroethylene solvent;
 - c. Failed to install a dike or secondary containment structure around the out of service dry cleaning machine containing perchloroethylene and 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) and TEX. HEALTH & SAFETY CODE § 374.053. Specifically, the perchloroethylene dry cleaning machine did not have secondary containment;

- d. Failed to perform weekly inspections on any dry cleaning machine that is temporarily removed from service and is not empty, in violation of 30 TEX. ADMIN. CODE § 337.21(c)(2); and
 - e. Failed to pay outstanding fees for TCEQ Financial Administration ("FA") Account No. 24002127, in violation of 30 TEX. ADMIN. CODE § 337.14(c) and TEX. WATER CODE § 5.702.
2. Respondent received notice of the alleged violations on or about September 4, 2013.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. 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 Allegations in Section II. 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: Elvi L. Arias-Chavez d/b/a Mockingbird Cleaners, Docket No. 2013-1961-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

2. Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Remove the remaining perchloroethylene from the out of service dry cleaning machine and dispose of it at an authorized facility, in accordance with 30 TEX. ADMIN. CODE § 337.21;
 - ii. Either:
 - A. Install secondary containment around the out of service dry cleaning machine containing perchloroethylene, in accordance with 30 TEX. ADMIN. CODE § 337.20; and
 - B. Begin conducting weekly inspections and maintaining records on the out of service dry cleaning machine containing perchlorethylene, in accordance with 30 TEX. ADMIN. CODE § 337.20; or
 - C. Submit documentation demonstrating that the out of service dry cleaning machine containing perchlorethylene has been permanently removed from service, in accordance with 30 TEX. ADMIN. CODE § 337.21;
 - iii. Properly remove all dry cleaner waste from the Facility, including dry cleaning solvent, dry cleaning wastewater, waste materials containing

dry cleaning solvent, and abandoned wastes, and dispose of the waste at an authorized facility, in accordance with 30 TEX. ADMIN. CODE §§ 335.4 and 337.21; and

- iv. Submit payment for outstanding fees including, any associated penalties and interest for TCEQ FA Account No. 24002127, with the notation "Elvi L. Arias-Chavez, Account No. 24002127," to the following address:

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

- b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a.i. through 2.a.v. The certification 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 certification 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

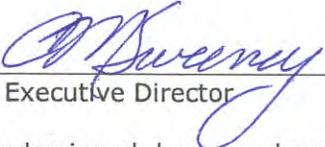
3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations 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. The determination of what constitutes good cause rests solely with the Executive Director.
 7. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
 8. 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.
 9. 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 a copy of the fully executed Agreed Order to Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

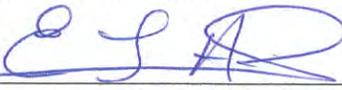
July 21, 2014
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order, 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.



Signature - Elvi L. Arias-Chavez

4-23-14
Date