

**EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 51488**  
**Town Drytech, Inc. d/b/a Town Oaks Cleaners**  
**RN103030888**  
**Docket No. 2015-1681-MLM-E**

Page 1 of 3

**Order Type:**

Agreed Order

**Media:**

MLM: DC and IHW

**Small Business:**

Yes

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

1090 East Sandy Lake Road, Coppell, Dallas 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:** December 16, 2016

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$10,716

**Total Paid to General Revenue:** \$321

**Total Due to General Revenue:** \$10,395

Payment Plan: 35 payments of \$297 each

**Compliance History Classifications:**

Person/CN –Unclassified

Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 51488**  
**Town Drytech, Inc. d/b/a Town Oaks Cleaners**  
**RN103030888**  
**Docket No. 2015-1681-MLM-E**

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**Investigation Information**

**Complaint Date(s):** July 23, 2015  
**Complaint Information:** A complaint was received alleging that the facility was mismanaging dry cleaning chemicals, equipment, and waste, which results in releases to the ground and air. The complaint also alleged that dryer lint was collecting in structural rafters.

**Date(s) of Investigation:** August 20, 2015  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** October 19, 2015

**Violation Information**

1. Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility [TEX. HEALTH & SAFETY CODE § 374.102(a) and 30 TEX. ADMIN. CODE § 337.11(e)].
2. Failed to install a dike or other secondary containment structure around each storage area for dry cleaning wastewater [30 TEX. ADMIN. CODE § 337.20(e)(3)(A)].
3. Failed to maintain weekly inspection logs of each installed secondary containment structure [30 TEX. ADMIN. CODE § 337.20(e)(6)(B)].
4. Failed to retain invoices of dry cleaning solvent purchases and waste disposal records [30 TEX. ADMIN. CODE § 337.72(1) and (2)].
5. Failed to obtain a valid, current TCEQ registration certificate prior to purchasing or otherwise obtaining dry cleaning solvent [30 TEX. ADMIN. CODE § 337.4(h)].
6. Failed to conduct a hazardous waste determination and waste classification [40 C.F.R. § 262.11 and 30 TEX. ADMIN. CODE §§ 335.62 and 335.78(g)(1)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Immediately:
  - a. Begin maintaining weekly inspection logs of each installed secondary containment structure;
  - b. Begin retaining invoices of dry cleaning solvent purchases and waste disposal records; and
  - c. Cease purchasing or otherwise obtaining dry cleaning solvent until proper authorization is obtained.
2. Within 15 days, complete and submit the required dry cleaner and/or drop station registration forms for the Facility.
3. Within 30 days:
  - a. Install a dike or other secondary containment structure around the wastewater storage container; and
  - b. Conduct a waste determination and classification for the hydrocarbon wastewater.
4. Within 45 days, submit written certification to demonstrate compliance for Technical Requirements Nos. 1 through 3.

**EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 51488**  
**Town Drytech, Inc. d/b/a Town Oaks Cleaners**  
**RN103030888**  
**Docket No. 2015-1681-MLM-E**

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**Litigation Information**

**Date Petition(s) Filed:** April 28, 2016  
**Date Answer(s) Filed:** October 20, 2016  
**Settlement Date:** October 20, 2016

**Contact Information**

**TCEQ Attorneys:** Audrey Liter, Litigation Division, (512) 239-3400  
Ryan Rutledge, Litigation Division, (512) 239-3400  
Garrett Arthur, Public Interest Counsel, (512) 239-5757  
**TCEQ Enforcement Coordinator:** Rebecca Boyett, Enforcement Division, (512) 239-2503  
**TCEQ Regional Contact:** Sam Barrett, Dallas/Fort Worth Regional Office, (817) 588-5800  
**Respondent Contact:** David Sang Park, President and Director, Town Drytech, Inc., 2617  
Princeton Dr., Flower Mound, Texas 75022  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	19-Oct-2015		
	<b>PCW</b>	11-Mar-2016	<b>Screening</b>	23-Oct-2015
			<b>EPA Due</b>	

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Town Drytech, Inc. dba Town Oaks Cleaners			
<b>Reg. Ent. Ref. No.</b>	RN103030888			
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	51488	<b>No. of Violations</b>	4
<b>Docket No.</b>	2015-1681-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Dry Cleaner	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Rebecca Boyett
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$4,750
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$73
Estimated Cost of Compliance	\$1,200

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$4,750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,750
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	\$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.

<b>PAYABLE PENALTY</b>	\$4,750
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Screening Date 23-Oct-2015

Docket No. 2015-1681-MLM-E

PCW

Respondent Town Drytech, Inc. dba Town Oaks Cleaners

Policy Revision 4 (April 2014)

Case ID No. 51488

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103030888

Media [Statute] Dry Cleaner

Enf. Coordinator Rebecca Boyett

## Compliance History Worksheet

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

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

Screening Date 23-Oct-2015

Docket No. 2015-1681-MLM-E

PCW

Respondent Town Drytech, Inc. dba Town Oaks Cleaners

Policy Revision 4 (April 2014)

Case ID No. 51488

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103030888

Media [Statute] Dry Cleaner

Enf. Coordinator Rebecca Boyett

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 337.20(e)(3)(A)

Violation Description

Failed to install a dike or other secondary containment structure around each storage area for dry cleaning wastewater. Specifically, the Respondent did not have secondary containment around the wastewater container.

Base Penalty \$5,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that 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 3

64 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$2,250

Three monthly events are recommended from the August 20, 2015 investigation date to the October 23, 2015 screening date.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$2,250

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$64

Violation Final Penalty Total \$2,250

This violation Final Assessed Penalty (adjusted for limits) \$2,250

# Economic Benefit Worksheet

**Respondent** Town Drytech, Inc. dba Town Oaks Cleaners  
**Case ID No.** 51488  
**Reg. Ent. Reference No.** RN103030888  
**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	\$1,000	20-Aug-2015	19-Jul-2016	0.92	\$3	\$61	\$64
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 wastewater storage container. 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

\$1,000

TOTAL

\$64

<b>Screening Date</b>	23-Oct-2015	<b>Docket No.</b>	2015-1681-MLM-E	<b>PCW</b>
<b>Respondent</b>	Town Drytech, Inc. dba Town Oaks Cleaners	Policy Revision 4 (April 2014)		
<b>Case ID No.</b>	51488	PCW Revision March 26, 2014		
<b>Reg. Ent. Reference No.</b>	RN103030888			
<b>Media [Statute]</b>	Dry Cleaner			
<b>Enf. Coordinator</b>	Rebecca Boyett			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 337.20(e)(6)(B)			
<b>Violation Description</b>	Failed to maintain weekly inspection logs of each installed secondary containment structure.			
<b>Base Penalty</b>				\$5,000

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

<b>OR</b>		<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor		
	Actual					
	Potential				<b>Percent</b>	0.0%

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor		
	x					
					<b>Percent</b>	5.0%

Matrix Notes	100% of the rule requirement was not met.
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<b>Adjustment</b>	\$4,750
	\$250

**Violation Events**

Number of Violation Events	3	Number of violation days	64
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mark only one with an x	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		

Three monthly events are recommended from the August 20, 2015 investigation date to the October 23, 2015 screening date.
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**Good Faith Efforts to Comply**

	<b>0.0%</b>	<b>Reduction</b>	\$0
	Before NOE/NOV    NOE/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.		
<b>Violation Subtotal</b>			\$750

**Economic Benefit (EB) for this violation**

<b>Estimated EB Amount</b>	\$5
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**Statutory Limit Test**

<b>Violation Final Penalty Total</b>	\$750
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$750	



# Economic Benefit Worksheet

**Respondent** Town Drytech, Inc. dba Town Oaks Cleaners  
**Case ID No.** 51488  
**Reg. Ent. Reference No.** RN103030888  
**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				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	20-Aug-2015	19-Jul-2016	0.92	\$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 maintain weekly inspection logs of each installed secondary containment structure. 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

\$5

Screening Date 23-Oct-2015

Docket No. 2015-1681-MLM-E

PCW

Respondent Town Drytech, Inc. dba Town Oaks Cleaners

Policy Revision 4 (April 2014)

Case ID No. 51488

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103030888

Media [Statute] Dry Cleaner

Enf. Coordinator Rebecca Boyett

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 337.72(1) and (2)

Violation Description Failed to retain invoices of dry cleaning solvent purchases and waste disposal records.

Base Penalty \$5,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$4,750

\$250

## Violation Events

Number of Violation Events 1

64 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$5

Violation Final Penalty Total \$250

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

# Economic Benefit Worksheet

**Respondent** Town Drytech, Inc. dba Town Oaks Cleaners  
**Case ID No.** 51488  
**Reg. Ent. Reference No.** RN103030888  
**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	20-Aug-2015	19-Jul-2016	0.92	\$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 retain invoices of dry cleaning solvent purchases and waste disposal 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

\$5

Screening Date 23-Oct-2015

Docket No. 2015-1681-MLM-E

PCW

Respondent Town Drytech, Inc. dba Town Oaks Cleaners

Policy Revision 4 (April 2014)

Case ID No. 51488

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103030888

Media [Statute] Dry Cleaner

Enf. Coordinator Rebecca Boyett

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 337.4(h)

Violation Description

Failed to obtain a valid, current TCEQ registration certificate prior to purchasing or otherwise obtaining dry cleaning solvent. Specifically, the Respondent purchased dry cleaning solvent on February 16, 2015 and April 23, 2015, without a valid, current TCEQ registration certificate.

Base Penalty \$5,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that 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

64 Number of violation days

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,500

Two single events are recommended (one for each purchase of dry cleaning solvent).

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/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 \$0

Violation Final Penalty Total \$1,500

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

# Economic Benefit Worksheet

**Respondent** Town Drytech, Inc. dba Town Oaks Cleaners  
**Case ID No.** 51488  
**Reg. Ent. Reference No.** RN103030888  
**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				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

Economic benefit is included in violation no. 1 of the Dry Cleaner Registration PCW.

## 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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	19-Oct-2015		
	<b>PCW</b>	11-Mar-2016	<b>Screening</b>	23-Oct-2015
			<b>EPA Due</b>	

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Town Drytech, Inc. dba Town Oaks Cleaners			
<b>Reg. Ent. Ref. No.</b>	RN103030888			
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	51488	<b>No. of Violations</b>	1
<b>Docket No.</b>	2015-1681-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Dry Cleaner	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Industrial and Hazardous Waste	<b>Enf. Coordinator</b>	Rebecca Boyett
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$50
		<b>Violation Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,652</b>
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: No adjustment for compliance history.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
--	-------------------	------------

<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
-------------------------	-------------	---------------------	-------------------	------------

Total EB Amounts	\$575
Estimated Cost of Compliance	\$750

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,652</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>34.1%</b>	<b>Adjustment</b>	<b>\$564</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with the violation.

<b>Final Penalty Amount</b>	<b>\$2,216</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$2,216</b>
-----------------------------------	-------------------------------	----------------

<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	<b>\$0</b>
-----------------	-------------	------------------	-------------------	------------

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.

<b>PAYABLE PENALTY</b>	<b>\$2,216</b>
------------------------	----------------

Screening Date 23-Oct-2015

Docket No. 2015-1681-MLM-E

PCW

Respondent Town Drytech, Inc. dba Town Oaks Cleaners

Policy Revision 4 (April 2014)

Case ID No. 51488

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103030888

Media [Statute] Dry Cleaner

Enf. Coordinator Rebecca Boyett

## Compliance History Worksheet

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

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

Screening Date 23-Oct-2015

Docket No. 2015-1681-MLM-E

PCW

Respondent Town Drytech, Inc. dba Town Oaks Cleaners

Policy Revision 4 (April 2014)

Case ID No. 51488

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103030888

Media [Statute] Dry Cleaner

Enf. Coordinator Rebecca Boyett

Violation Number 1

Rule Cite(s)

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

Violation Description

Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility. Specifically, the Facility's registration certificate expired on December 31, 2013.

Base Penalty \$50.00

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$47.50

\$2.50

## Violation Events

Number of Violation Events 661

661 Number of violation days

mark only one  
with an x

daily	x
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,652.50

Six Hundred Sixty-One daily events are recommended from the December 31, 2013 expiration date to the October 23, 2015 screening date.

## Good Faith Efforts to Comply

0.0%

Reduction \$0.00

	Before NOE/NOV	NOE/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 \$1,652.50

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$575.27

Violation Final Penalty Total \$2,216.67

This violation Final Assessed Penalty (adjusted for limits) \$2,216.67



# Economic Benefit Worksheet

**Respondent** Town Drytech, Inc. dba Town Oaks Cleaners  
**Case ID No.** 51488  
**Reg. Ent. Reference No.** RN103030888  
**Media** Dry Cleaner  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$250	20-Aug-2015	19-Jul-2016	0.92	\$11	n/a	\$11
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to register a dry cleaning and/or drop station facility annually. 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]	\$500	31-Dec-2013	20-Aug-2015	2.55	\$64	\$500	\$564
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to register a dry cleaning and/or drop station facility annually( \$250 per year). The Date Required is the expiration date of the previous registration and the Final Date is the investigation date.

Approx. Cost of Compliance

\$750

**TOTAL**

\$575



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	19-Oct-2015		
	<b>PCW</b>	11-Mar-2016	<b>Screening</b>	23-Oct-2015
			<b>EPA Due</b>	

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Town Drytech, Inc. dba Town Oaks Cleaners			
<b>Reg. Ent. Ref. No.</b>	RN103030888			
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b>	Minor	

## CASE INFORMATION

<b>Enf./Case ID No.</b>	51488	<b>No. of Violations</b>	1
<b>Docket No.</b>	2015-1681-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Industrial and Hazardous Waste	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>	Dry Cleaner	<b>Enf. Coordinator</b>	Rebecca Boyett
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,750
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	<b>0.0%</b>	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	<b>0.0%</b>	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$192
Estimated Cost of Compliance	\$4,200

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b>	<b>Adjustment</b>	\$0
---	-------------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$3,750
-----------------------------	---------

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,750
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<b>DEFERRAL</b>	<b>0.0%</b>	<b>Reduction</b>	<b>Adjustment</b>	\$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.

<b>PAYABLE PENALTY</b>	\$3,750
------------------------	---------

Screening Date 23-Oct-2015

Docket No. 2015-1681-MLM-E

PCW

Respondent Town Drytech, Inc. dba Town Oaks Cleaners

Policy Revision 4 (April 2014)

Case ID No. 51488

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN103030888

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Rebecca Boyett

## Compliance History Worksheet

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

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 0%

<b>Screening Date</b>	23-Oct-2015	<b>Docket No.</b>	2015-1681-MLM-E	<b>PCW</b>																	
<b>Respondent</b>	Town Drytech, Inc. dba Town Oaks Cleaners	Policy Revision 4 (April 2014)																			
<b>Case ID No.</b>	51488	PCW Revision March 26, 2014																			
<b>Reg. Ent. Reference No.</b>	RN103030888																				
<b>Media [Statute]</b>	Industrial and Hazardous Waste																				
<b>Enf. Coordinator</b>	Rebecca Boyett																				
<b>Violation Number</b>	1																				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 335.62 and 335.78(g)(1), and Code of Federal Regulations § 262.11																				
<b>Violation Description</b>	Failed to conduct a hazardous waste determination and waste classification. Specifically, a hazardous waste determination and waste classification was not performed for the hydrocarbon wastewater.																				
<b>Base Penalty</b>				\$25,000																	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																					
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>					Harm			Release	Major	Moderate	Minor	Actual				Potential	x			<b>Percent</b> <span style="border: 1px solid black; padding: 0 10px;">15.0%</span>
		Harm																			
	Release	Major	Moderate	Minor																	
Actual																					
Potential	x																				
<b>&gt;&gt; Programmatic Matrix</b>																					
	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>					Falsification	Major	Moderate	Minor						<b>Percent</b> <span style="border: 1px solid black; padding: 0 10px;">0.0%</span>						
	Falsification	Major	Moderate	Minor																	
Matrix Notes	Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.																				
<b>Adjustment</b>				\$21,250																	
				\$3,750																	
<b>Violation Events</b>																					
Number of Violation Events		1	Number of violation days																		
		64																			
mark only one with an x	daily		<b>Violation Base Penalty</b> <span style="border: 1px solid black; padding: 0 10px;">\$3,750</span>																		
	weekly																				
	monthly																				
	quarterly																				
	semiannual																				
	annual																				
	single event	x																			
One single event is recommended for the one waste stream.																					
<b>Good Faith Efforts to Comply</b>		<b>0.0%</b>	<b>Reduction</b> <span style="border: 1px solid black; padding: 0 10px;">\$0</span>																		
		Before NOE/NOV    NOE/NOV to EDPRP/Settlement Offer																			
Extraordinary		(mark with x)																			
Ordinary																					
N/A	x																				
Notes	The Respondent does not meet the good faith criteria for this violation.																				
<b>Violation Subtotal</b>				\$3,750																	
<b>Economic Benefit (EB) for this violation                      Statutory Limit Test</b>																					
<b>Estimated EB Amount</b>		\$192	<b>Violation Final Penalty Total</b> <span style="border: 1px solid black; padding: 0 10px;">\$3,750</span>																		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$3,750																	

# Economic Benefit Worksheet

**Respondent** Town Drytech, Inc. dba Town Oaks Cleaners  
**Case ID No.** 51488  
**Reg. Ent. Reference No.** RN103030888  
**Media** Industrial and Hazardous Waste  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No 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)	\$4,200	20-Aug-2015	19-Jul-2016	0.92	\$192	n/a	\$192

Notes for DELAYED costs

Estimated cost to conduct a waste determination and classification. 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

\$4,200

**TOTAL**

\$192

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.



## TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN603245259, RN103030888, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

**Customer, Respondent, or Owner/Operator:** CN603245259, Town Drytech, Inc.

**Classification:** UNCLASSIFIED

**Rating:** -----

**Regulated Entity:** RN103030888, Town Oaks Cleaners

**Classification:** NOT APPLICABLE

**Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 1090 E SANDY LAKE RD COPPELL, TX 75019-3102, DALLAS COUNTY

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**DRY CLEANERS REGISTRATION** REGISTRATION  
DCR11135

**Compliance History Period:** September 01, 2010 to August 31, 2015

**Rating Year:** 2015

**Rating Date:** 09/01/2015

**Date Compliance History Report Prepared:** November 18, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 23, 2010 to October 23, 2015

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

**Name:** Rebecca Boyett

**Phone:** (512) 239-2503

**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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
TOWN DRYTECH, INC. DBA TOWN  
OAKS CLEANERS;  
RN103030888**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2015-1681-MLM-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Town Drytech, Inc. d/b/a Town Oaks Cleaners ("Respondent") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE chs. 361 and 374. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility located at 1090 East Sandy Lake Road in Coppell, Dallas County, Texas (the "Facility"). The Facility is a retail commercial establishment that operates or has operated, in whole or in part for the purpose of cleaning garments or other fabrics using a process that involves any use of dry cleaning solvents. As such, the Facility is a dry cleaning facility as defined in TEX. HEALTH & SAFETY CODE § 374.001(7). The Facility owned and operated by Respondent also contains and/or involves the management of municipal hazardous waste ("MHW"), as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE chs. 361 and 374 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of ten thousand seven hundred sixteen dollars (\$10,716.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid three hundred twenty-one dollars (\$321.00) of the penalty. The remaining amount of ten thousand three hundred ninety-five dollars (\$10,395.00) shall be paid in thirty-five (35) monthly payments of two hundred ninety-seven dollars (\$297.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days



following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this 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 Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). 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.
6. 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 Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.

## **II. ALLEGATIONS**

1. During an investigation conducted on August 20, 2015, an investigator documented that Respondent:
  - a. Failed to renew the Facility's registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility, in violation of TEX. HEALTH & SAFETY CODE § 374.102(a) and 30 TEX. ADMIN. CODE § 337.11(e). Specifically, the Facility's registration certificate expired on December 31, 2013;
  - b. Failed to install a dike or other secondary containment structure around each storage area for dry cleaning wastewater, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(3)(A). Specifically, Respondent did not have secondary containment around the wastewater container;
  - c. Failed to maintain weekly inspection logs of each installed secondary containment structure, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(6)(B);

- d. Failed to retain invoices of dry cleaning solvent purchases and waste disposal records, in violation of 30 TEX. ADMIN. CODE § 337.72(1) and (2);
- e. Failed to obtain a valid, current TCEQ registration certificate prior to purchasing or otherwise obtaining dry cleaning solvent, in violation of 30 TEX. ADMIN. CODE § 337.4(h). Specifically, Respondent purchased dry cleaning solvent on February 16, 2015 and April 23, 2015, without a valid, current TCEQ registration certificate; and
- f. Failed to conduct a hazardous waste determination and waste classification, in violation of 40 C.F.R. § 262.11 and 30 TEX. ADMIN. CODE §§ 335.62 and 335.78(g)(1). Specifically, a hazardous waste determination and waste classification was not performed for the hydrocarbon wastewater.

### **III. DENIALS**

Respondent generally denies each Allegation in Section II.

### **IV. ORDERING PROVISIONS**

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

- 1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Town Drytech, Inc. d/b/a Town Oaks Cleaners, Docket No. 2015-1681-MLM-E" to:
  - Financial Administration Division
  - Revenue Operations 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. Immediately upon the effective date of this Order:
    - i. Begin maintaining weekly inspection logs of each installed secondary containment structure, in accordance with 30 TEX. ADMIN. CODE § 337.20;
    - ii. Begin retaining invoices of dry cleaning solvent purchases and waste disposal records, in accordance with 30 TEX. ADMIN. CODE § 337.72; and
    - iii. Cease purchasing or otherwise obtaining dry cleaning solvent until proper authorization is obtained.

- b. Within 15 days after the effective date of this Order, complete and submit the required dry cleaner and/or drop station registration forms for the Facility, in accordance with 30 TEX. ADMIN. CODE ch. 337 to:

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

- c. Within 30 days after the effective date of this Order:
- i. Install a dike or other secondary containment structure around the wastewater storage container, in accordance with 30 TEX. ADMIN. CODE § 337.20; and
  - ii. Conduct a waste determination and classification for the hydrocarbon wastewater, in accordance with 40 C.F.R. § 262.11 and 30 TEX. ADMIN. CODE §§ 335.62, 335.78, and 337.20.
- d. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a. through 2.c. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

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

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

and:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by 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.
5. 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. 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.
7. This 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 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 Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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. The effective date of this Order is the date it is signed by the commission. A copy of this fully executed Order shall be provided to each of the parties.

**S I G N A T U R E   P A G E**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

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


  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached 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 - David Sang Park, President and Director  
Town Drytech, Inc.  
2617 Princeton Dr.  
Flower Mound, Texas 75022

  
\_\_\_\_\_  
Date

☐ If mailing address has changed, please check this box and provide the new address below:

\_\_\_\_\_