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

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

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

Litigation Information

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

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

Settlement Date:

Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

DATES Assigned 19-Oct-2015
PCW 11-Mar-2016 Screening 23-Oct-2015 EPA Due

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

CASE INFORMATION

Enf./Case ID No. 51488

Docket No. 2015-1681-MLM-E

Media Program(s) Dry Cleaner

Multi-Media Industrial and Hazardous Waste

Admin. Penalty \$ Limit Minimum \$0 Maximum

No. of Violations 4

Order Type 1660

Government/Non-Profit Enforcement Team 7

EC's Team Enforcement Team 7

Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$4,750 ADJUSTMENTS (+/-) TO SUBTOTAL 1
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History \$0 0.0%** Adjustment Subtotals 2, 3, & 7 Notes No adjustment for compliance history. Culpability Subtotal 4 **\$0** No 0.0% Enhancement Notes The Respondent does not meet the culpability criteria. **Good Faith Effort to Comply Total Adjustments** Subtotal 5 \$0 **Economic Benefit** Subtotal 6 \$0 0.0% Enhancement* Total EB Amounts Capped at the Total EB \$ Amount Estimated Cost of Compliance \$1,200 **SUM OF SUBTOTALS 1-7** Final Subtotal \$4,750 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment **\$0** Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$4,750 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$4,750 \$0 **DEFERRAL** 0.0% Reduction Adjustment Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction. Notes Deferral not offered for non-expedited settlement. **PAYABLE PENALTY** \$4,750 Screening Date 23-Oct-2015

Docket No. 2015-1681-MLM-E

Respondent Town Drytech, Inc. dba Town Oaks Cleaners

Case ID No. 51488

Reg. Ent. Reference No. RN103030888

Media [Statute] Dry Cleaner
Enf. Coordinator Rebecca Boyett

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

		Compliance History Worksheet			
>> Compliance Compor	•	ncement (Subtotal 2)	Enter Number Here	Adiust.	
NOV	Written not	ices of violation ("NOVs") with same or similar violations as those in enforcement action (number of NOVs meeting criteria)		0%	
	Other writte		0	0%	
	Any agreed orders meeti	l final enforcement orders containing a denial of liability (<i>number of</i> ng criteria)	0	0%	
Orde	without a	cated final enforcement orders, agreed final enforcement orders denial of liability, or default orders of this state or the federal t, or any final prohibitory emergency orders issued by the commission		0%	
Judgm and Cor	of liability of	judicated final court judgments or consent decrees containing a denial of this state or the federal government (number of judgments or consent ting criteria)		0%	
Decre	I Any adjudic		0%		
Convict	ions Any crimina	al convictions of this state or the federal government (number of counts)	0	0%	
Emissi	ons Chronic exc	essive emissions events (number of events)	0	0%	
Audi	Letters noti Texas Envi 1995 (numb	0	0%		
Addi	Disclosures Privilege Adisclosed)		0%		
		Ple	ease Enter Yes or No		
	Environmer	ital management systems in place for one year or more	No	0%	
Othe	under a sne	on-site compliance assessments conducted by the executive director ecial assistance program	No	0%	
		n in a voluntary pollution reduction program	No	0%	
		liance with, or offer of a product that meets future state or federal t environmental requirements	No	0%	
		Adjustment Per	centage (Sub	total 2)	0%
>> Repeat Viola	ator (Subtotal 3)				
	N/A	Adjustment Per	centage (Sub	total 3)	0%
>> Compliance	History Person (Classification (Subtotal 7)			
U	nclassified	Adjustment Per	centage (Sub	total 7)	0%
>> Compliance	History Summar	у			
Compli Histo Note	ory	No adjustment for compliance history.			
Pin i o		Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7)	0%
>> Final Complia	ince History Adji	istment Final Adjustment Percent	age *capped a	at 100%	0%

	Screening Date	23-Oct-2015	Docket No. 2015-1681-MLM-E	PCW
	<u>-</u>	Town Drytech, Inc. dba Tow	n Oaks Cleaners	Policy Revision 4 (April 2014)
_	Case ID No.			PCW Revision March 26, 2014
Reg.	Ent. Reference No.			
	Media [Statute] Enf. Coordinator			
	Violation Number			
	Rule Cite(s)	30 Te	x. Admin. Code § 337.20(e)(3)(A)	
			other secondary containment structure around	
	Violation Description	_	g wastewater. Specifically, the Respondent did	not have
		secondary cont	tainment around the wastewater container.	
			Rase	Penalty \$5,000
			base	\$5,000
>> Env	rironmental, Prope	rty and Human Health	n Matrix	
	Release	Harm Major Moderate	Minor	
OR	Actua		14III OI	
	Potentia		Percent 15.0%	
		1		
>>Prog	grammatic Matrix			
	Falsification	Major Moderate	Minor	
			Percent 0.0%	
			could be exposed to pollutants that would excee	
	Notes that are p	rotective of human health or	environmental receptors as a result of the viola	tion.
				
			Adjustment	\$4,250
				\$750
				φ.σσ
Violatio	on Events			
	Number of	Violation Events 3	64 Number of violation da	ave
	Number of	violation Events	Vulliber of violation di	173
		daily	7	
		weekly		
	mark only one	monthly x		
	with an x	quarterly	Violation Base	Penalty \$2,250
		semiannual		
		single event		
	Three mon	thly events are recommende	d from the August 20, 2015 investigation date t	to the
	Three mon		3, 2015 screening date.	.o the
			<u>, </u>	
Good Fa	aith Efforts to Com	ply 0.0%	R	eduction \$0
		Before NOE/NOV		,
		Extraordinary		
		Ordinary		
		N/A x	(mark with x)	
		The Respon	dent does not meet the good faith criteria for	
		Notes	this violation.	
			Violation S	Subtotal \$2,250
Econon	nic Benefit (EB) for	this violation	Statutory Limit	Гest
		ed EB Amount	\$64 Violation Final Penal	
	LStillidt			
		This vio	lation Final Assessed Penalty (adjusted for	r limits) \$2,250

	E	conomic	Benefit	Wo	rksheet							
Respondent Case ID No. Reg. Ent. Reference No.	51488	Inc. dba Town O	aks Cleaners									
Media Violation No.	Dry Cleaner 1					Percent Interest	Years of Depreciation					
						5.0	15					
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount					
Item Description	No commas or \$											
Delever d Contra												
Delayed Costs				7								
Equipment				0.00	\$0	\$0	\$0					
Buildings				0.00	\$0	\$0	\$0					
Other (as needed)	\$1,000	20-Aug-2015	19-Jul-2016	0.00	\$0 \$3	\$0 \$61	\$0 \$64					
Engineering/Construction Land	\$1,000	20-Aug-2015	19-Jui-2016	0.92	\$3 \$0	n/a	\$64					
Record Keeping System				0.00	\$0 \$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	container	. The Date Requir	ed is the invest	igation compli	date and the Fina ance.	re around the waste I Date is the estimat	ed date of					
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid						
Disposal				0.00	\$0	\$0	\$0					
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0					
Inspection/Reporting/Sampling Supplies/Equipment				0.00	\$0 \$0	\$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					

		ening Date				cet No. 2015-1681-MLM-E	PCW
		-	Town Drytech,	Inc. dba Towr	n Oaks Cleaners	5	Policy Revision 4 (April 2014)
		Case ID No.					PCW Revision March 26, 2014
Reg.		erence No.					
		a [Statute]					
			Rebecca Boyett	: 1			
	Viola	ation Number	2				
		Rule Cite(s)		30 Tex	. Admin. Code	§ 337.20(e)(6)(B)	
			Failed to main	tain weekly in	spection logs of	f each installed secondary containme	ent
	Violatio	n Description		,	structu	•	
		•					
						Base Pen	alty \$5,000
>> Fn:	vironma	ntal Droner	ty and Hum	an Health	Matrix		
// LIIV	VII OIIIIIC	iitai, Fropei	ty and main	Harm	Matrix		
		Release	Major	Moderate	Minor		
OR		Actual					
		Potential				Percent 0.0%	
_							
>>Pro	gramma	tic Matrix					
		Falsification	Major	Moderate	Minor	Baucaut 5 00/	
			X			Percent 5.0%	
	Matrix		10	00/ of the mul	a raquiramant u	was not mot	
	Notes		10	0% of the full	e requirement v	was not met.	
						Adjustment \$4	,750
						, ,	
							\$250
\ . · · · · ·							
violati	on Event	is .					
		Number of \	/iolation Events	3		64 Number of violation days	
		Number of V	noiation Events	3	<u> </u>	ivalliber of violation days	
			daily				
			weekly				
			monthly	Х			
		mark only one with an x	quarterly			Violation Base Pen	alty \$750
			semiannual				
			annual				
			single event				
		Three mont	thly events are i			st 20, 2015 investigation date to the	e
				October 23	, 2015 screenin	ig date.	
Good F	aith Effo	orts to Com	ply	0.0%		Reduc	tion \$0
			В	efore NOE/NOV	NOE/NOV to EDPI	RP/Settlement Offer	
			Extraordinary				
			Ordinary				
			N/A	X	(mark with x)		
				The Respond	ent does not me	eet the good faith criteria for	
			Notes			olation.	
						Violation Subt	otal \$750
						Violation Subt	\$750
Econor	nic Bene	fit (EB) for	this violation	on		Statutory Limit Test	t
		Estimate	ed EB Amount		\$5	Violation Final Penalty T	otal \$750
				This viol	ation Final As	sessed Penalty (adjusted for lim	nits) \$750
						, , ,,	

	E	conomic	Benefit	Wo	rksheet		
Respondent	Town Drytech	, Inc. dba Town O	aks Cleaners				
Case ID No.	51488						
Reg. Ent. Reference No.	RN103030888						
	Dry Cleaner						Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	·					
2001112000114	The community of ϕ						
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	Date Re	quired is the inve	stigation date a	nd the	Final Date is the e	ndary containment s stimated date of cor	npliance.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before		· - · · · · · · · · · · · · · · · · · ·	for one-time avoid	
Disposal				0.00	\$0	\$0 \$0	\$0
Personnel nspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.00	\$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0 \$0	\$0
ONE-TIME avoided costs [5]				0.00			Ψ 0
Other (as needed)				0.00	I \$N	\$∩	40
Other (as needed) Notes for AVOIDED costs				0.00	\$0	\$0	\$0

		ening Date				2015-1681-MLM-E		PCW
		-	Town Drytech,	Inc. dba Towr	Oaks Cleaners		Policy I	Revision 4 (April 2014)
		Case ID No.					PCW Re	evision March 26, 2014
Reg.			RN103030888					
	Medi	a [Statute]	Dry Cleaner					
			Rebecca Boyett	: 1				
	Viola	ation Number						
		Rule Cite(s)		30 Tex.	Admin. Code § 337.7	2(1) and (2)		
	\# - I - +! -		Failed to ret	ain invoices o	f dry cleaning solvent	purchases and waste dis	posal	
	violatio	n Description			records.			
						Rase	Penalty	\$5,000
						Dusc	- Charty _	ψ3,000
>> Env	vironme	ntal, Propei	rty and Hum		Matrix			
		Release	Major	Harm Moderate	Minor			
OR		Actual	Major	Moderate	MILIOI			
		Potential				Percent 0.0%		
		roteritian				0.070		
>>Pro	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
			Х			Percent 5.0%		
	Motrice							
	Matrix Notes		10	0% of the rule	e requirement was not	met.		
	Notes							
							÷4.750	
					F	djustment	\$4,750	
							Γ	\$250
								·
Violatio	on Event	ts						
			lialation Events	-	<u> </u>	Number of violation de		
			/iolation Events	1	64	Number of violation da	ays	
				1	64	Number of violation da	ays	
			daily	1	64	Number of violation da	ays	
		Number of \	daily weekly	1	64	Number of violation da	ays	
		Number of \	daily	1	64	Number of violation da Violation Base	_	\$250
		Number of \	daily weekly monthly	1	64		_	\$250
		Number of \	daily weekly monthly quarterly semiannual annual	1	64		_	\$250
		Number of \	daily weekly monthly quarterly semiannual	1	64		_	\$250
		Number of \	daily weekly monthly quarterly semiannual annual		64		_	\$250
		Number of \	daily weekly monthly quarterly semiannual annual	X		Violation Base	_	\$250
		Number of \	daily weekly monthly quarterly semiannual annual	X	event is recommended	Violation Base	_	\$250
		Number of \	daily weekly monthly quarterly semiannual annual	X		Violation Base	_	\$250
Good F	aith Effe	Number of \	daily weekly monthly quarterly semiannual annual single event	x One single 6	event is recommended	Violation Base	_	\$250 \$0
Good F	aith Effo	Number of \ mark only one with an x	daily weekly monthly quarterly semiannual annual single event	x One single 6		Violation Base	Penalty	·
Good F	aith Effo	Number of \ mark only one with an x	daily weekly monthly quarterly semiannual annual single event	x One single 6	event is recommended	Violation Base	Penalty	·
Good F	aith Effo	Number of \ mark only one with an x	daily weekly monthly quarterly semiannual annual single event	X One single e	event is recommended NOE/NOV to EDPRP/Settle	Violation Base	Penalty	·
Good F	aith Effo	Number of \ mark only one with an x	daily weekly monthly quarterly semiannual annual single event	x One single 6	event is recommended	Violation Base	Penalty	·
Good F	aith Effo	Number of \ mark only one with an x	daily weekly monthly quarterly semiannual annual single event	X One single 6 0.0% efore NOE/NOV	NOE/NOV to EDPRP/Settle	Violation Base	Penalty	·
Good F	aith Effo	Number of \ mark only one with an x	daily weekly monthly quarterly semiannual annual single event	X One single 6 0.0% efore NOE/NOV	NOE/NOV to EDPRP/Settle	Violation Base I. Rement Offer good faith criteria for	Penalty	·
Good F	aith Effe	Number of \ mark only one with an x	daily weekly monthly quarterly semiannual annual single event	X One single 6 0.0% efore NOE/NOV	NOE/NOV to EDPRP/Settle (mark with x) ent does not meet the	Violation Base I. Rement Offer good faith criteria for	Penalty	·
Good F	aith Effe	Number of \ mark only one with an x	daily weekly monthly quarterly semiannual annual single event	X One single 6 0.0% efore NOE/NOV	NOE/NOV to EDPRP/Settle (mark with x) ent does not meet the	Violation Base I. Rement Offer good faith criteria for	Penalty	·
		Number of \ mark only one with an x orts to Com	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	X One single 6 0.0% efore NOE/NOV X The Responde	NOE/NOV to EDPRP/Settle (mark with x) ent does not meet the	Violation Base I. Rement Offer good faith criteria for Violation S	Penalty eduction	\$0
		Number of \ mark only one with an x orts to Com	daily weekly monthly quarterly semiannual annual single event	X One single 6 0.0% efore NOE/NOV X The Responde	NOE/NOV to EDPRP/Settle (mark with x) ent does not meet the	Violation Base I. Rement Offer good faith criteria for	Penalty eduction	\$0
		mark only one with an x orts to Com	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	X One single e O.0% efore NOE/NOV X The Responde	NOE/NOV to EDPRP/Settle (mark with x) ent does not meet the	Violation Base I. Rement Offer good faith criteria for Violation S	Penalty eduction	\$0
		mark only one with an x orts to Com	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	One single e	NOE/NOV to EDPRP/Settle (mark with x) ent does not meet the this violation.	Violation Base I. Rement Offer good faith criteria for Violation S Statutory Limit 1	Penalty eduction subtotal est ty Total	\$0 \$250

	Ec	conomic	Benefit	Wo	rksheet		
Respondent	Town Drytech,	Inc. dba Town O	aks Cleaners				
Case ID No.	51488						
Reg. Ent. Reference No.	RN103030888						
	Dry Cleaner						Years of
Violation No.	•					Percent Interest	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	\$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	Requi	red is the investi	gation date and	the Fir	nal Date is the esti	waste disposal reco mated date of comp	iance.
Avoided Costs	ANNUAL	IZE [1] avoided	costs before		<u> </u>	for one-time avoid	
Disposal				0.00	\$0	\$0	\$0
Personnel nspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.00	\$0	\$0	\$0 \$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
				0.00			40
				0.00	\$ ∩	ΦΩ	\$0
Other (as needed) Notes for AVOIDED costs				0.00	\$0	\$0	\$0

	Scre	ening Date	23-Oct-2015		Dock	et No. 2015-1681-MLM-E	PCW
		•	Town Drytech,	Inc. dba Towr	o Oaks Cleaners	5	Policy Revision 4 (April 2014
		Case ID No.					PCW Revision March 26, 201
Reg.			RN103030888				
		a [Statute]					
			Rebecca Boyett	i			
	Viola	ation Number	4				
		Rule Cite(s)		30	Tex. Admin. Co	ode § 337.4(h)	
	Violatio	n Description	otherwise obta	aining dry clea solvent on Fe	ning solvent. S bruary 16, 201	tration certificate prior to purc Specifically, the Respondent p 5 and April 23, 2015, without ration certificate.	urchased
						Bas	e Penalty \$5,00
>> Env	vironme	ntal, Propei	ty and Hum	an Health	Matrix		
				Harm			
OR		Release Actual	Major	Moderate	Minor		
OK		Potential	X			Percent 15.0%	
		rocericiai	^			15.0 %	
>>Pro	gramma	tic Matrix					
		Falsification	Major	Moderate	Minor		
						Percent 0.0%	
	Matrix Notes				•	d to pollutants that would exco eceptors as a result of the vic	The state of the s
						Adjustment	\$4,250
						Aujustinent	φ 4 ,230
							\$75
Violati	on Event	.					
Violati	on Eveni	ıs					
		Number of \	/iolation Events	2		64 Number of violation	days
			1		. =		•
		mark only one with an x	daily weekly monthly quarterly semiannual annual single event			Violation Bas	e Penalty \$1,50
			onigio ovene	X			
		Two sin	gle events are r	ecommended	(one for each p	ourchase of dry cleaning solve	nt).
Good F	aith Effo	orts to Com	ply	0.0%			Reduction \$
				efore NOE/NOV	NOE/NOV to EDP	RP/Settlement Offer	
			Extraordinary				
			Ordinary				
			N/A	X	(mark with x)		
			Notes	The Responde		eet the good faith criteria for plation.	
						Violation	Subtotal \$1,50
Econor	mic Bene	efit (EB) for	this violation	on		Statutory Limit	: Test
			ed EB Amount		\$0	-	
							any 101au - 4 50
		Laciniae	eu LB Alliount		\$ 0	Violation Final Pen	\$1,50
		Listinge	ed LB Alliount	This viola		sessed Penalty (adjusted f	

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	51488	, Inc. dba Town C	aks Cleaners				
	Dry Cleaner					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	1	·	<u>r</u>	7			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0
Engineering/Construction Land				0.00	\$0 \$0	n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs						aner Registration PC	
Disposal	AITITOAL	LECTION	COSES DETOTE	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)

PCW Revision March 26, 2014 Assigned 19-Oct-2015 PCW 11-Mar-2016 Screening 23-Oct-2015 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Town Drytech, Inc. dba Town Oaks Cleaners Reg. Ent. Ref. No. RN103030888
Facility/Site Region 4-Dallas/Fort Worth Major/Minor Source Minor **CASE INFORMATION** Enf./Case ID No. 51488 No. of Violations 1 Docket No. 2015-1681-MLM-E
Media Program(s) Dry Cleaner Order Type 1660
Government/Non-Profit No Multi-Media Industrial and Hazardous Waste **Enf. Coordinator** Rebecca Boyett EC's Team Enforcement Team 7 Admin. Penalty \$ Limit Minimum \$0 Maximum \$50 Violation Maximum \$5,000

			Penalty C	Calcula	tion Section	on		
TOTAL BA	SE PENA	LTY (Sum of	violation base	e penalt	ies)		Subtotal 1	\$1,652
ADJUSTMI	ENTS (+	/-) TO SUBT	OTAL 1					
Subtot	tals 2-7 are ol	otained by multiplyin	the Total Base Penalty) by the indicated pe			
Com	pliance Hi	story		0.0%	Adjustment	Subto	tals 2, 3, & 7	\$0
	Notes		No adjustment fo	r compliar	nce history.			
Culp	ability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	espondent does not	meet the	culpability crite	ria.		
Good	d Faith Eff	ort to Comply 1	otal Adjustments	3			Subtotal 5	\$0
		. ,	-					•
Fcon	omic Ben	efit		0.0%	Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts I Cost of Compliance	\$575 \$750	*Capped	d at the Total EB \$ A	Amount		1.2
SUM OF S	UBTOTA	LS 1-7				F	Final Subtotal	\$1,652
OTHER FA	CTORS A	AS JUSTICE N	1AY REQUIRE		34.1%		Adjustment	\$564
		Subtotal by the indi						,
	Notes	Recommended	enhancement to ca associated w			compliance		
						Final Per	nalty Amount	\$2,216
STATUTO	RY LIMI	T ADJUSTMEI	NT			Final Asse	essed Penalty	\$2,216
DEFERRAL	L				0.0%	Reduction	Adjustment	\$0
Reduces the Fina	al Assessed Pe	enalty by the indicate	d percentage. (Enter nur	mber only; e.g.	20 for 20% reduction.)		
	Notes	Defe	rral not offered for	non-expe	dited settlemen	t.		
PAYABLE	DENALT	V						\$2,216
. AIADLL	LITALI							42,210

Docket No. 2015-1681-MLM-E

Respondent Town Drytech, Inc. dba Town Oaks Cleaners

Case ID No. 51488

Reg. Ent. Reference No. RN103030888

Media [Statute] Dry Cleaner
Enf. Coordinator Rebecca Boyett

Policy Revision 4 (April 2014) PCW Revision March 26, 2014

		Compliance History Worksheet			
		ncement (Subtotal 2)			
Component			Enter Number Here	Adjust.	
NOVs		ices of violation ("NOVs") with same or similar violations as those in enforcement action (number of NOVs meeting criteria)	0	0%	
	Other writte	en NOVs	0	0%	
	Any agreed orders meeting	final enforcement orders containing a denial of liability (number of ng criteria)	0	0%	
Orders	without a	cated final enforcement orders, agreed final enforcement orders denial of liability, or default orders of this state or the federal c, or any final prohibitory emergency orders issued by the commission		0%	
Judgments	and Consent				
Decrees	Any adjudicated final court judgments and detault judgments, or non-adjudicated				
Convictions	Any crimina	0	0%		
Emissions	Chronic exc	0	0%		
Audits	Texas Envir	fying the executive director of an intended audit conducted under the conmental, Health, and Safety Audit Privilege Act, 74th Legislature, er of audits for which notices were submitted)		0%	
Addits	Disclosures Privilege Addisclosed)	0	0%		
		Ple	ease Enter Yes or No	· · · · · · · · · · · · · · · · · · ·	
	Environmen	tal management systems in place for one year or more	No	0%	
Other		n-site compliance assessments conducted by the executive director cial assistance program	No	0%	
o their	Participation	n in a voluntary pollution reduction program	No	0%	
		liance with, or offer of a product that meets future state or federal environmental requirements	No	0%	
		Adjustment Per	centage (Sub	total 2) 0°	
> Repeat Violator	(Subtotal 3)				
N,	/A	Adjustment Per	centage (Sub	total 3) 0º	
		lassification (Subtotal 7)			
	ssified	Adjustment Per	centage (Sub	total 7) 0°	
> Compliance Hist	ory Summar	У			
Compliance History Notes		No adjustment for compliance history.			
		Total Compliance History Adjustment Percentage (Subtotals 2,	1 3, & 7) 0°	
> Final Compliance	History Adju		·		
		Final Adjustment Percent	age *capped a	at 100% 0°	

	Scre	ening Date	23-Oct-2015		Doc	ket No. 2015-1681-MLM-	E	PCW
		•	Town Drytech,	Inc. dba Towr	Oaks Cleane	rs	Policy	Revision 4 (April 2014)
D		ase ID No.					PCW R	Revision March 26, 2014
Reg.			RN103030888					
		a [Statute]	Rebecca Boyett					
		ation Number						
		Rule Cite(s)						
		Rule Cite(s)	30 Tex. Adm	in. Code § 337	7.11(e) and T	ex. Health & Safety Code § 3	374.102(a)	
	\# - I - # -					y completing and submitting		
	violatio	n Description	_			 cleaning and/or drop station tificate expired on December 		
			- Speemean,, c		.9.50. 40.51. 66.	amouto expired on preeming	51, 2515.	
						Е	Base Penalty	\$50.00
	-							
>> En\	vironme	ntai, Propei	ty and Hum	an Health Harm	Matrix			
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential				Percent 0.0	%	
>> Dro	aramma	tic Matrix						
// 10	gramma	Falsification	Major	Moderate	Minor			
			Х			Percent 5.0	%	
	Matrix		10	00/ 611 1				
	Notes		10	0% of the rule	requirement	was not met.		
						Adjustment	\$47.50	
							1	\$2.50
							I	\$2.50
Violatio	on Event	ts						
		Ni. mahamaé \	/inlation Frants	CC1		CC1 Number of violeti		
		Number of V	/iolation Events	661	L	Number of violati	on days	
			daily	Х				
			weekly					
		mark only one	monthly					
		with an x	quarterly			Violation B	Base Penalty	\$1,652.50
			semiannual annual					
			single event					
		,	j					
		Six Hundred	Sixty-One daily	events are re	commended t	from the December 31, 2013	3 expiration	
						screening date.	·	
Good F	aith Effo	orts to Com		0.0%			Reduction	\$0.00
			B Extraordinary	efore NOE/NOV	NOE/NOV to ED	PRP/Settlement Offer		
			Ordinary					
			N/A	X	(mark with x)			
			14/74					
			Notes	The Responde		meet the good faith criteria f violation.	or	
					tilis v	violation.		
						Violat	ion Subtotal	\$1,652.50
								Ψ1,032.30
Econor	nic Bene	fit (EB) for	this violation	on		Statutory Lir	nit Test	
		Estimate	ed EB Amount		\$575.27	Violation Final P	enalty Total	\$2,216.67
							-	
				ı nıs Viölä	ation Final A	ssessed Penalty (adjuste	u ior iimits)	\$2,216.67

	E	conomic	Benefit	Wo	rksheet		
Respondent	Town Drytech	Inc. dba Town O	aks Cleaners				
Case ID No.	51488						
Reg. Ent. Reference No.	RN103030888						
	Dry Cleaner					Percent Interest	Years of
Violation No.	1					r creent interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	•					
	140 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		investigation d	ate and the Fina	al Date	is the estimated d	nnually. The Date Rolate of compliance.	•
Avoided Costs	ANNUAL	IZE [1] avoided	costs before	_		for one-time avoid	
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]	+500	24 D 2012	20.4 2015	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		_	•	-	registration and t	cility annually(\$250 he Final Date is the	
Approx. Cost of Compliance		\$750			TOTAL		\$575

Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

ATES Assigned 19-Oct-2015
PCW 11-Mar-2016 Screening 23-Oct-2015 EPA Due

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

CASE INFORMATION

Enf./Case ID No. 51488
Docket No. 2015-1681-MLM-E
Media Program(s) Industrial and Hazardous Waste
Multi-Media Dry Cleaner

Admin. Penalty \$ Limit Minimum \$0 Maximum \$25,000

Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$3,750 ADJUSTMENTS (+/-) TO SUBTOTAL 1
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History \$0 0.0%** Adjustment Subtotals 2, 3, & 7 Notes No adjustment for compliance history. Culpability Subtotal 4 **\$0** No 0.0% Enhancement Notes The Respondent does not meet the culpability criteria. **Good Faith Effort to Comply Total Adjustments** Subtotal 5 \$0 **Economic Benefit** Subtotal 6 \$0 0.0% Enhancement* Total EB Amounts Capped at the Total EB \$ Amount \$192 Estimated Cost of Compliance **SUM OF SUBTOTALS 1-7** Final Subtotal \$3,750 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment **\$0** Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$3,750 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$3,750 \$0 **DEFERRAL** 0.0% Reduction Adjustment Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. Notes Deferral not offered for non-expedited settlement. **PAYABLE PENALTY** \$3,750

PCW Revision March 26, 2014

Screening Date 23-Oct-2015

Docket No. 2015-1681-MLM-E

Respondent Town Drytech, Inc. dba Town Oaks Cleaners

Case ID No. 51488

Reg. Ent. Reference No. RN103030888

Media [Statute] Industrial and Hazardous Waste

Enf. Coordinator Rebecca Boyett

mnlianco Hist	ory Sito Enh:	Compliance History Worksheet		
Component	Number of		Enter Number Here	Adjust.
NOVs		es of violation ("NOVs") with same or similar violations as those in inforcement action (number of NOVs meeting criteria)		0%
	Other written	NOVs	0	0%
	Any agreed f orders meetin	inal enforcement orders containing a denial of liability (<i>number of</i> and criteria)	0	0%
Orders	without a de	ated final enforcement orders, agreed final enforcement orders enial of liability, or default orders of this state or the federal or any final prohibitory emergency orders issued by the commission		0%
Judgments	of liability of	dicated final court judgments or consent decrees containing a denial this state or the federal government (number of judgments or ees meeting criteria)		0%
and Consent Decrees		ted final court judgments and default judgments, or non-adjudicated dgments or consent decrees without a denial of liability, of this state I government		0%
Convictions	Any criminal counts)	convictions of this state or the federal government (number of	0	0%
Emissions	Chronic exces	ssive emissions events (number of events)	0	0%
Audits	Texas Enviro	ing the executive director of an intended audit conducted under the nmental, Health, and Safety Audit Privilege Act, 74th Legislature, er of audits for which notices were submitted)	0	0%
Addits		f violations under the Texas Environmental, Health, and Safety Audit 74th Legislature, 1995 (<i>number of audits for which violations were</i>	0	0%
	1	Ple	ease Enter Yes or No	
	Environmenta	al management systems in place for one year or more	No	0%
Other		-site compliance assessments conducted by the executive director al assistance program	No	0%
3 3.7.3.	Participation i	in a voluntary pollution reduction program	No	0%
	, ,	ance with, or offer of a product that meets future state or federal environmental requirements	No	0%
		Adjustment Per	rcentage (Sub	total 2)
epeat Violator				<u>-</u>
N/A		Adjustment Per	rcentage (Sub	total 3)
ompliance Hist	ory Person C	lassification (Subtotal 7)		
Unclass	ified	Adjustment Per	rcentage (Sub	total 7)
ompliance Hist	ory Summary			
Compliance History Notes		No adjustment for compliance history.		
	History Adju	Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7)
	DISTORY ACTUS	Stment		

	Scre	ening Date	23-Oct-2015		Doc	ket No. 2015-168	81-MLM-E	PCW
			Town Drytech,	Inc. dba Towr	n Oaks Cleane	ers	P	olicy Revision 4 (April 2014)
		ase ID No.					PC	CW Revision March 26, 2014
Reg.			RN103030888					
			Industrial and		ste			
			Rebecca Boyet	t ii				
	Viola	ation Number						_
		Rule Cite(s)	30 Tex. Admin.	. Code §§ 335	.62 and 335.7 § 26	78(g)(1), and Code c 2.11	of Federal Regulation	ins
	Violation Description			a hazardous v	vaste determi	etermination and wa nation and waste cla rocarbon wastewate	assification was not	
							Base Pena	s25,000
>> Env	/ironmeı	ntal. Propei	rty and Hum	an Health	Matrix			
		Release	Major	Harm Moderate	Minor			
OR		Actual Potential				Percent	15.0%	
		Potential	Х			Percent	15.0%	
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
						Percent	0.0%	
	Matrix Notes				•	ed to pollutants that receptors as a resu		ls
	'					A 41 t	+21.2	
						Adjustment	\$21,2	50
								\$3,750
violatio	on Event	:S						
		Number of \	Violation Events	1		64 Number of	of violation days	
		mark only one	daily weekly monthly		. <u>.</u>			
		with an x	quarterly semiannual annual single event	X		Vio	lation Base Pena	\$3,750
			One single	event is recor	nmended for	the one waste stream	m.	
Good F	aith Effo	orts to Com	ply	0.0%			Reducti	on \$0
				Before NOE/NOV	NOE/NOV to ED	PRP/Settlement Offer		
			Extraordinary					
			Ordinary		(manufacturity and			
			N/A	X	(mark with x)			
			Notes	The Responde		meet the good faith or violation.	criteria for	
							Violation Subto	\$3,750
Econon	nic Bene	fit (EB) for	this violation	on		Statuto	ory Limit Test	
		Estimate	ed EB Amount		\$192	Violation	Final Penalty To	tal \$3,750
		25	/vant				-	
				This viol	ation Final A	ssessed Penalty (a	adjusted for limit	(s) \$3,750

	E	conomic	Benefit	Wo	rksheet		
Respondent	Town Drytech	, Inc. dba Town C	aks Cleaners				
Case ID No.	51488						
Reg. Ent. Reference No.	RN103030888	1					
		Hazardous Waste	2				Years of
Violation No.		Tidzai dodo Trabio	-			Percent Interest	Depreciation
Violation ito.	_					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	•					
zce zesepare	140 commus 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		date and	d the Final Date	is the	estimated date of	·	
Avoided Costs	ANNUAL	IZE [1] avoided	costs before			for one-time avoid	
Disposal				0.00	\$0	\$0 #0	\$0
Personnel Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment				0.00	\$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.00	\$0	\$0 \$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Notes for AVOIDED costs				10.00	1 40	Ψ0	Ψ0

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



CEQ 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.

Classification: UNCLASSIFIED Customer, Respondent, CN603245259, Town Drytech, Inc. Rating: -----

or Owner/Operator:

Regulated Entity: RN103030888, Town Oaks Cleaners Classification: NOT APPLICABLE Rating: N/A

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

owner(s)/operator(s)?

5) If **YES**, when did the change(s) in owner or operator N/A occur?

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:

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

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

	N/A
G.	Type of environmental management systems (EMSs): $\ensuremath{N/A}$
н.	Voluntary on-site compliance assessment dates: $\ensuremath{N/A}$
I.	Participation in a voluntary pollution reduction program: $\ensuremath{N/A}$
J.	Early compliance: N/A
Sit	es Outside of Texas:

F. Environmental audits:

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 "TC	EQ") considered this agreement of the parties, resolving an
enforcement action re	garding 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	4. The Executive Director of the TCEQ, represented by the
Litigation Division, and	d 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:
 - 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:

Town Drytech, Inc. d/b/a Town Oaks Cleaners Docket No. 2015-1681-MLM-E Page 5

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

Town Drytech, Inc. d/b/a Town Oaks Cleaners Docket No. 2015-1681-MLM-E Page 6

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.

Town Drytech, Inc. d/b/a Town Oaks Cleaners Docket No. 2015-1681-MLM-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_	
Fo	or the Commission Date
	or the Executive Director Date / Date
Fc	or the Executive Director Date
aç th	the undersigned, have read and understand the attached Order. I am authorized to gree to the attached Order, and I do agree to the terms and conditions specified erein. I further acknowledge that the TCEQ, in accepting payment for the penalty mount, is materially relying on such representation.
	also understand that failure to comply with the Ordering Provisions in this Order nd/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
z	TCEQ seeking other relief as authorized by law.
	addition, I understand that any falsification of any compliance documents may sult in criminal prosecution.
	gnature - David Sang Park, President and Director Date
	own Drytech, Inc.
	517 Princeton Dr.
HI	ower Mound, Texas 75022
	If mailing address has changed, please check this box and provide the new address below: