

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 60548  
Horeb Family, LLC. dba Joe's Cleaners  
RN100612480  
Docket No. 2021-0480-DCL-E

**Order Type:**  
Default Order

**Media:**  
DCL

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
13340 Audelia Road, Suite 100, Dallas, Dallas County

**Type of Operation:**  
dry cleaning facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: None  
Past-Due Penalties: None  
Past-Due Fees: \$62.50 (Account No. 24007861)  
Other: None  
Interested Third Parties: None

**Texas Register Publication Date:** March 25, 2022

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$1,846

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$1,846

**Compliance History Classifications:**

Person/CN - N/A  
Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 2021

**Investigation Information**

**Complaint Date(s):** February 8, 2021; February 9, 2021

*Complaint Information:* Alleged to have failed to visually inspect each installed secondary containment structure weekly to ensure that the structure is not damaged; Failure to install a dike or other secondary containment structure around each storage area for dry cleaning waste, dry cleaning solvent, and dry cleaning wastewater.

**Date(s) of Investigation:** February 3, 2021

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

**Date(s) of NOE(s):** March 1, 2021

**Horeb Family, LLC. dba Joe's Cleaners**

RN100612480

Docket No. 2021-0480-DCL-E

**Violation Information**

1. Failed to renew the Facility registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility [30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102].
2. Failed to install a dike or other secondary containment structure around each storage area for dry cleaning waste, dry cleaning solvent, and dry cleaning wastewater [30 TEX. ADMIN. CODE § 337.20(e)(3)(A)].
3. Failed to visually inspect each installed secondary containment structure weekly to ensure that the structure is not damaged [30 TEX. ADMIN. CODE § 337.20(e)(6)].

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

Respondent updated the Facility registration on March 17, 2021.

**Technical Requirements:**

1. The Facility's dry cleaner registration certificate is revoked immediately. Respondent may submit an application for a new dry cleaner registration certificate only after Respondent has complied with all of the Technical Requirements, including payment of the administrative penalty in full.
2. Immediately cease operating at the Facility until such time as a valid dry cleaner registration certificate is obtained from the TCEQ.
3. Within 10 days, send the Facility's dry cleaner registration certificate to:  
Order Compliance Team  
Texas Commission on Environmental Quality  
Enforcement Division, MC 149A  
P.O. Box 13087  
Austin, Texas 78711-3087
4. Within 15 days, submit written certification in accordance with Technical Requirement No. 7, below, to demonstrate compliance with Technical Requirements Nos. 2 and 3.
5. Within 30 days:
  - a. Install a secondary containment structure for dry cleaning solvent containers; and
  - b. Begin conducting weekly inspections of all secondary containment structures at the Facility.
6. Upon obtaining a new dry cleaner registration certificate, post the dry cleaner registration certificate in a location at the Facility where the delivery certificate is clearly visible at all times.
7. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 5 and 6.

**Litigation Information**

**Date Petition(s) Filed:** December 2, 2021  
**Date Green Card(s) Signed:** December 3, 2021  
**Date Answer(s) Filed:** N/A

**Horeb Family, LLC. dba Joe's Cleaners**

**RN100612480**

**Docket No. 2021-0480-DCL-E**

**Contact Information**

**TCEQ Attorneys:** William Hogan, Litigation Division, (512) 239-3400

Garrett Arthur, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ Enforcement Coordinator:** Berenice Munoz, Enforcement, (915) 834-4976

**TCEQ Regional Contact:** Erin Gorman, Dallas/Fort Worth Regional Office, (817) 588-5800

**Respondent Contact:** Efrem Bekena, Managing Partner, Horeb Family, LLC., 4305 Hillsdale Lane,  
Garland, Texas 75042-5268

**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	8-Mar-2021	<b>Screening</b>	15-Mar-2021	<b>EPA Due</b>	
	<b>PCW</b>	6-Apr-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Horeb Family, LLC. dba Joe's Cleaners
<b>Reg. Ent. Ref. No.</b>	RN100612480
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60548	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0480-DCL-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Dry Cleaner	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Berenice Munoz
		<b>EC's Team</b>	Enforcement Team 6
<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>\$296</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> Adjustment	<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> Enhancement	<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>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$20  
 Estimated Cost of Compliance: \$250  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$296</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.0%</b> Adjustment	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	<b>\$296</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$296</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$296</b>
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<b>Screening Date</b>	15-Mar-2021	<b>Docket No.</b>	2021-0480-DCL-E	<b>PCW</b>
<b>Respondent</b>	Horeb Family, LLC. dba Joe's Cleaners			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	60548			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN100612480			
<b>Media</b>	Dry Cleaner			
<b>Enf. Coordinator</b>	Berenice Munoz			

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	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%
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%

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

N/A

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

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

<b>Compliance History Notes</b>	No adjustment for Compliance History.
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**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%

<b>Screening Date</b>	15-Mar-2021	<b>Docket No.</b>	2021-0480-DCL-E	<b>PCW</b>
<b>Respondent</b>	Horeb Family, LLC. dba Joe's Cleaners			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	60548			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN100612480			
<b>Media</b>	Dry Cleaner			
<b>Enf. Coordinator</b>	Berenice Munoz			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="1.0%"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	
<b>Matrix Notes</b>	<input type="text" value="Less than 30% of the rule requirement was not met."/>				

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Horeb Family, LLC. dba Joe's Cleaners  
**Case ID No.** 60548  
**Reg. Ent. Reference No.** RN100612480  
**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	Costs Saved	EB Amount
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### 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	1-Aug-2019	17-Mar-2021	1.63	\$20	n/a	\$20
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

Estimated delayed cost to submit an annual application for renewal of the registration and obtain a registration certificate for the Facility. The Date Required is the date the registration was due and the Final Date is the date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance

\$250

**TOTAL**

\$20





# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	8-Mar-2021	<b>Screening</b>	15-Mar-2021	<b>EPA Due</b>	
	<b>PCW</b>	6-Apr-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Horeb Family, LLC. dba Joe's Cleaners
<b>Reg. Ent. Ref. No.</b>	RN100612480
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	60548	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0480-DCL-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Dry Cleaner	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Berenice Munoz
		<b>EC's Team</b>	Enforcement Team 6
<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>	<b>\$1,500</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> Adjustment	<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> Enhancement	<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>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$87  
 Estimated Cost of Compliance: \$650  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,500</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>3.3%</b> Adjustment	<b>\$50</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 Violation No. 1.

<b>Final Penalty Amount</b>	<b>\$1,550</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,550</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction Adjustment	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$1,550</b>
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<b>Screening Date</b>	15-Mar-2021	<b>Docket No.</b>	2021-0480-DCL-E	<b>PCW</b>
<b>Respondent</b>	Horeb Family, LLC. dba Joe's Cleaners			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	60548			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN100612480			
<b>Media</b>	Dry Cleaner			
<b>Enf. Coordinator</b>	Berenice Munoz			

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	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%
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%

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

N/A

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

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

<b>Compliance History Notes</b>	No adjustment for Compliance History.
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**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 0%

<b>Screening Date</b>	15-Mar-2021	<b>Docket No.</b>	2021-0480-DCL-E	<b>PCW</b>
<b>Respondent</b>	Horeb Family, LLC. dba Joe's Cleaners			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	60548			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN100612480			
<b>Media</b>	Dry Cleaner			
<b>Enf. Coordinator</b>	Berenice Munoz			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="X"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Horeb Family, LLC. dba Joe's Cleaners  
**Case ID No.** 60548  
**Reg. Ent. Reference No.** RN100612480  
**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	Costs Saved	EB Amount
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### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$500	3-Feb-2021	2-Jan-2022	0.91	\$2	\$30	\$32
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	3-Feb-2021	2-Jan-2022	0.91	\$5	n/a	\$5
<b>Notes for DELAYED costs</b>	Estimated delayed cost to install a secondary containment structure around the dry cleaning solvent (\$500) and to develop and implement procedures to conduct the weekly inspections of secondary containment structures at the Facility (\$100). The Date Required is the investigation date and the Final Date is the estimated date of compliance.						

### Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs</b>	\$50	27-Jan-2021	15-Mar-2021	0.13	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>	Estimated avoided cost to conduct weekly inspections of each secondary containment structure at the Facility. The Date Required is one week prior to the investigation date and the Final Date is the screening date.						

<b>Approx. Cost of Compliance</b>	\$650	<b>TOTAL</b>	\$87
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# Compliance History Report

Compliance History Report for CN605630649, RN100612480, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

**Customer, Respondent, or Owner/Operator:** CN605630649, Horeb Family, LLC.

**Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN100612480, Joe's Cleaners

**Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A

**Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 13340 Audelia Road, Suite 100, Dallas, Dallas County, Texas 75243-2472

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

**ID Number(s):**

**DRY CLEANERS REGISTRATION REGISTRATION**  
DCR10286

**Compliance History Period:** September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

**Date Compliance History Report Prepared:** March 18, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** March 18, 2016 to March 18, 2021

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

**Name:** Berenice Munoz

**Phone:** (915) 834-4976

**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? YES
- 3) Who is the current owner/operator? Horeb Family, LLC. OWNER since 12/21/2018
- 4) Who was/were the prior owner(s)/operator(s)? NAEEM MOHAMMED JAHANGIR, OWNER, 9/1/2011 to 12/20/2018

**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  
HOREB FAMILY, LLC. DBA JOE'S  
CLEANERS;  
RN100612480**

**§  
§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2021-0480-DCL-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 7, and TEX. HEALTH & SAFETY CODE ch. 374, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty, corrective action of the respondent, and revocation of the facility's dry cleaner registration certificate. The respondent made the subject of this Order is Horeb Family, LLC. dba Joe's Cleaners ("Respondent").

The Commission makes the following Findings of Fact and Conclusions of Law:

### **FINDINGS OF FACT**

1. Respondent owns, in accordance with TEX. HEALTH & SAFETY CODE § 374.001(12), and operates a dry cleaning facility located at 13340 Audelia Road, Suite 100 in Dallas, 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 or involved the use of dry cleaning solvents. As such, the Facility is a dry cleaning facility as defined in TEX. HEALTH & SAFETY CODE § 374.001(7).
2. During a compliance investigation conducted on December 14, 2020 through February 3, 2021, an investigator documented that Respondent:
  - a. Failed to renew the Facility registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility. Specifically, the Facility did not submit a registration to operate as a dry cleaning facility by August 1, 2019;
  - b. Failed to install a dike or other secondary containment structure around each storage area for dry cleaning waste, dry cleaning solvent, and dry cleaning wastewater). Specifically, a five-gallon container with dry cleaning solvent was kept in a storage closet without secondary containment; and
  - c. Failed to visually inspect each installed secondary containment structure weekly to ensure that the structure is not damaged.
3. The Executive Director recognizes that Respondent updated the Facility registration on March 17, 2021.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Horeb Family, LLC. dba Joe's Cleaners" (the "EDPRP") in the TCEQ Chief Clerk's office on December 2, 2021.
5. By letter dated December 2, 2021, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent

with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on December 3, 2021, as evidenced by the signature on the card.

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

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 374 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to renew the Facility registration by completing and submitting the required registration form to the TCEQ for a dry cleaning and/or drop station facility, in violation of 30 TEX. ADMIN. CODE § 337.11(e) and TEX. HEALTH & SAFETY CODE § 374.102.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to install a dike or other secondary containment structure around each storage area for dry cleaning waste, dry cleaning solvent, and dry cleaning wastewater, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(3)(A).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to visually inspect each installed secondary containment structure weekly to ensure that the structure is not damaged, in violation of 30 TEX. ADMIN. CODE § 337.20(e)(6).
5. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
6. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE §§ 7.051 and 7.0525, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of one thousand eight hundred forty-six dollars (\$1,846.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE §§ 7.053 and 7.0525(c).
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.
10. Pursuant to 30 TEX. ADMIN. CODE § 337.11(f)(1)(C), the Commission has authority to revoke the Facility's dry cleaner registration certificate if the Commission finds that good cause exists.
11. Good cause for revocation of the Facility's dry cleaner registration certificate exists as justified by Findings of Fact Nos. 2 through 6, and Conclusions of Law Nos. 2 through 6.

#### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of one thousand eight hundred forty-six dollars (\$1,846.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The



Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.

2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Horeb Family, LLC. dba Joe's Cleaners; Docket No. 2021-0480-DCL-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

3. The Facility's dry cleaner registration certificate is revoked immediately upon the effective date of this Order. Respondent may submit an application for a new dry cleaner registration certificate only after Respondent has complied with all of the requirements of this Order, including payment of the administrative penalty in full.
4. Immediately upon the effective date of this Order, Respondent shall cease operating at the Facility until such time as a valid dry cleaner registration certificate is obtained from the TCEQ in accordance with TEX. HEALTH & SAFETY CODE § 374.102 and 30 TEX. ADMIN. CODE § 337.11(e).
5. Within 10 days after the effective date of this Order, Respondent shall send the Facility's dry cleaner registration certificate to:

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

6. Within 15 days after the effective date of this Order, Respondent shall submit written certification in accordance with Ordering Provision No. 7.d., below, to demonstrate compliance with Ordering Provisions Nos. 4 and 5.
7. Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Install a secondary containment structure for dry cleaning solvent containers, in accordance with 30 TEX. ADMIN. CODE § 337.20; and
    - ii. Begin conducting weekly inspections of all secondary containment structures at the Facility, in accordance with 30 TEX. ADMIN. CODE § 337.20.
  - b. Upon obtaining a new dry cleaner registration certificate, post the dry cleaner registration certificate in a location at the Facility where the delivery certificate is clearly visible at all times, in accordance with 30 TEX. ADMIN. CODE § 337.11(d)(3).
  - c. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 7.d., to demonstrate compliance with Ordering Provisions Nos. 7.a. through 7.b.
  - d. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be 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."

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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

8. All relief not expressly granted in this Order is denied.
9. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
10. 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.
11. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
12. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
13. 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.
14. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

15. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**UNSWORN DECLARATION OF WILLIAM HOGAN**

“On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Horeb Family, LLC. dba Joe's Cleaners” (the “EDPRP”) was filed in the TCEQ Chief Clerk’s office on December 2, 2021.

The EDPRP was mailed to Respondent's last known address on December 2, 2021, via certified mail, return receipt requested, postage prepaid. According to the return receipt “green card,” Respondent received notice of the EDPRP on December 3, 2021, as evidenced by the signature on the card.

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

"My name is William Hogan, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.”

Executed in Travis County,  
State of Texas,  
on the 16th day of March, 2022

*William Hogan*

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Declarant