

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2004-1035-PST-E TCEQ ID NOS: 32803 AND RN102450426 CASE NO.: 17357

RESPONDENT NAME: AL-AZIM CORPORATION DBA HONEY STOP 7

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 14915 Crosby Lynchburg Road, Crosby, Harris County

TYPE OF OPERATION: Retail fuel station

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 11, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939
Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, Enforcement Division, Section II, MC R-4, (817) 588-5890

TCEQ Regional Contact: Ms. Marsha Hill, Houston Regional Office, MC R-12, (713) 767-3610

Respondent: Mr. Naushad Virani, Registered Agent, Al-Azim Corporation dba Honey Stop 7, P.O. Box 748, Liberty, Texas 77575-0748

Respondent's Attorney: Not represented by counsel.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 18, 2003 and July 14, 2004</p> <p>Date of NOV/NOE Relating to this Case: October 6, 2003 (NOV)</p> <p>Background Facts: An EDPRP was filed March 8, 2005. An EDFARP was filed January 11, 2006. The Respondent was served with both petitions. The Respondent never filed an Answer.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>PST</p> <p>1) Failed to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p> <p>2) Failed to provide the agency an amended registration for any change or additional information regarding the USTs status. Specifically, although the Facility was out of service on September 18, 2003, the registration status reflected an "active" status [30 TEX. ADMIN. CODE § 334.7(d)(3)].</p> <p>3) Failed to pay outstanding fees for USTs, FA Account No. 0050170U, for the fiscal years of 1995-2004 [30 TEX. ADMIN. CODE §§ 12.1 and 334.22(a) and TEX. WATER CODE § 5.702].</p>	<p>Total Assessed: \$5,250</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Due to General Revenue: \$5,250</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty, but will be required to do so under the terms of this proposed Order.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classifications: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Respondent's delivery certificate is immediately revoked.</p> <p>2) Within 10 days, the Respondent shall send the UST delivery certificate to the TCEQ.</p> <p>3) Within 30 days, the Respondent shall:</p> <p>a) submit an amended registration to indicate the current operational status of the UST system;</p> <p>b) submit documentation that demonstrates current acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs; and</p> <p>c) submit payment for the outstanding UST fees, and any associated penalties and interest, due on FA Account No. 0050170U for fiscal years 1995-2004.</p> <p>4) Within 45 days, the Respondent shall submit written certification of compliance with these Ordering Provisions and copies of all correspondence, reports, and documentation required by these Ordering Provisions.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

DATES			
PCW	16-Jul-2004	Screening	15-Jul-2004
Priority Due	13-Oct-2004	EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	Al-Azim Corporation dba Honey Stop 7		
Reg. Ent. Ref. No.	Regulated Entity ID No: RN102450426		
Additional ID No(s)	Petroleum Storage Tank Facility ID No: 32803		
Facility/Site Region	12-Houston	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	CCEDS Case No. 17357	No. of Violations	3
Docket No.	2004-1035-PST-E	Order Type	1660 without deferral
Case Priority	3	Enf. Coordinator	Chris Friesenhahn
Media Program(s)	Petroleum Storage Tank	EC's Team	Enforcement Team 7
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5% Enhancement	Subtotals 2, 3, & 7	\$250
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Notes: The Respondent received a Notice of Violation (NOV) dated October 6, 2003 for the same violations.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: This case does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The respondent is not yet in compliance.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,740	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,700	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$5,250
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,250
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended based on the October 6, 2003 NOV for same violations.

PAYABLE PENALTY	\$5,250
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Screening Date	15 / 2004	Docket No.	2004-1035-PS	PCW
Respondent	Al-Azim Corporation dba Honey Stop 7			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	CCEDS Case No. 17357			<i>PCW Revision May 17, 2004</i>
Reg. Ent. Reference No.	Regulated Entity ID No. RN102450426			
Additional ID No(s)	Petroleum Storage Tank Facility ID No. 32803			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Chris Friesenhahn			
Site Address	14915 Crosby Lynchburg Rd, Crosby, Harris County			

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were disclosed)</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	<i>Please Enter Yes or No</i>		
	Environmental management systems in place for one year or more		0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program		0%
	Participation in a voluntary pollution reduction program		0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements		0%

Adjustment Percentage (Subtotal 2) 5%

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

No **Adjustment Percentage (Subtotal 3)** 0%

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

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

>> **Compliance History Summary**

Compliance History Notes The Respondent received a Notice of Violation (NOV) dated October 6, 2003 for the same violations.

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

Screening Date	15-2-2004	Docket No.	2004-1035-PS	PCW
Respondent	Al-Azim Corporation dba Honey Stop 7			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	CCEDS Case No. 17357			<i>PCW Revision May 17, 2004</i>
Reg. Ent. Reference No.	Regulated Entity ID No. RN102450426			
Additional ID No(s)	Petroleum Storage Tank Facility ID No. 32803			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Chris Friesenhahn			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 334.7(d)(3)			
Secondary Rule Cite(s)				
Violation Description	Failure to provide to the agency amended registration for any change or additional information regarding USTs. Specifically, although the system was out-of-service, the registration status was indicating an "active" status, as documented during the September 18, 2003 investigation.			
Base Penalty	\$10,000			

>> Environmental, Property and Human Health Matrix				
	Harm			
	Major	Moderate	Minor	
Release				
Actual				Percent <input type="text"/>
Potential				
>> Programmatic Matrix				
	Major	Moderate	Minor	
Falsification				
	X			Percent <input type="text" value="10%"/>
Matrix Notes	100% of this rule requirement was not met.			
Adjustment	-\$9,000			
Base Penalty Subtotal	\$1,000			

Violation Events				
Number of Violation Events	1			
	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	X		
<i>mark only one use a small x</i>				Violation Base Penalty <input type="text" value="\$1,000"/>
A single event is recommended based on documentation of the violation during the September 18, 2003 investigation.				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$10"/>	Violation Final Penalty Total <input type="text" value="\$1,050"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,050"/>	

Economic Benefit Worksheet

Respondent: Al-Azim Corporation dba Honey Stop 7
 Case ID No: CCEDS Case No. 17357
 Reg. Ent. Reference No: Regulated Entity ID No. RN102450426
 Additional ID No(s): Petroleum Storage Tank Facility ID No. 32803
 Media (Statute): Petroleum Storage Tank
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	18-Sep-2003	18-Sep-2005	2.0	\$10	n/a	\$10
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost to provide to the agency an amended registration for any change or additional information regarding USTs, for time frame from the investigation date to the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: N/A

Approx. Cost of Compliance \$100

TOTAL \$10

Screening Date	11-2004	Docket No.	2004-1035-PS	PCW
Respondent	Al-Azim Corporation dba Honey Stop 7			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	CCEDS Case No. 17357			<i>PCW Revision May 17, 2004</i>
Reg. Ent. Reference No.	Regulated Entity ID No. RN102450426			
Additional ID No(s)	Petroleum Storage Tank Facility ID No. 32803			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Chris Friesenhahn			
Violation Number	2			
Primary Rule Cite(s)	30 Tex. Admin. Code § 37.815 (a) and (b)			
Secondary Rule Cite(s)				
Violation Description	Failure to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs. Specifically, the respondent failed to submit documentation demonstrating financial assurance for the UST system, as documented during the September 18, 2003 investigation.			
	Base Penalty	\$10,000		

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		X			Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Four single events are recommended (one violation per tank) based upon the violation documented during the investigation conducted on September 18, 2003.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$2,730"/>	Violation Final Penalty Total <input type="text" value="\$4,200"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,200"/>	

Economic Benefit Worksheet

Respondent: Al-Azim Corporation dba Honey Stop 7
 Case ID No. CCEDS Case No. 17357
 Reg. Ent. Reference No. Regulated Entity ID No. RN102450426
 Additional ID No(s). Petroleum Storage Tank Facility ID No. 32803
 Media (Statute). Petroleum Storage Tank
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]	\$2,600	18-Sep-2002	18-Sep-2003	1.0	\$130	\$2,600	\$2,730
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Estimated cost to provide financial assurance for the four underground storage tanks at the facility (\$650 per tank). Date required (September 18, 2002) is one year prior to the investigation conducted on September 18, 2003.							

Approx. Cost of Compliance \$2,600

TOTAL \$2,730

Screening Date 12-2004	Docket No. 2004-1035-PS	PCW
Respondent Al-Azim Corporation dba Honey Stop 7	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. CCEDS Case No. 17357	<i>PCW Revision May 17, 2004</i>	
Reg. Ent. Reference No. Regulated Entity ID No. RN102450426		
Additional ID No(s) Petroleum Storage Tank Facility ID No. 32803		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Chris Friesenhahn		
Violation Number 3		
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 12.1 and 334.22(a)	
Secondary Rule Cite(s)	Texas Water Code § 5.702	
Violation Description	Failure to pay underground storage tank fee for fiscal years 1995-2004. Specifically, TCEQ Financial Administration Account No. 0050170U was found to have an outstanding balance, as documented during a record review conducted on July 14, 2004.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix																	
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>	Harm			Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
	Harm																
	Release	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																	
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>	Falsification	Major	Moderate	Minor	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>							
Falsification	Major	Moderate	Minor														
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>														
Matrix Notes	See note below																
Adjustment		-\$10,000															

Base Penalty Subtotal	\$0
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Violation Events													
Number of Violation Events	<input type="text"/>												
mark only one use a small x	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>
daily	<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													
\$0													
No penalty is assessed because all penalties and interest will be assessed by the Financial Administration Division in the next billing cycle.													

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$0
Violation Final Penalty Total	
\$0	
This violation Final Assessed Penalty (adjusted for limits)	
\$0	

Economic Benefit Worksheet

Respondent: Al-Azim Corporation dba Honey Stop 7
 Case ID No: CCEDS Case No. 17357
 Reg. Ent. Reference No: Regulated Entity ID No. RN102450426
 Additional ID No(s): Petroleum Storage Tank Facility ID No. 32803
 Media [Statute]: Petroleum Storage Tank
 Violation No: 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	No economic benefit is associated with this violation.						

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs	N/A						

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN601264500 Al-Azim Corporation Classification: AVERAGE Rating: 1.500
Regulated Entity: RN102450426 HONEY STOP 7 Classification: AVG BY DEFAULT Site Rating: 3.01
ID Number(s): PETROLEUM STORAGE TANK- 32803
REGISTRATION
Location: 14915 CROSBY LYNCHBURG RD, CROSBY, TX, 77532 Rating Date: 9/1/03 Repeat Violator: NO
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: July 02, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: January 09, 1999 to January 09, 2004

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Chris Friesenhahn Phone: 210-403-4077

Site Compliance History Components

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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 10/06/2003 (249603)
- 2 05/28/2004

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

Date: 10/06/2003 (249603)

Self Report? NO

Citation: 30 TAC Chapter 334.7(d)(3)

Classification: Moderate

Description: Failure to provide amended registration for any change or additional information regarding USTs

Citation: 30 TAC Chapter 334.10(b)(1)(A)

Classification: Moderate

Description: Failure to develop and maintain all underground storage tank (UST) records required by provisions of Title 30 TAC 334.

Citation: 30 TAC Chapter 334.54(b)(2)

Classification: Moderate

Description: Failure to assure that all piping, pumps, manways, and ancillary equipment shall be capped, plugged, locked, and/or otherwise secured to prevent access, tampering, or vandalism by unauthorized persons.

Citation: 30 TAC Chapter 334.54(d)(2) Classification: Moderate

Description: Failure to ensure that any residue from stored regulated substances which remains in the system shall not exceed a depth of 2.5 centimeters at the deepest point and not exceed 0.3% by weight of the system at full capacity.

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 AL-AZIM
CORPORATION DBA HONEY
STOP 7; TCEQ ID NO. 32803;
RN102450426**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2004-1035-PST-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. WATER CODE §§ 7.054 and 5.702, and chs. 5, 7 and 26, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Al-Azim Corporation dba Honey Stop 7 ("Al-Azim").

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

FINDINGS OF FACT

1. Al-Azim owns a retail fuel station located at 14915 Crosby Lynchburg Road, Crosby, Harris County, Texas (the "Facility").
2. Al-Azim's four underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Al-Azim's USTs contain a regulated substance as defined in the rules of the Commission.
3. During an inspection conducted on September 18, 2003, a TCEQ Houston Regional Office investigator documented that Al-Azim:
 - a. failed to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs; and
 - b. failed to provide to the agency an amended registration for any change or additional information regarding the USTs. Specifically, although the Facility was out of service on September 18, 2003, the registration status reflected an "active" status.

4. During a record review conducted on July 14, 2004, TCEQ central office staff documented that Al-Azim failed to pay outstanding fees for USTs, FA Account No. 0050170U, for the fiscal years of 1995-2004.
5. Al-Azim received notice of the violations on or about October 6, 2003.
6. 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 Al-Azim Corporation dba Honey Stop 7" ("EDPRP") in the TCEQ Chief Clerk's office on March 8, 2005.
7. By letter dated March 8, 2005, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Al-Azim with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed". The first class mail has not been returned, indicating that Al-Azim received notice of the EDPRP.
8. The Executive Director filed the "Executive Director's First Amended 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 Al-Azim Corporation dba Honey Stop 7" ("EDFARP") in the TCEQ Chief Clerk's office on January 11, 2006.
9. By letter dated January 11, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Al-Azim with notice of the EDFARP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed". The first class mail has not been returned, indicating that Al-Azim received notice of the EDFARP.
10. More than 20 days have elapsed since Al-Azim received notice of the EDPRP and the EDFARP, provided by the Executive Director. Al-Azim failed to file an answer to the EDPRP and the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Al-Azim is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE §§ 7.002 and 5.013 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Al-Azim failed to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).
3. As evidenced by Finding of Fact No. 3.b., Al-Azim failed to provide to the agency an amended registration for any change or additional information regarding the USTs status. Specifically, although the Facility was out of service on September 18, 2003, the registration status reflected an "active" status, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(3).
4. As evidenced by Finding of Fact No. 4., during a record review conducted on July 7, 2004, TCEQ central office staff documented that Al-Azim failed to pay outstanding fees for USTs, FA Account No. 0050170U, for the fiscal years of 1995-2004, in violation of 30 TEX. ADMIN. CODE §§ 12.1 and 334.22(a) and TEX. WATER CODE § 5.702.
5. As evidenced by Finding of Fact Nos. 6, 7, 8 and 9, the Executive Director has timely served Al-Azim with proper notice of the EDPRP and the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
6. As evidenced by Finding of Fact No. 10, Al-Azim has failed to file a timely answer to the EDPRP and the EDFARP, 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 Al-Azim and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Al-Azim for violations of the Texas Water Code within the Commission's jurisdiction; for violations of rules adopted under such statute; or for violations of orders or permits issued under such statute.
8. An administrative penalty in the amount of five thousand two hundred fifty dollars (\$5,250.00) 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 5.702.

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 § 334.8(c)(6), the Commission has authority to revoke Al-Azim's UST delivery certificate if the Commission finds that good cause exists.
11. Good cause for revocation of Al-Azim's UST delivery certificate exists as justified by Findings of Fact Nos. 3, 4, 5, 6, 7, 8, 9 and 10, and Conclusions of Law Nos. 2, 3, 4, 5 and 6.

ORDERING PROVISIONS

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

1. Al-Azim is assessed an administrative penalty in the amount of five thousand two hundred fifty dollars (\$5,250.00) for violations of TEX. WATER CODE chs. 5 and 26 and rules of the TCEQ. The payment of this administrative penalty and Al-Azim's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty and fees imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Al-Azim Corporation dba Honey Stop 7; Docket No. 2004-1035-PST-E; FA Account No. 0050170U" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Al-Azim's UST delivery certificate is revoked immediately upon the effective date of this Order. Al-Azim may submit an application for a new delivery certificate only after Al-Azim has complied with all of the requirements of this Order.
3. Within 10 days after the effective date of this Order, Al-Azim shall send its UST delivery certificate to:

Order Compliance Team

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

4. Al-Azim shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Order, Al-Azim shall

i. Submit an amended registration to indicate the current operational status of the UST system in accordance with 30 TEX. ADMIN. CODE § 334.7 (relating to registration) to:

Registration and Reporting Section
Registration, Review, and Reporting Division, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

ii. Submit documentation that demonstrates current acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum UST's, in accordance with 30 TEX. ADMIN. CODE § 37.815(a) and (b) to:

Mr. Rob Norris, Senior Financial Analyst
Financial Assurance Unit, MC 184
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

iii. Submit payment for the outstanding UST fees, and any associated penalties and interest, due on FA Account No. 0050170U for fiscal years 1995-2004, with the notation, "Re: Al-Azim Corporation dba Honey Stop 7, FA Account No; 0050170U" to:

Financial Administration Division, Revenue Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- b. Within 45 days after the effective date of the Commission Order, Al-Azim shall submit written certification of compliance with Ordering Provisions 4.a.i.-iii. and copies of all correspondence, reports, and documentation required by these Ordering Provisions to:

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

with a copy to:

Ms. Marsha Hill, Manager
Waste Section
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Ave., Ste. H
Houston, Texas 77023-1486

The certification shall be notarized by a State of Texas notary Public and include the following certification language:

“I certify under penalty of law that this documentation and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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.”

5. All relief not expressly granted in this Order is denied.
6. The provisions of this Order shall apply to and be binding upon Al-Azim. Al-Azim is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

7. If Al-Azim 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, Al-Azim's failure to comply is not a violation of this Order. Al-Azim shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Al-Azim shall notify the Executive Director within seven days after Al-Azim becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. 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 Al-Azim shall be made in writing to the Executive Director. Extensions are not effective until Al-Azim receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
9. 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 Al-Azim if the Executive Director determines that Al-Azim has not complied with one or more of the terms or conditions in this Order.
10. 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.
11. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Al-Azim Corporation dba Honey Stop 7
DOCKET NO. 2004-1035-PST-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF REBECCA M. COMBS

STATE OF TEXAS §
 §
COUNTY OF Travis §

“My name is Rebecca M. Combs. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Al-Azim Corporation dba Honey Stop 7’ (the ‘EDPRP’) was filed in the TCEQ Chief Clerk’s office on March 8, 2005.

The EDPRP was sent to Al-Azim at its last known address on March 8, 2005 via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as ‘unclaimed’. The first class mail has not been returned, indicating the respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

I filed the ‘Executive Director’s First Amended 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 Al-Azim Corporation dba Honey Stop 7’ (the ‘EDFARP’) with the Office of the Chief Clerk on January 11, 2006.

I sent the EDFARP to Al-Azim at its last known address on January 11, 2006 via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as ‘unclaimed’. The first class mail has not been returned, indicating the respondent received notice of the EDFARP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since Al-Azim received notice of the EDPRP and the EDFARP. Al -Azim failed to file an answer to the EDPRP and the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.”



Rebecca M. Combs
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Rebecca M. Combs, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 9th day of February, A.D., 2007.

Notary Stamp

