

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2005-0372-PST-E TCEQ ID: RN101534790 CASE NO.: 24833
RESPONDENT NAME: INARA CONVENIENCE, INC. DBA ROSEDALE TEXACO

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input 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
<p>SITE WHERE VIOLATION(S) OCCURRED: 6101 East Rosedale Street, Fort Worth, Tarrant County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 15, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Kathleen C. Decker, Litigation Division, MC 175, (512) 239-6500 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Deana Holland, Water Enforcement Section, MC 219, (512) 239-2504 TCEQ Regional Contact: Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903 Respondent: Mr. Shehzad Dhanani, Manager, Inara Convenience, Inc. dba Rosedale Texaco, 6101 Rosedale Street, Fort Worth, Texas 76112 Respondent's Attorney: Mr. William F. Brown, Attorney and Counselor at Law, 210 North Sixth Street, Waco, Texas 76701</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: May 2, 2003 and February 16, 2005</p> <p>Dates of NOV's Relating to this Case: June 24, 2003 (NOV) and February 17, 2004 (NOE)</p> <p>Background Facts:</p> <p>An EDPRP was filed on August 8, 2005. Staff were unable to achieve service of the EDPRP and an EDFARP and EDSARP were filed. The Respondent received notice of the EDSARP and an Answer was filed. The matter was referred to SOAH and, prior to the contested case hearing, a signed Agreed Order was received on May 17, 2007.</p> <p>PST:</p> <p>Failed to demonstrate 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 two petroleum underground storage tanks [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p>	<p>Total Assessed: \$2,620</p> <p>Total Deferred: \$0</p> <p>Total Paid/Due to General Revenue: \$220/\$2,400</p> <p>The Respondent has paid \$220 of the administrative penalty. The remaining amount of \$2,400 of the administrative penalty shall be payable in 24 monthly payments of \$100 each.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <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 Provision(s):</p> <p>Within 30 days, 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.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision December 7, 2004

DATES	Assigned	22-Feb-2005	Screening	03-Mar-2005	Priority Due	23-Apr-2005	EPA Due	
	PCW	30-May-2006						

RESPONDENT/FACILITY INFORMATION	
Respondent	Inara Convenience, Inc. dba Rosedale Texaco
Reg. Ent. Ref. No.	RN101534790
Additional ID No(s)	Petroleum Storage Tank Facility ID No. 5590
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	24833	No. of Violations	1
Docket No.	2005-0372-PST-E	Order Type	1660
Case Priority	3	Enf. Coordinator	Deana Holland
Media Program(s)	Petroleum Storage Tank	EC's Team	Enforcement Team 3
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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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	31% Enhancement	Subtotals 2, 3, & 7	\$620
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Notes: Enhancement for one NOV with same or similar violations, three NOVs without same or similar violations, and one 1660 Order.

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

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDRP/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	\$1,365	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,300	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,620
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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	\$2,620
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,620
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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 as this is not an expedited settlement

PAYABLE PENALTY	\$2,620
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Screening Date	03-Mar-2005	Docket No.	2005-0372-PST-E	PCW
Respondent	Inara Convenience, Inc. dba Rosedale Texaco	Policy Revision 2	(September 2002)	
Case ID No.	24833	PCW Revision	December 7, 2004	
Reg. Ent. Reference No.	RN101534790			
Additional ID No(s)	Petroleum Storage Tank Facility ID No. 5590			
Media (Statute)	Petroleum Storage Tank			
Enf. Coordinator	Deana Holland			
Site Address	6101 East Rosedale Street, Fort Worth, Tarrant County			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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 (number of judgments or consent decrees meeting criteria)	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 (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	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) 31%

>> Repeat Violator (Subtotal 3)

<input type="text" value="No"/>	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

<input type="text" value="Average Performer"/>	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes Enhancement for one NOV with same or similar violations, three NOV's without same or similar violations, and one 1660 Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 31%

Screening Date 03-Mar-2005 **Docket No.** 2005-0372-PST-E **PCW**
Respondent Inara Convenience, Inc. dba Rosedale Texaco *Policy Revision 2 (September 2002)*
Case ID No. 24833 *PCW Revision December 7, 2004*
Reg. Ent. Reference No. RN101534790
Additional ID No(s). Petroleum Storage Tank Facility ID No. 5590
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Deana Holland

Violation Number
Primary Rule Cite(s) 30 Tex. Admin. Code § 37.815(a) and (b)
Secondary Rule Cite(s)
Violation Description Failure to demonstrate 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.
Base Penalty

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

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

OR

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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"/>

mark only one use a small x

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1,365"/>	Violation Final Penalty Total <input type="text" value="\$2,620"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,620"/>	

Economic Benefit Worksheet

Respondent: Inara Convenience, Inc. dba: Rose Dale Texaco
Case ID No: 24833
Reg. Ent. Reference No: RN101534790
Additional ID No(s): Petroleum Storage Tank Facility ID No. 5590
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				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				n/a			

Avoided Costs							
ANNUALIZE [4] 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]	\$1,300	02-Apr-2002	02-Apr-2003	1.0	\$65	\$1,300	\$1,365
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: The estimated cost (\$650 per tank) to provide financial assurance for two petroleum USTs for one year prior to April 2, 2003 request for financial assurance documentation.

Approx. Cost of Compliance	\$1,300	TOTAL	\$1,365
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Compliance History

Customer/Respondent/Owner-Operator:	CN600805808 Inara Convenience, Inc.	Classification: AVERAGE	Rating: 5.80
Regulated Entity:	RN101534790 ROSEDALE TEXACO	Classification: AVERAGE	Site Rating: 11.60
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	5590
Location:	6101 E ROSEDALE ST, FORT WORTH, TX, 76112		Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	August 10, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 24, 2000 to February 24, 2005		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Deana Holland Phone: 239-2504

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.
- Effective Date: 07/30/2004 ADMINORDER 2003-1588-PST-E
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.48(c)
30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(ii)
- Description: Failed to conduct effective manual or automatic inventory control procedures for the UST systems.
- Classification: Moderate
- Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a)
2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.50(b)
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
30 TAC Chapter 334, SubChapter C 334.50(b)(2)
30 TAC Chapter 334, SubChapter C 334.50(b)(2)(A)(i)(III)
- Description: Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).
- 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 | 07/10/2002 | (4398) |
| 2 | 05/20/2003 | (35339) |
| 3 | 06/24/2003 | (277436) |
| 4 | 06/28/2004 | (273217) |
| 5 | 09/28/2004 | (285817) |
| 6 | 02/17/2005 | (351077) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 09/19/2000 (115161)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter C 115.248(1)[G]
- Description: FAILURE TO COMPLY

Date: 05/30/2002 (4398),
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.245(3)[G]
 Description: At the time of this inspection, the facility had not successfully performed the required 5-year testing.

Date: 06/24/2003 (277436)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)[G]
 30 TAC Chapter 37, SubChapter I 37.815(b)[G]
 Description: Failure to provide acceptable financial assurance.

Date: 06/28/2004 (273217)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)
 Description: Failure to maintain a record of daily inspections according to 115.244 (Inspection Requirements).

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)
 Description: Failure to maintain a record of maintenance conducted on any part of the Stage II equipment.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)
 Description: Failure to maintain a record of the results of testing conducted at the facility according to 115.245 (Testing Requirements).

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
AGAINST INARA CONVENIENCE,
INC. DBA ROSEDALE TEXACO;
RN101534790

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-0372-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Inara Convenience, Inc. dba Rosedale Texaco ("Inara") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Inara, represented by Mr. William F. Brown, appear before the Commission and together stipulate that:

1. Inara owns and operates a convenience store with retail sales of gasoline located at 6101 East Rosedale Street, Fort Worth, Tarrant County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Inara agree that the Commission has jurisdiction to enter this Agreed Order, and that Inara is subject to the Commission's jurisdiction.
4. Inara received notice of the violation alleged in Section II ("Allegations") on or about June 30, 2003 and February 22, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Inara of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of two thousand six hundred twenty dollars (\$2,620.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Inara has paid two hundred twenty dollars (\$220.00) of the administrative

penalty. The remaining amount of two thousand four hundred dollars (\$2,400.00) of the administrative penalty shall be payable in twenty-four monthly payments of one hundred dollars (\$100.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Inara fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Inara to meet the payment schedule of this Agreed Order constitutes the failure of Inara to timely and satisfactorily comply with all of the terms of this Agreed Order.

7. 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.
8. The Executive Director of the TCEQ and Inara have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 Inara has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

Inara is alleged to have violated 30 TEX. ADMIN. CODE § 37.815(a) and (b) by failing to demonstrate 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 two petroleum underground storage tanks (USTs) as documented during record reviews conducted on May 2, 2003 and February 16, 2005.

III. DENIALS

Inara generally denies each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Inara pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Inara's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegation in Section II. The Commission shall not be constrained in any manner from considering requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Inara Convenience, Inc. dba Rosedale Texaco, Docket No. 2005-0372-PST-E" 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. Within 30 days after the effective date of this Agreed Order, Inara shall 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 in accordance with 30 TEX. ADMIN. CODE § 37.815(a) and (b) as 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

and

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

3. The provisions of this Agreed Order shall apply to and be binding upon Inara. Inara is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Inara fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Inara's failure to comply is not a violation of this Agreed Order. Inara shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Inara shall notify the Executive Director within seven days after Inara becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Inara shall be made in writing to the Executive Director. Extensions are not effective until Inara receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Inara in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Inara, or three days after the date on which the Commission mails notice of the Order to Inara, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

S. Bergeson Perdue

For the Executive Director

5/9/06

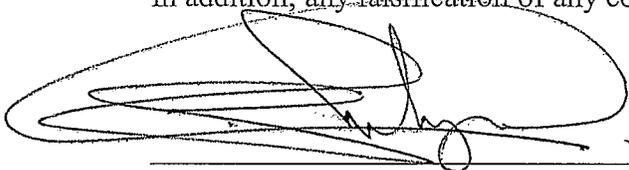
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

2/25/06

Date

SHEHZAD DHANANI

Name (Printed or typed)

Authorized representative of

Inara Convenience, Inc. dba Rosedale Texaco

manager

Title