# EXECUTIVE SUMMARY - ENFORCEMENT MATTER



**DOCKET NO.:** 2007-0986-PST-E **TCEQ ID:** RN104711734 **CASE NO.:** 33872

**RESPONDENT NAME:** Pringka Corporation dba Speedys Food Store

| ORDER TYPE: | | |
|---|---|---|
| X 1660 AGREED ORDER | __FINDINGS AGREED ORDER | __FINDINGS ORDER FOLLOWING SOAH HEARING |
| __FINDINGS DEFAULT ORDER | __SHUTDOWN ORDER | __IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| __AMENDED ORDER | __EMERGENCY ORDER | |
| **CASE TYPE:** | | |
| __AIR | __MULTI-MEDIA (check all that apply) | __INDUSTRIAL AND HAZARDOUS WASTE |
| __PUBLIC WATER SUPPLY | X PETROLEUM STORAGE TANKS | __OCCUPATIONAL CERTIFICATION |
| __WATER QUALITY | __SEWAGE SLUDGE | __UNDERGROUND INJECTION CONTROL |
| __MUNICIPAL SOLID WASTE | __RADIOACTIVE WASTE | __DRY CLEANER REGISTRATION |

**SITE WHERE VIOLATION(S) OCCURRED:** Speedys Food Store, 1300 East Long Avenue, Fort Worth, Tarrant County

**TYPE OF OPERATION:** Convenience store with retail sales of gasoline

**SMALL BUSINESS:** X **Yes** ___ **No**

**OTHER SIGNIFICANT MATTERS:** A complaint was received on April 17, 2007, alleging that water with fuel was coming from behind the building of Speedys Food Store. Respondent was concerned that the main water line going through the property was leaking. The Ft. Worth Water Department was unable to determine if it was potable water as there was a small amount of fuel mixed with the water. On April 18, 2007, the investigator did not observe any evidence of free product being mixed with the water running behind the facility. The monitoring wells and secondary containment sumps did not reveal evidence of free product. No violations were documented in relation to the complaint, but one unrelated violation was documented during the investigation. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on October 1, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Elvia Maske, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-0789; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468

**Respondent:** Mr. Anwar Hossain, Owner, Speedys Food Store, 1300 East Long Avenue, Fort Worth, Texas 76106

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

## VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|---|---|
| **Type of Investigation:**<br>_X_ Complaint<br>__ Routine<br>__ Enforcement Follow-up<br>__ Records Review<br><br>**Date(s) of Complaints Relating to this Case:** April 17, 2007<br><br>**Date of Investigation Relating to this Case:** April 18, 2007<br><br>**Date of NOV/NOE Relating to this Case:** June 5, 2007 (NOE)<br><br>**Background Facts:** This was a complaint investigation. One violation was documented.<br><br>**WASTE**<br><br>Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(d)(1)(B) and TEX. WATER CODE § 26.3475(c)(1)]. | **Total Assessed:** $2,550<br><br>**Total Deferred:** $510<br>_X_ Expedited Settlement<br><br>__ Financial Inability to Pay<br><br>**SEP Conditional Offset:** $0<br><br>**Total Paid (Due) to General Revenue:** $170 (remaining $1,870 due in 11 monthly payments of $170 each)<br><br>**Site Compliance History Classification**<br>__ **High** _X_ **Average** __ **Poor**<br><br>**Person Compliance History Classification**<br>__ **High** _X_ **Average** __ **Poor**<br><br>**Major Source:** __ Yes _X_ No<br><br>**Applicable Penalty Policy:** September 2002 | **Ordering Provisions:**<br><br>The Order will require the Respondent to:<br><br>a. Immediately upon the effective date of this Agreed Order, begin performing reconciliation of inventory control records at least once each month; and<br><br>b. Within 15 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a. |

Additional ID No(s).: PST Registration No. 77472

# Penalty Calculation Worksheet (PCW)

*Policy Revision 2 (September 2002)* — *PCW Revision May 25, 2007*

TCEQ

| DATES | | | | | |
|---|---|---|---|---|---|
| Assigned | 11-Jun-2007 | | | | |
| PCW | 21-Jun-2007 | Screening | 17-Jun-2007 | EPA Due | |

**RESPONDENT/FACILITY INFORMATION**

| | | | |
|---|---|---|---|
| Respondent | Pringka Corporation dba Speedys Food Store | | |
| Reg. Ent. Ref. No. | RN104711734 | | |
| Facility/Site Region | 4-Dallas/Fort Worth | Major/Minor Source | Minor |

**CASE INFORMATION**

| | | | |
|---|---|---|---|
| Enf./Case ID No. | 33872 | No. of Violations | 1 |
| Docket No. | 2007-0986-PST-E | Order Type | 1660 |
| Media Program(s) | Petroleum Storage Tank | Enf. Coordinator | Elvia Maske |
| Multi-Media | | EC's Team | EnforcementTeam 6 |
| Admin. Penalty $ Limit Minimum | $0 | Maximum | $10,000 |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** — *Subtotal 1* $2,500

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** — 2% Enhancement — *Subtotals 2, 3, & 7* $50

Notes: Enhancement due to one NOV for different violations.

**Culpability** — No — 0% Enhancement — *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** — 0% Reduction — *Subtotal 5* $0

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---|---|---|
| Extraordinary | | |
| Ordinary | | |
| N/A | X | (mark with x) |

Notes: The respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

| | |
|---|---|
| Total EB Amounts | $16 |
| Approx. Cost of Compliance | $500 |

**SUM OF SUBTOTALS 1-7** — *Final Subtotal* $2,550

**OTHER FACTORS AS JUSTICE MAY REQUIRE** — *Adjustment* $0

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

*Final Penalty Amount* $2,550

**STATUTORY LIMIT ADJUSTMENT** — *Final Assessed Penalty* $2,550

**DEFERRAL** — 20% Reduction — *Adjustment* -$510

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** $2,040

**Screening Date** 17-Jun-2007 **Docket No.** 2007-0986-PST-E **PCW**

**Respondent** Pringka Corporation dba Speedys Food Store *Policy Revision 2 (September 2002)*

**Case ID No.** 33872 *PCW Revision May 25, 2007*

**Reg. Ent. Reference No.** RN104711734

**Media [Statute]** Petroleum Storage Tank

**Enf. Coordinator** Elvia Maske

## 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 (*number of NOVs meeting criteria*) | 0 | 0% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*) | 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 (*number of judgements 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 submitted*) | 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% |
| | | *Please Enter Yes or No* | |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

***Adjustment Percentage (Subtotal 2)*** 2%

>> **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** Enhancement due to one NOV for different violations.

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

**PCW**

*Policy Revision 2 (September 2002)*

*PCW Revision May 25, 2007*

**Screening Date** 17-Jun-2007 **Docket No.** 2007-0986-PST-E

**Respondent** Pringka Corporation dba Speedys Food Store

**Case ID No.** 33872

**Reg. Ent. Reference No.** RN104711734

**Media [Statute]** Petroleum Storage Tank

**Enf. Coordinator** Elvia Maske

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 334.50(d)(1)(B) and Tex. Water Code § 26.345(c)(1)

**Violation Description** Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons.

**Base Penalty** $10,000

## >> Environmental, Property and Human Health Matrix

OR

| Release | Harm: Major | Moderate | Minor |
|---|---|---|---|
| Actual | | | |
| Potential | x | | |

**Percent** 25%

## >>Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---|---|---|---|
| | | | |

**Percent** 0%

Matrix Notes: Failure to conduct inventory control as required at retail facilities can result in the exposure of a significant amount of contaminants which may exceed levels that are protective of human health and the environment.

**Adjustment** $7,500

$2,500

## Violation Events

Number of Violation Events 1

60 Number of violation days

*mark only one with an x*

| | |
|---|---|
| daily | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

**Violation Base Penalty** $2,500

One quarterly event is recommended for the violation from the date of the investigation (April 18, 2007) to the date of screening (June 17, 2007).

## Economic Benefit (EB) for this violation

**Estimated EB Amount** $16

## Statutory Limit Test

**Violation Final Penalty Total** $2,550

**This violation Final Assessed Penalty (adjusted for limits)** $2,550

# Economic Benefit Worksheet

**Respondent** Pringka Corporation dba Speedys Food Store
**Case ID No.** 33872
**Reg. Ent. Reference No.** RN104711734
**Media** Petroleum Storage Tank
**Violation No.** 1

| Percent Interest | Years of Depreciation |
|---|---|
| 5.0 | 15 |

| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|---|---|---|---|---|---|---|---|
| Item Description | No commas or $ | | | | | | |
| **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) | $500 | 18-Apr-2007 | 1-Dec-2007 | 0.6 | $16 | n/a | $16 |

Notes for DELAYED costs: Estimated cost to conduct proper inventory control procedures. The date required is the investigation date and the final date is the projected 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:

Approx. Cost of Compliance: $500

TOTAL: $16

# Compliance History

| | | | | |
|---|---|---|---|---|
| Customer/Respondent/Owner-Operator: | CN602884330 | Pringka Corporation | Classification: AVERAGE BY DEFAULT | Rating: 3.01 |
| Regulated Entity: | RN104711734 | SPEEDYS FOOD STORE | Classification: AVERAGE BY DEFAULT | Site Rating: 3.01 |
| ID Number(s): | PETROLEUM STORAGE TANK REGISTRATION | REGISTRATION | 77472 | |
| Location: | 1300 E LONG AVE, FORT WORTH, TX, 76106 | Rating Date: September 01 06 | Repeat Violator: NO | |
| TCEQ Region: | REGION 04 - DFW METROPLEX | | | |
| Date Compliance History Prepared: | June 18, 2007 | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | |
| Compliance Period: | June 18, 2002 to June 18, 2007 | | | |

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

Name: Elvia Maske Phone: (512) 239-0789

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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 01/11/2007 (531371)
2 02/01/2007 (535397)
3 02/01/2007 (538312)
4 06/05/2007 (557439)

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

Date: 01/11/2007 (531371)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.248(1)[G]
Description: Failure to train employees.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)[G]
Description: Failure to conduct annual testing.

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** | § | **BEFORE THE** |
| **ENFORCEMENT ACTION** | § | |
| **CONCERNING** | § | **TEXAS COMMISSION ON** |
| **PRINGKA CORPORATION DBA** | § | |
| **SPEEDYS FOOD STORE** | § | |
| **RN104711734** | § | **ENVIRONMENTAL QUALITY** |

**AGREED ORDER**
**DOCKET NO. 2007-0986-PST-E**

## I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Pringka Corporation dba Speedys Food Store ("Pringka Corp") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Pringka Corp appear before the Commission and together stipulate that:

1. Pringka Corp owns and operates a convenience store with retail sales of gasoline at 1300 East Long Avenue in Fort Worth, Tarrant County, Texas (the "Facility").

2. Pringka Corp's one underground storage tank ("UST") is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.

3. The Commission and Pringka Corp agree that the Commission has jurisdiction to enter this Agreed Order, and that Pringka Corp is subject to the Commission's jurisdiction.

4. Pringka Corp received notice of the violations alleged in Section II ("Allegations") on or about June 10, 2007.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Pringka Corp of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Two Thousand Five Hundred Fifty Dollars ($2,550) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Pringka Corp has paid One Hundred Seventy Dollars ($170) of the administrative penalty and

Five Hundred Ten Dollars ($510) is deferred contingent upon Pringka Corp's timely and satisfactory compliance with all the terms of this Agreed Order. If Pringka Corp fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Pringka Corp to pay all or part of the deferred penalty.

The remaining amount of One Thousand Eight Hundred Seventy Dollars ($1,870) of the administrative penalty shall be payable in 11 monthly payments of One Hundred Seventy Dollars ($170) 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 Pringka Corp fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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 Pringka Corp to meet the payment schedule of this Agreed Order constitutes the failure by Pringka Corp to timely and satisfactorily comply with all 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 Pringka Corp 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 Pringka Corp 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

As owner and operator of the Facility, Pringka Corp is alleged to have failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on April 18, 2007.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Pringka Corp pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Pringka Corp's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Pringka Corporation dba Speedys Food Store, Docket No. 2007-0986-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. It is further ordered that Pringka Corp shall undertake the following technical requirements:

   a. Immediately upon the effective date of this Agreed Order, Pringka Corp shall begin performing reconciliation of inventory control records at least once each month, in accordance with 30 TEX. ADMIN. CODE § 334.50; and

   b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. 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 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 certification shall be submitted 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:

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

3. The provisions of this Agreed Order shall apply to and be binding upon Pringka Corp. Pringka Corp 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 Pringka Corp 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, Pringka Corp's failure to comply is not a violation of this Agreed Order. Pringka Corp shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Pringka Corp shall notify the Executive Director within seven days after Pringka Corp 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 Pringka Corp shall be made in writing to the Executive Director. Extensions are not effective until Pringka Corp 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 Pringka Corp 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), the effective date is the date of hand-delivery of the Order to Pringka Corp, or three days after the date on which the Commission mails notice of the Order to Pringka Corp, 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

John Sadlier
For the Executive Director

10/9/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Anwar Hossain
Signature

07-23-07
Date

ANWAR HOSSAIN
Name (Printed or typed)
Authorized Representative of
Pringka Corporation dba Speedys Food Store

OWNER
Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.