

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NUMBER: 2006-0897-PST-E TCEQ ID NO: RN101820017 ENF ID: 30063
RESPONDENT NAME: DINH LY CHIA AND SUNG CHIA DBA BILLY MART

ORDER TYPE:

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

CASE TYPE:

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

SITE WHERE VIOLATION(S) OCCURRED: 2205 West Highway 82, Clarksville, Red River County

TYPE OF OPERATION: Gasoline station

SMALL BUSINESS: Yes No

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

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 January 29, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Mary Hammer, Litigation Division, MC 175 (512) 239-2496; Ms. Jennifer Cook, Litigation Division, MC 175 (512) 239-1873
TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Section II, MC 219, (512) 239-5363
TCEQ Regional Contact: Mr. Michael Brashear, Tyler Regional Office, MC R-5, (903) 535-5176
Respondent: Mr. Dinh Ly Chia and Mrs. Sung Kung Chia, Owners, Billy Mart, 2205 West Highway 82, Clarksville, TX 75426
Respondent's Attorney: Not represented by counsel.

RESPONDENT'S NAME: DINH LY CHIA AND SUNG CHIA DBA BILLY MART
DOCKET NO.: 2006-0897-PST-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date(s) of Investigation(s) Relating to this Case: May 22, 2006</p> <p>Date(s) of NOV(s)/NOE(s) Relating to this Case: June 25, 2006 (NOE)</p> <p>Background Facts: After successful settlement negotiations, the Respondents signed the Agreed Order on November 20, 2006 and submitted the first payment of \$600.</p> <p>The Respondents in this case do not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>PST:</p> <p>Failed to perform an adequate site assessment to determine the full extent and location of soils contaminated by a release, the presence and concentrations of dissolved regulated substance contamination in the groundwater, and the risk associated with a release as documented during an investigation conducted on May 22, 2006. Specifically, a release was reported on May 17, 2006 and no clean-up or other corrective measures have been taken [30 TEX. ADMIN. CODE § 334.80(a)].</p>	<p>Total Assessed: \$5,000</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>Total Paid/Due to General Revenue: \$600/\$4,400</p> <p>The Respondent has paid \$600 of the administrative penalty. The remaining amount of \$4,400 will be paid in 11 monthly payments of \$400 each.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <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 Provision(s)</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days submit an Affected Property Assessment Report. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program. 2. Within 45 days, submit written certification of compliance.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	26-Jun-2006			
	PCW	06-Jul-2006	Screening	29-Jun-2006	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Dinh Ly Chia and Sung Kung Chia dba Billy Mart				
Reg. Ent. Ref. No.	RN101820017				
Facility/Site Region	5-Tyler	Major/Minor Source	Minor Source		

CASE INFORMATION					
Enf./Case ID No.	30063	No. of Violations	1		
Docket No.	2006-0897-PST-E	Order Type	1660		
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Samuel Short		
Multi-Media		EC's Team	Enforcement Team 4		
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	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No change is recommended for being an Average performer.

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 does not meet the good faith criteria.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$235	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$7,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,000
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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	\$5,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,000
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DEFERRAL	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral offered for non-expedited order.

PAYABLE PENALTY	\$5,000
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Screening Date	29-Jun-2006	Docket No.	2006-0897-PST-E	PCW
Respondent	Dinh Ly Chia and Sung Kung Chia dba Billy Mart		Policy Revision 2 (September 2002)	
Case ID No.	30063	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN101820017			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Samuel Short			

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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</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%
<i>Please Enter Yes or No</i>			
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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

No change is recommended for being an Average performer.

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

Screening Date	29-Jun-2006	Docket No.	2006-0897-PST-E	PCW
Respondent	Dinh Ly Chia and Sung Kung Chia dba Billy Mart			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	30063			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN101820017			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Samuel Short			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 334.80(a)			
Secondary Rule Cite(s)				
Violation Description	Failed to perform an adequate site assessment to determine the full extent and location of soils contaminated by a release, the presence and concentrations of dissolved regulated substance contamination in the groundwater, and the risk associated with a release. Specifically, a release was reported on May 17, 2006 and no clean up or other corrective measures have been taken.			
	Base Penalty	\$10,000		

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

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential	X			25%

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events: 2

mark only one use a small x	daily	
	monthly	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$5,000

Two monthly events are recommended from the May 17, 2006 report to the June 29, 2006 screening date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: \$235	Violation Final Penalty Total: \$5,000
This violation Final Assessed Penalty (adjusted for limits) \$5,000	

Economic Benefit Worksheet

Respondent: Dinh Ly Chia and Sung Kung Chia dba Billy Mart
 Case ID No. 30063
 Reg. Ent. Reference No. RN101820017
 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	\$7,000	17-May-2006	17-Jan-2007	0.7	\$235	n/a	\$235
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 submit an Affected Property Assessment Report and perform any response actions that are necessary. Date required is the date in which the release was reported. Final date is the date in which the respondent is projected to come into 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 \$7,000

TOTAL \$235

Compliance History

Customer/Respondent/Owner-Operator:	CN600989156	Chia Dinh Ly and Sung Kung	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101820017	BILLY MART	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	71065	
Location:	2205 W HWY 82, CLARKSVILLE, TX, 75426		Rating Date: 9/1/2005 Repeat Violator: NO	
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	June 27, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 27, 2001 to June 27, 2006			

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

Name: Samuel Short Phone: 239-5363

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.)

N/A 1 06/20/2006 (481842)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
DINH LY CHIA AND SUNG
KUNG CHIA DBA BILLY MART,
RN101820017

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-0897-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 Dinh Ly Chia and Sung Kung Chia dba Billy Mart ("Ms. and Mr. Chia") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Ms. and Mr. Chia, appear before the Commission and together stipulate that:

1. Ms. and Mr. Chia own and operate a gasoline station at 2205 West Highway 82 in Clarksville, Red River 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 Ms. and Mr. Chia agree that the Commission has jurisdiction to enter this Agreed Order, and that Ms. and Mr. Chia are subject to the Commission's jurisdiction.
4. Ms. and Mr. Chia received notice of the violations alleged in Section II ("Allegations") on or about June 25, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ms. and Mr. Chia of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of five thousand dollars (\$5,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ms. and

Mr. Chia have paid six hundred dollars (\$600.00) of the administrative penalty. The remaining amount of four thousand four hundred dollars (\$4,400.00) shall be payable in eleven monthly payments of four hundred dollars (\$400.00) 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 Ms. and Mr. Chia fail 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 Ms. and Mr. Chia to meet the payment schedule of this Agreed Order constitutes the failure by Ms. and Mr. Chia 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 Ms. and Mr. Chia 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 Ms. and Mr. Chia have 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

Ms. and Mr. Chia are alleged to have violated 30 TEX. ADMIN. CODE § 334.80(a) by failing to perform an adequate site assessment to determine the full extent and location of soils contaminated by a release, the presence and concentrations of dissolved regulated substance contamination in the groundwater, and the risk associated with a release as documented during an investigation conducted on May 22, 2006. Specifically, a release was reported on May 17, 2006 and no clean-up or other corrective measures have been taken.

III. DENIALS

Ms. and Mr. Chia generally deny each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Ms. and Mr. Chia pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Ms. and Mr. Chia'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 considering or 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: Dinh Ly Chia and Sung Kung Chia dba Billy Mart, Docket No. 2006-0897-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. Ms. and Mr. Chia shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, submit an Affected Property Assessment Report, pursuant to 30 TEX. ADMIN. CODE § 350.91, to the Executive Director for approval. If response actions are necessary, comply with all applicable requirements of the Texas Risk Reduction Program found in 30 TEX. ADMIN. CODE ch. 350 which may include: plans, reports, and notices under Subchapter E (30 TEX. ADMIN. CODE §§ 350.92 to 350.96); financial assurance (30 TEX. ADMIN. CODE § 350.33(l)); and Institutional Controls under Subchapter F; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a. as described below.

The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, 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:

Michael Brashear, Waste Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Dr.
Tyler, Texas 75701-3734

3. The provisions of this Agreed Order shall apply to and be binding upon Ms. and Mr. Chia. Ms. and Mr. Chia are 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 Ms. and Mr. Chia fail 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, Ms. and Mr. Chia's failure to comply is not a violation of this Agreed Order. Ms. and Mr. Chia shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ms. and Mr. Chia shall notify the Executive Director within seven days after Ms. and Mr. Chia become 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 Ms. and Mr. Chia shall be made in writing to the Executive Director. Extensions are not effective until Ms. and Mr. Chia receive 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 Ms. and Mr. Chia 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

**DINH LY CHIA AND SUNG KUNG CHIA DBA BILLY MART
DOCKET NO. 2006-0897-PST-E**

Page 5 of 6

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 Ms. and Mr. Chia, or three days after the date on which the Commission mails notice of the Order to Ms. and Mr. Chia, 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 Ferguson Perdue

For the Executive Director

1/17/07

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.

Dinh Ly Chia
Signature of Dinh Ly Chia

11-20-06
Date

DINH LY CHIA
Name (Printed or typed)

OWNER
Title

Sung Kung Chia
Signature of Sung Kung Chia

11-20-06
Date

SUNG KUNG CHIA
Name (printed or typed)

OWNER
Title