

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2005-1154-PST-E TCEQ ID NO.: RN102402179 CASE NO.: 26020**  
**RESPONDENT NAME: PAK CONVENIENCE STORE, INC. DBA ONE STOP #15**

Page 1 of 3

**ORDER TYPE:**

<input 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 checked="" type="checkbox"/> SHUTDOWN ORDER	<input checked="" 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		

**SITE WHERE VIOLATION(S) OCCURRED:** 8460 Denton Drive, Dallas, Dallas County

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

**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. Lena Roberts, Litigation Division, MC 175, (512) 239-0019; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

**TCEQ Enforcement Coordinator:** Mr. Terry Murphy, Enforcement Division, Section III, MC 149, (512) 239-5025

**TCEQ Regional Contact:** Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903

**Respondent:** Mr. Saleem Hassan, President, Pak Convenience Store, Inc. dba One Stop #15, 1600 Marsh Lane, Carrollton, Texas 75006

**Respondent's Attorney:** Not represented by counsel.

**RESPONDENT'S NAME: PAK CONVENIENCE STORE, INC. DBA ONE STOP# 15**  
**DOCKET NO.: 2005-1154-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 6, 2005</p> <p>Date(s) of NOV(s)/NOE(s) Relating to this Case: June 10, 2005 (NOE)</p> <p><b>Background Facts:</b></p> <p>The EDPRP was filed on February 9, 2006. The Respondent received notice on February 11, 2006, as evidenced by his signature on the "green card." The Respondent failed to request a hearing and failed to schedule a settlement conference.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>PST:</b></p> <p>(1) Failed to monitor the UST system at a frequency of at least once every month (not to exceed 35 days between each monitoring) in a manner which would detect a release [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>(2) Failed to conduct effective manual or automatic inventory control procedures for the UST system [30 TEX. ADMIN. CODE § 334.48(c)].</p> <p>(3) Failed to timely renew a previously issued delivery certificate, and failed to make immediately available upon request by TCEQ staff a current TCEQ delivery certificate for the USTs at the Facility [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].</p> <p>(4) Failed to maintain on the premises of the Facility all required records, and failed to make those records immediately available for inspection upon request by TCEQ personnel [30 TEX. ADMIN. CODE § 334.10(b)].</p> <p>(5) Failed to pay, at the time and in a timely manner required, outstanding annual Facility fees [30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702].</p>	<p><b>Total Assessed:</b> \$6,222</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>Total Due to General Revenue:</b> \$6,222  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 Order</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provision(s):</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <p>(1) Immediately, take the following steps to shut down operations of the non-compliant UST systems at the Facility:</p> <ul style="list-style-type: none"> <li>(a) Cease dispensing fuel from the USTs;</li> <li>(b) Cease receiving deliveries of regulated substances into the USTs;</li> <li>(c) Padlock the dispensers;</li> <li>(d) Empty the USTs of all regulated substances; and</li> <li>(e) Temporarily remove the UST system from service.</li> </ul> <p>(2) The Respondent's UST delivery certificate is revoked immediately upon the effective date of this Order.</p> <p>(3) Within 10 days, the Respondent shall surrender its UST delivery certificate to TCEQ.</p> <p>(4) Within 15 days, submit to the Executive Director a detailed written report documenting the steps it has taken to comply with Ordering Provision No. 1.</p> <p>(5) Prior to resuming service of the UST, and within 30 days:</p> <ul style="list-style-type: none"> <li>(a) Begin monitoring the UST system at a frequency of at least once every month (not to exceed 35 days between each monitoring) in a manner which will detect a release;</li> </ul>

**RESPONDENT'S NAME: PAK CONVENIENCE STORE, INC. DBA ONE STOP# 15**  
**DOCKET NO.: 2005-1154-PST-E**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
		<p>(b) Conduct effective manual or automatic inventory control procedures for the UST system;</p> <p>(c) Maintain on the premises of the Facility all required records, and make those records immediately available for inspection upon request by TCEQ personnel; and</p> <p>(d) Submit payment for all outstanding fees.</p> <p>(6) Within 10 days of resuming service, the Respondent shall submit copies of documentation necessary to demonstrate compliance.</p> <p>(7) Upon obtaining a new delivery certificate, Respondent shall post the delivery certificate in a location where the document is clearly visible at all times.</p> <p>(8) If elected to permanently remove from service any UST systems at the Facility, the Respondent shall permanently remove those UST systems and submit to the Commission a written report documenting compliance.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	13-Jun-2005			
	PCW	13-Jul-2005	Screening	06-Jul-2005	EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>					
Respondent	Pak Convenience Store Inc. dba One Stop #15				
Reg. Ent. Ref. No.	RN102402179				
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source		

<b>CASE INFORMATION</b>					
Enf./Case ID No.	26020	No. of Violations	5		
Docket No.	2005-1154-PST-E	Order Type	1660		
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	A. Sunday Udoetok		
Multi-Media		EC's Team	Enforcement Team 3		
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	\$6,100
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	2% Enhancement	<i>Subtotals 2, 3, &amp; 7</i>	\$122
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Notes: A two percent (2%) enhancement is given for one NOV for non similar violations.

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

<b>Good Faith Effort to Comply</b>	0% Reduction	<i>Subtotal 5</i>	\$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.

<b>Economic Benefit</b>	0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts	\$141	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,100	

<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	\$6,222
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	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:

<b>Final Penalty Amount</b>	\$6,222
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<i>Final Assessed Penalty</i>	\$6,222
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<b>DEFERRAL</b>	0% 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: This is not an expedited case.

<b>PAYABLE PENALTY</b>	\$6,222
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Screening Date 06-Jul-2005

Docket No. 2005-1154-PST-E

PCW

Respondent Pak Convenience Store Inc. dba One Stop #15

Policy Revision 2 (September 2002)

Case ID No. 26020

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102402179

Media [Statute] Petroleum Storage Tank

Enf. Coordinator A. Sunday Udoetok

**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	1	2%
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)</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	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

A two percent (2%) enhancement is given for one NOV for non similar violations.

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

<b>Screening Date</b>	06-Jul-2005	<b>Respondent</b>	Pak Convenience Store Inc. dba One Stop #15	<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	26020	<b>Case ID No.</b>	26020	<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN102402179	<b>Media [Statute]</b>	Petroleum Storage Tank	
<b>Enf. Coordinator</b>	A. Sunday Udoetok	<b>Violation Number</b>	1	
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(b)(1)(A)			
<b>Secondary Rule Cite(s)</b>	Tex. Water Code § 26.3475(c)(1)			
<b>Violation Description</b>	The respondent failed to ensure that all tanks are monitored for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), as documented during the May 6, 2005 investigation. Specifically, the automatic tank gauge (ATG) was not working.			
<b>Base Penalty</b>				\$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Failure to monitor the USTs for releases could result in the release of a significant amount of pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

**Violation Events**

Number of Violation Events 1

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

Violation Base Penalty \$2,500

One quarterly event is recommended based on the May 6, 2005 investigation date to the July 6, 2005 screening date.

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

Estimated EB Amount \$69

Violation Final Penalty Total \$2,550

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

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### Economic Benefit Worksheet

Respondent: Pak Convenience Store Inc. dba One Stop #15  
 Case ID No. 26020  
 Reg. Ent. Reference No. RN102402179  
 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)	\$1,500	06-May-2005	07-Apr-2006	0.9	\$69	n/a	\$69

Notes for DELAYED costs: Estimated cost to conduct monthly release detection for the UST system. Date required is date of the investigation and Final Date is 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

Approx. Cost of Compliance

**TOTAL**

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Docket No. 2005-1154-PST-E

PCW

<b>Screening Date</b>	06-Jul-2005	<b>Policy Revision 2 (September 2002)</b>
<b>Respondent</b>	Pak Convenience Store Inc. dba One Stop #15	<b>PCW Revision May 19, 2005</b>
<b>Case ID No.</b>	26020	
<b>Reg. Ent. Reference No.</b>	RN102402179	
<b>Media [Statute]</b>	Petroleum Storage Tank	
<b>Enf. Coordinator</b>	A. Sunday Udoetok	
<b>Violation Number</b>	<input type="text" value="2"/>	
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 334.48(c)"/>	
<b>Secondary Rule Cite(s)</b>	<input type="text"/>	
<b>Violation Description</b>	<input type="text" value="Failure to conduct effective manual or automatic inventory control procedures for the UST system."/>	
<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	

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

OR	<b>Harm</b>			Percent <input type="text" value="25%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent <input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<input type="text" value="Failure to provide the proper inventory procedures for the UST system could result in the release of a significant amount of pollutants which would exceed levels that are protective of human health or environmental receptors."/>					

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 checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

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

Estimated EB Amount <input type="text" value="\$46"/>	Violation Final Penalty Total <input type="text" value="\$2,550"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,550"/>	

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**Economic Benefit Worksheet**

Respondent: Pak Convenience Store Inc. dba One Stop #15  
 Case ID No. 26020  
 Reg. Ent. Reference No. RN102402179  
 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
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)	\$1,000	06-May-2005	07-Apr-2006	0.9	\$46	n/a	\$46

Notes for DELAYED costs: Estimated cost includes the amount to conduct effective inventory control. Date Required is the investigation date and the Final Date is 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:

Approx. Cost of Compliance **\$1,000**

**TOTAL** **\$46**

**Screening Date** 06-Jul-2005  
**Respondent** Pak Convenience Store Inc. dba One Stop #15  
**Case ID No.** 26020  
**Reg. Ent. Reference No.** RN102402179  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** A. Sunday Udoetok

Policy Revision 2 (September 2002)  
 PCW Revision May 19, 2005

**Violation Number**

**Primary Rule Cite(s)** 30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and 334.8(c)(5)(B)(ii)  
**Secondary Rule Cite(s)**

**Violation Description**  
 The respondent failed to timely renew a previously issued delivery certificate, and failed to make immediately available upon request by TCEQ staff a current TCEQ delivery certificate for the USTs at the facility. Specifically, the respondent failed to renew the delivery certificate prior to the expiration date of October 31, 2004.

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**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**

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

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

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

### Economic Benefit Worksheet

Respondent: Pak Convenience Store Inc. dba One Stop #15  
 Case ID No: 26020  
 Reg. Ent. Reference No: RN102402179  
 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
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)	\$100	31-Oct-2004	11-May-2005	0.5	\$3	n/a	\$3

Notes for DELAYED costs: Estimated cost to prepare and submit a new UST registration. Date Required is the date the delivery certificate expired and the Final Date is the 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 **\$100**

**TOTAL** **\$3**

**Screening Date** 06-Jul-2005  
**Respondent** Pak Convenience Store Inc. dba One Stop #15  
**Case ID No.** 26020  
**Reg. Ent. Reference No.** RN102402179  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** A. Sunday Udoetok  
**Violation Number** 4  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 334.10(b)  
**Secondary Rule Cite(s)**  
**Violation Description** The respondent failed to maintain on the premises of the UST facility all required records, and failed to make those records immediately available for inspection upon request by Agency personnel. Specifically, fuel delivery manifests were not available during the investigation conducted on May 6, 2005.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
			X	1%

Matrix Notes: Less than 30% of the rule requirement was not met.

Adjustment -\$9,900

Base Penalty Subtotal \$100

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$100

One single event is recommended based on the May 6, 2005 investigation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$23

Violation Final Penalty Total \$102

This violation Final Assessed Penalty (adjusted for limits) \$102

#15 AGENDA\PCW\pww  
**Economic Benefit Worksheet**

Respondent: Pak Convenience Store Inc. dba One Stop #15  
 Case ID No: 26020  
 Reg. Ent. Reference No: RN102402179  
 Media [Statute]: Petroleum Storage Tank  
 Violation No: 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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	\$500	06-May-2005	07-Apr-2006	0.9	\$23	n/a	\$23
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: Estimated cost to implement a record keeping system. Date Required is the investigation date and the Final Date is the 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

**TOTAL**

<b>Screening Date</b>	06-Jul-2005	#15 AGENDA PCW.gpw	<b>Docket No.</b> 2005-1154-PST-E	<b>PCW</b>
<b>Respondent</b>	Pak Convenience Store Inc. dba One Stop #15		Policy Revision 2 (September 2002)	
<b>Case ID No.</b>	26020		PCW Revision May 19, 2005	
<b>Reg. Ent. Reference No.</b>	RN102402179			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	A. Sunday Udoetok			
<b>Violation Number</b>	5			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 334.22(a)			
<b>Secondary Rule Cite(s)</b>	Tex. Water Code. § 5.702			
<b>Violation Description</b>	The respondent failed to pay outstanding annual facility fees for TCEQ Account No. 0052830U for fiscal year 2006.			
<b>Base Penalty</b>				\$10,000

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>				
<b>Matrix Notes</b>	<input type="text"/>				

**Adjustment** -\$10,000

**Base Penalty Subtotal** \$0

**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 type="text"/>

**Violation Base Penalty** \$0

No additional administrative penalty was calculated for this violation as penalties will be assessed on the next fee billing.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text"/> \$0	Violation Final Penalty Total <input type="text"/> \$0
This violation Final Assessed Penalty (adjusted for limits) <input type="text"/> \$0	

#15\AGENDA\PCW\topw

### Economic Benefit Worksheet

Respondent Pak Convenience Store Inc. dba One Stop #15  
 Case ID No. 26020  
 Reg. Ent. Reference No. RN102402179  
 Media [Statute] Petroleum Storage Tank  
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)				0.0	\$0	n/a	\$0
Notes for DELAYED costs				Not Applicable			

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

**TOTAL**



J. Early compliance.

N/A

Sites Outside of Texas

N/A.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
PAK CONVENIENCE STORE, INC.  
DBA ONE STOP #15;  
RN102402179

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT AND SHUTDOWN ORDER**

**DOCKET NO. 2005-1154-PST-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 5, 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty, corrective action of the respondent, and revocation of the respondent's fuel delivery certificate. The Commission also considered the Executive Director's Motion requesting entry of an Order requiring the respondent, Pak Convenience Store, Inc. dba One Stop #15 ("Pak"), to shutdown or remove from service the Underground Storage Tanks ("USTs") at the One Stop #15 facility, located at 8460 Denton Drive, Dallas, Dallas County, Texas.

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

**FINDINGS OF FACT**

1. Pak owns and operates a convenience store with retail sales of gasoline, located at 8460 Denton Drive, Dallas, Dallas County, Texas (the "Facility").
2. The USTs at the Facility contain regulated substances as defined in the Commission's rules. The USTs are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. On May 6, 2005, an investigator from the TCEQ Dallas/Fort Worth Regional Office documented that Pak:

- a. Failed to monitor the UST system at a frequency of at least once every month (not to exceed 35 days between each monitoring) in a manner which would detect a release;
  - b. Failed to conduct effective manual or automatic inventory control procedures for the UST system;
  - c. Failed to timely renew a previously issued delivery certificate, and failed to make immediately available upon request by TCEQ staff a current TCEQ delivery certificate for the USTs at the Facility;
  - d. Failed to maintain on the premises of the Facility all required records, and failed to make those records immediately available for inspection upon request by TCEQ personnel; and
  - e. Failed to pay, at the time and in the manner required, outstanding annual Facility fees for TCEQ Account No. 0052830U for fiscal year 2006.
4. By letter dated June 10, 2005, the TCEQ Dallas/Fort Worth Regional Office provided Pak with notice of the violations and the TCEQ's authority to shut down and remove from service UST systems not in compliance with UST system release detection requirements if the violations were not corrected.
  5. Pak received notice of the violations on or about June 15, 2005.
  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 Pak Convenience Store, Inc. dba One Stop #15" (the "EDPRP") in the TCEQ Chief Clerk's office on February 9, 2006.
  7. By letter dated February 9, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Pak with notice of the EDPRP. According to the return receipt "green card," Pak received notice of the EDPRP on February 11, 2006, as evidenced by the signature on the card.
  8. More than 20 days have elapsed since Pak received notice of the EDPRP, provided by the Executive Director. Pak failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

9. By letter dated November 22, 2006, TCEQ provided Pak with notice of TCEQ's intent to order the UST systems at the Facility shut down and removed from service if Pak failed to correct the release detection violation within 30 days after Pak's receipt of the notice.
10. As of the date of entry of this Order, Pak has not corrected the violations noted during the May 6, 2005, investigation.
11. The UST systems at the Facility do not have release detection as required by 30 TEX. ADMIN. CODE § 334.50 and may be releasing petroleum products to the environment without the knowledge of the tank owner or operator. Therefore, conditions at the Facility constitute an imminent peril to public health, safety, and welfare.

#### CONCLUSIONS OF LAW

1. Pak's USTs are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5, 7 and 26, and the rules of the Commission.
2. As evidenced by Finding of Fact Number 3.a., Pak violated 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1) by failing to monitor the UST system at a frequency of at least once every month (not to exceed 35 days between each monitoring) in a manner which would detect a release.
3. As evidenced by Finding of Fact Number 3.b., Pak violated 30 TEX. ADMIN. CODE § 334.48(c), by failing to conduct effective manual or automatic inventory control procedures for the UST system.
4. As evidenced by Finding of Fact Number 3.c., Pak violated 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii) by failing to timely renew a previously issued delivery certificate, and failed to make immediately available upon request by TCEQ staff a current TCEQ delivery certificate for the USTs at the Facility.
5. As evidenced by Finding of Fact Number 3.d., Pak violated 30 TEX. ADMIN. CODE § 334.10(b) by failing to maintain on the premises of the Facility all required records, and failed to make those records immediately available for inspection upon request by TCEQ personnel.
6. As evidenced by Finding of Fact Number 3.e., Pak violated 30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702 by failing to pay, at the time and in the manner required, outstanding annual Facility fees for TCEQ Account No. 0052830U for fiscal year 2006.

7. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Pak with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
8. As evidenced by Finding of Fact No. 8, Pak has failed to file a timely answer to the EDPRP, 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 Pak and assess the penalty recommended by the Executive Director.
9. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Pak for violations of the Texas Water Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of six thousand two hundred twenty-two dollars (\$6,222.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
11. As evidenced by Finding of Fact No. 10, Pak failed to correct documented violations of Commission requirements within 30 days after Pak received notice of the violations and notice of the Executive Director's intent to shut down the Facility.
12. TEX. WATER CODE § 26.3475(e) authorizes the Commission to order a UST owner or operator to shut down a UST system if, within 30 days after receiving notice of the violations, the owner or operator fails to correct violations of Commission regulatory requirements relating to release detection for tanks and/or piping, spill and overflow protection for tanks, and/or corrosion protection for tanks and piping.
13. 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.
14. Pursuant to 30 TEX. ADMIN. CODE § 334.8(c)(6), the Commission has authority to revoke Pak's UST delivery certificate if the Commission finds that good cause exists.
15. Good cause for revocation of Pak's UST delivery certificate exists as justified by Findings of Fact Nos. 6, 7, and 8, and Conclusions of Law Nos. 7 and 8.
16. As evidenced by Finding of Fact Number 11, current conditions at the Facility constitute an imminent peril to public health, safety and welfare.

### ORDERING PROVISIONS

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. Immediately upon the effective date of this Order, Pak shall take the following steps to shut down operations of the non-compliant UST systems at the Facility:
  - a. Cease dispensing fuel from the USTs;
  - b. Cease receiving deliveries of regulated substances into the USTs;
  - c. Padlock the dispensers;
  - d. Empty the USTs of all regulated substances in accordance with 30 TEX. ADMIN. CODE § 334.54(d); and
  - e. Temporarily remove the UST system from service in accordance with 30 TEX. ADMIN. CODE § 334.54.
2. Pak's UST delivery certificate is revoked immediately upon the effective date of this Order. Pak may submit an application for a new delivery certificate only after Pak has complied with all of the requirements of this Order.
3. Within 10 days after the effective date of this Order, Pak 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. Within 15 days after the effective date of this Order, Pak shall submit to the Executive Director a detailed written report documenting the steps it has taken to comply with Ordering Provision Nos. 1.a. through 1.e. Pak shall submit the report to:

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

and

Henry Karnei, Jr., Waste Section Manager  
Texas Commission on Environmental Quality  
San Antonio Regional Office  
14250 Judson Road  
San Antonio, Texas 78233-4480

5. If Pak elects to permanently remove from service any UST systems at the Facility, Pak shall permanently remove those UST systems in accordance with 30 TEX. ADMIN. CODE § 334.55, and shall submit to the Commission a written report documenting compliance with 30 TEX. ADMIN. CODE § 334.55. Pak shall submit the written report to:

Petroleum Storage Tank Registration Team, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

6. Pak is assessed an administrative penalty in the amount of six thousand two hundred twenty-two dollars (\$6,222.00) for violations of the Texas Water Code and rules of the TCEQ. The payment of this administrative penalty and Pak's compliance with all the terms and conditions set forth in this Order completely resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty 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: Pak Convenience Store, Inc. dba One Stop #15; Docket No. 2005-1154-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

7. Prior to resuming service of the USTs, Pak shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order, Pak shall:
  - i. Begin monitoring the UST system at a frequency of at least once every month (not to exceed 35 days between each monitoring) in a manner which will detect a release, in accordance with 30 TEX. ADMIN. CODE § 334.50;
  - ii. Begin conducting effective manual or automatic inventory control procedures for the UST system, in accordance with 30 TEX. ADMIN. CODE § 334.48(c);
  - iii. Begin maintaining on the premises of the Facility all required records, and make those records immediately available for inspection upon request by TCEQ personnel, in accordance with 30 TEX. ADMIN. CODE § 334.10; and
  - iv. Submit payment for all outstanding fees, including any associated penalties and interest, with the notation "Pak Convenience Store, Inc. dba One Stop #15, TCEQ Account No. 0052830U," 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

- b. Pak's UST systems shall remain out of service as directed by Ordering Provision Nos. 1.a. through 1.e. until such time as Pak demonstrates to the satisfaction of the Executive Director that it has corrected the violations noted in Finding of Fact Nos. 3.a through 3.e and Conclusion of Law Nos. 2 through 6 as listed herein.
- c. Within 10 days of resuming service of the USTs, Pak shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 7.a.i. through iv. The written 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

and

Sam Barrett, Waste Section Manager  
Texas Commission on Environmental Quality  
Dallas/ Fort Worth Regional Office  
2301 Gravel Drive  
Fort Worth, Texas 76118-6951

- d. Upon obtaining a new delivery certificate, Pak shall post the delivery certificate in a location where the document is clearly visible at all times, in accordance with 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(iii).
8. All relief not expressly granted in this Order is denied.
9. The provisions of this Order shall apply to and be binding upon Pak. Pak is ordered to give notice of this Order to personnel who maintain day to day control of the UST systems at the Facility.
10. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Pak if the Executive Director determines that Pak is noncompliant with or in violation of any of the terms and conditions set forth in this Order.
11. This Order shall terminate five years from its effective date or when Pak demonstrates to the satisfaction of the Executive Director that it has corrected all of the violations noted herein.

12. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order is the date this decision was rendered, pursuant to TEX. GOV'T CODE § 2001.144(a)(3).

Pak Convenience Store, Inc. dba One Stop #15  
Docket No. 2005-1154-PST-E  
Page 10

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF LENA ROBERTS**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Lena Roberts. 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 Pak Convenience Store, Inc. dba One Stop #15” (the “EDPRP”) was filed with the Office of the Chief Clerk on February 9, 2006.

The EDPRP was mailed to Pak at its last known address on February 9, 2006, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Pak received notice of the EDPRP on February 11, 2006, as evidenced by the signature on the card.

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

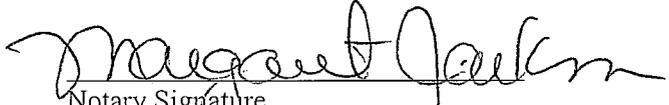
By letter dated November 22, 2006, I provided Pak with notice of the TCEQ’s intent to order the UST systems at the Facility shut down and removed from service if the violations pertaining to release detection and spill and overfill prevention equipment were not corrected within 30 days of Pak’s receipt of the letter.

As of the date of this affidavit, I am not aware of any evidence that indicates that Pak has corrected the violations noted during the May 6, 2005, investigation.”

  
\_\_\_\_\_  
Lena Roberts  
Attorney  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Lena Roberts, 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 22<sup>nd</sup> day of November, A.D., 2006.

  
\_\_\_\_\_  
Notary Signature

