# EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.:** 2006-1653-PST-E **TCEQ ID:** RN103942371 **CASE NO.:** 31168

**RESPONDENT NAME:** Good Mountain Inc. dba Dennis Mobil Service Center

## ORDER TYPE:

| | | | |
|---|---|---|---|
| X 1660 AGREED ORDER | __FINDINGS AGREED ORDER | __AMENDED ORDER | __IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| __SHUTDOWN ORDER | __FINDINGS DEFAULT ORDER | __EMERGENCY ORDER | |

## CASE TYPE:

| | | | |
|---|---|---|---|
| __AGRICULTURE | __AIR | __INDUSTRIAL AND HAZARDOUS WASTE | __MUNICIPAL SOLID WASTE |
| __OCCUPATIONAL CERTIFICATION | X PETROLEUM STORAGE TANKS | __PUBLIC WATER SUPPLY | __RADIOACTIVE WASTE |
| __MULTI-MEDIA (check all that apply) | __SEWAGE SLUDGE | __UNDERGROUND INJECTION CONTROL | __USED OIL |
| __USED OIL FILTER | __WATER QUALITY | | |

**SITE WHERE VIOLATION(S) OCCURRED:** Dennis Mobil Service Center, 6522 Westheimer Road, Houston, Harris County

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

**SMALL BUSINESS:** __X__ Yes ___ No

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

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on January 15, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Mr. Jason Godeaux, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-2541; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Respondent:** Mr. Robert Zaharatos, President and Registered Agent, Good Mountain Inc. dba Dennis Mobil Service Center, 6522 Westheimer Road, Houston, Texas 77057
Mr. Dennis Moustakis, Owner/Partner, Good Mountain Inc. dba Dennis Mobil Service Center, 6522 Westheimer Road, Houston, Texas 77057

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

Attachment: Site Compliance History

RESPONDENT'S NAME: Good Mountain Inc. dba Dennis Mobil Service Center
DOCKET NO.: 2006-1653-PST-E

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|---|---|
| **Type of Investigation:** __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review<br><br>**Date of Complaint Relating to this Case:** None<br><br>**Date of Investigation Relating to this Case:** July 27, 2006<br><br>**Date of NOE Relating to this Case:** August 30, 2006 (NOE)<br><br>**Background Facts:** This was a routine investigation. Three violations were documented.<br><br>**WASTE**<br><br>1) Failed to monitor underground storage tanks ("USTs") for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring). Specifically, Good Mountain did not put the automatic tank gauge into test mode at least once per month [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].<br><br>2) Failed to provide release detection for the piping associated with the USTs. Specifically, Good Mountain did not conduct monthly monitoring or annual piping tightness test [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].<br><br>3) Failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detector had not been performance tested annually [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a)]. | **Total Assessed:** $2,000<br><br>**Total Deferred:** $400<br>_X_ Expedited Settlement<br><br>__ Financial Inability to Pay<br><br>**SEP Conditional Offset:** $0<br><br>**Total Paid to General Revenue:** $1,600<br><br>**Site Compliance History Classification:** _X_ High __ Avg. __ Poor<br><br>**Person Compliance History Classification:** _X_ High __ Avg. __ Poor<br><br>**Major Source:** __ Yes _X_ No<br><br>**Applicable Penalty Policy:** September 2002 | **Corrective Actions Taken:**<br><br>The Executive Director recognizes that Good Mountain implemented a release detection method for the USTs and the piping associated with the USTs, and tested the line leak detectors for performance and operational reliability on September 2, 2006. |

# Penalty Calculation Worksheet (PCW)

TCEQ

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

**DATES** **Assigned** 05-Sep-2006
**PCW** 13-Sep-2006 **Screening** 12-Sep-2006 **EPA Due**

**RESPONDENT/FACILITY INFORMATION**

| | | | |
|---|---|---|---|
| **Respondent** | Good Mountain Inc. dba Dennis Mobil Service Center | | |
| **Reg. Ent. Ref. No.** | RN103942371 | | |
| **Facility/Site Region** | 12-Houston | **Major/Minor Source** | Minor Source |

**CASE INFORMATION**

| | | | |
|---|---|---|---|
| **Enf./Case ID No.** | 31168 | **No. of Violations** | 1 |
| **Docket No.** | 2006-1653-PST-E | **Order Type** | 1660 |
| **Media Program(s)** | Petroleum Storage Tank | **Enf. Coordinator** | Jason Godeaux |
| **Multi-Media** | | **EC's Team** | Enforcement Team 7 |
| **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** **-10%** Enhancement ***Subtotals 2, 3, & 7*** **-$250**

Notes: Adjustment for high performer classification.

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

Notes: The respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **10%** Reduction ***Subtotal 5*** **-$250**

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

Notes: The respondent came into compliance on September 2, 2006.

**Economic Benefit** **0%** Enhancement* ***Subtotal 6*** **$0**

**Capped at the Total EB $ Amount*

| | |
|---|---|
| Total EB Amounts | $11 |
| Approx. Cost of Compliance | $1,500 |

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **$2,000**

**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** **$2,000**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **$2,000**

**DEFERRAL** **20%** Reduction **Adjustment** **-$400**

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** **$1,600**

**Screening Date** 12-Sep-2006 **Docket No.** 2006-1653-PST-E **PCW**
**Respondent** Good Mountain Inc. dba Dennis Mobil Service Center *Policy Revision 2 (September 2002)*
**Case ID No.** 31168 *PCW Revision May 19, 2005*
**Reg. Ent. Reference No.** RN103942371
**Media [Statute]** Petroleum Storage Tank
**Enf. Coordinator** Jason Godeaux

## 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 | 0 | 0% |
| 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* | 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)*** **0%**

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

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

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

High Performer ***Adjustment Percentage (Subtotal 7)*** **-10%**

>> **Compliance History Summary**

**Compliance History Notes** Adjustment for high performer classification.

***Total Adjustment Percentage (Subtotals 2, 3, & 7)*** **-10%**

**PCW**

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

**Screening Date** 12-Sep-2006 **Docket No.** 2006-1653-PST-E
**Respondent** Good Mountain Inc. dba Dennis Mobil Service Center
**Case ID No.** 31168
**Reg. Ent. Reference No.** RN103942371
**Media [Statute]** Petroleum Storage Tank
**Enf. Coordinator** Jason Godeaux

**Violation Number** 1

**Primary Rule Cite(s)** 30 Tex. Admin. Code § 334.50(b)(1)(A), 334.50(b)(2), and 334.50(b)(2)(A)(i)(III)

**Secondary Rule Cite(s)** Tex. Water Code § 26.3475(a) and 26.3475(c)(1)

**Violation Description** Failed to monitor tanks in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, the respondant did not put the automatic tank gauge into test mode at least once per month. Failed to provide release detection for the piping associated with the USTs. Specifically, the respondant did not conduct monthly monitoring or annual piping tightness test. Failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detector had not been performance tested annually.

**Base Penalty** $10,000

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

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

OR

**Percent** 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 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 from the July 27, 2006 investigation date to the date of compliance (9/2/2006).

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** $11

**Statutory Limit Test**

**Violation Final Penalty Total** $2,000

**This violation Final Assessed Penalty (adjusted for limits)** $2,000

# Economic Benefit Worksheet

**Respondent** Good Mountain Inc. dba Dennis Mobil Service Center
**Case ID No.** 31168
**Reg. Ent. Reference No.** RN103942371
**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 |
|---|---|---|---|---|---|---|---|
| | No commas or $ | | | | | | |
| **Delayed Costs** | | | | | | | |
| Equipment | | | | 0.0 | $0 | $0 | $0 |
| Buildings | | | | 0.0 | $0 | $0 | $0 |
| Other (as needed) | $1,500 | 27-Jul-2006 | 02-Sep-2006 | 0.1 | $1 | $10 | $11 |
| 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**: The delayed cost includes the estimated amount required to monitor the tanks and the pressurized underground lines in a manner which would detect a release at a frequency of at least once every month and to test the line leak detectors at least once per year for performance and operational reliability. Date required is the date of investigation. 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** $1,500

**TOTAL** $11

# Compliance History

| | | | | |
|---|---|---|---|---|
| Customer/Respondent/Owner-Operator: | CN603087446 | Good Mountain Inc. | Classification: High | Rating: 0.0 |
| Regulated Entity: | RN103942371 | DENNIS MOBIL SERVICE CENTER | Classification: High | Site Rating: 0.0 |

| | | | |
|---|---|---|---|
| ID Number(s): | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | HG9030N |
| | PETROLEUM STORAGE TANK REGISTRATION | REGISTRATION | 17744 |
| | PETROLEUM STORAGE TANK REGISTRATION | REGISTRATION | 17744 |

| | | |
|---|---|---|
| Location: | 6522 Westheimer Rd. Houston, TX 77057 | Rating Date: September 01 06 Repeat Violator: NO |
| TCEQ Region: | REGION 12 - HOUSTON | |
| Date Compliance History Prepared: | September 14, 2006 | |
| Agency Decision Requiring Compliance History: | Enforcement | |
| Compliance Period: | September 14, 2001 to September 14, 2006 | |

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

Name: Jason Godeaux Phone: 512-239-2541

## 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? | Yes |
| 3. If Yes, who is the current owner? | Good Mountain Inc. |
| 4. if Yes, who was/were the prior owner(s)? | ExxonMobil Oil Corporation<br>Motiva Enterprises LLC |
| 5. When did the change(s) in ownership occur? | 09/30/2003 |

**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 08/30/2006 (508672)
2 07/06/2004 (276812)

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** | § | **BEFORE THE** |
| **ENFORCEMENT ACTION** | § | |
| **CONCERNING** | § | **TEXAS COMMISSION ON** |
| **GOOD MOUNTAIN INC. DBA** | § | |
| **DENNIS MOBIL SERVICE CENTER** | § | **ENVIRONMENTAL QUALITY** |
| **RN103942371** | | |

**AGREED ORDER**
**DOCKET NO. 2006-1653-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 Good Mountain Inc. dba Dennis Mobil Service Center ("Good Mountain") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Good Mountain appear before the Commission and together stipulate that:

1. Good Mountain owns and operates a convenience store with retail sales of gasoline at 6522 Westheimer Road in Houston, Harris County, Texas (the "Facility").

2. Good Mountain's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.

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

4. Good Mountain received notice of the violations alleged in Section II ("Allegations") on or about September 4, 2006.

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

6. An administrative penalty in the amount of Two Thousand Dollars ($2,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Good Mountain has paid One Thousand Six Hundred Dollars ($1,600) of the administrative penalty and Four Hundred Dollars ($400) is deferred contingent upon Good Mountain's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Good Mountain fails to timely and satisfactorily

comply with all requirements of this Agreed Order, the Executive Director may require Good Mountain to pay all or part of the deferred penalty.

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 Good Mountain have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that Good Mountain implemented a release detection method for the USTs and the piping associated with the USTs, and tested the line leak detectors for performance and operational reliability on September 2, 2006.

10. 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 Good Mountain has not complied with one or more of the terms or conditions in this Agreed Order.

11. 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.

12. 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, Good Mountain is alleged to have:

1. Failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on July 27, 2006. Specifically, Good Mountain did not put the automatic tank gauge into test mode at least once per month.

2. Failed to provide release detection for the piping associated with the USTs, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on July 27, 2006. Specifically, Good Mountain did not conduct monthly monitoring or annual piping tightness test.

3. Failed to test the line leak detectors at least once per year for performance and operational reliability, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on July 27, 2006. Specifically, the line leak detector had not been performance tested annually.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Good Mountain pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Good Mountain'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: Good Mountain Inc. dba Dennis Mobil Service Center, Docket No. 2006-1653-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. The provisions of this Agreed Order shall apply to and be binding upon Good Mountain. Good Mountain 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.

3. This Agreed Order, issued by the Commission, shall not be admissible against Good Mountain 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.

4. 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.

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Good Mountain, or three days after the date on which the Commission mails notice of the Order to Good Mountain, 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

_____ 2/13/07
For the Executive Director 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, 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.

_____ 10-20-06
Signature Date

DENNIS MOUSTAKIS OWNER PARTNER
Name (Printed or typed) Title
Authorized Representative of
Good Mountain Inc. dba Dennis Mobil Service Center

**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.