

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1684-PST-E **TCEQ ID:** RN101844603 **CASE NO.:** 31203
RESPONDENT NAME: Danish Business, Inc. dba Power Fuel Express

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		

SITE WHERE VIOLATION(S) OCCURRED: Power Fuel Express, 13611 Ella Boulevard, Houston, Harris County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: 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 February 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Alison Echlin, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-3308; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Barkat Momin, President, Danish Business, Inc. dba Power Fuel Express, 13611 Ella Boulevard, Houston, Texas 77014

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

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 of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 16, 2006</p> <p>Date of NOE Relating to this Case: August 30, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Seven violations were documented.</p> <p>WASTE</p> <p>1) Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resource Board Executive Order(s), and free of defects that would impair the effectiveness of the system [30 TEX. ADMIN. CODE § 115.242(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II System [30 TEX. ADMIN. CODE § 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failed to provide proper release detection for all underground storage tank ("UST") systems [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>4) Failed to conduct a piping tightness test at least once per year for pressurized piping [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].</p> <p>5) Failed to have line leak detectors tested at least once per year for performance and operational reliability [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a)].</p>	<p>Total Assessed: \$9,750</p> <p>Total Deferred: \$1,950 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$240 (remaining \$7,560 due in 35 monthly payments of \$216 each)</p> <p>Site Compliance History Classification: <input checked="" type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input checked="" type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Danish Business, Inc. has implemented the following corrective measures at the Station:</p> <p>a. Submitted documentation to the TCEQ that swivels at the fills and drybrakes had been installed on August 22, 2006.</p> <p>b. Submitted documentation to the TCEQ that operating instructions had been placed on the front of each dispenser equipped with a Stage II system on August 22, 2006.</p> <p>c. Submitted Statistical Inventory Reconciliation reports for the tanks to the TCEQ on August 24, 2006.</p> <p>d. Submitted the test results for the piping tightness test to the TCEQ on August 24, 2006.</p> <p>e. Submitted the test results for the leak detector test conducted on August 22, 2006 to the TCEQ on August 24, 2006.</p> <p>f. Submitted inventory control documentation for all the tanks to the TCEQ on August 28, 2006.</p> <p>g. Submitted documentation to the TCEQ showing that a representative of the Station successfully completed Stage II training on August 25, 2006.</p>

RESPONDENT'S NAME: Danish Business, Inc. dba Power Fuel Express
DOCKET NO.: 2006-1684-PST-E

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>6) Failed to conduct effective manual or automatic inventory control procedures for all UST systems involved in the retail sale of petroleum substances used as a motor fuel [30 TEX. ADMIN. CODE § 334.48(c)].</p> <p>7) Failed to ensure at least on facility representative received training and instruction in the operation and maintenance of the Stage II vapor recovery system by successfully completing a training course approved by the executive director [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		

1870



Policy Revision 2 (September 2002)

Express PCW.gpw
Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	05-Sep-2006	Screening	15-Sep-2006	EPA Due	
	PCW	15-Sep-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Danish Business, Inc. dba Power Fuel Express
Reg. Ent. Ref. No.	RN101844603
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	31203	No. of Violations	4
Docket No.	2006-1684-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Alison Echlin
Multi-Media		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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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	-10% Enhancement	Subtotals 2, 3, & 7	-\$1,500
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Notes: Reduction for High Performer Classification.

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$3,750
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The Respondent came into compliance on August 28, 2006.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$5	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,782	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,750
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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	\$9,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,750
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DEFERRAL	20% Reduction	Adjustment	-\$1,950
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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	\$7,800
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Screening Date	15-Sep-2006	Express PCW.gov Docket No.	2006-1684-PST-E	PCW
Respondent	Danish Business, Inc. dba Power Fuel Express		Policy Revision 2 (September 2002)	
Case ID No.	31203	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN101844603			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Alison Echlin			

Compliance History Worksheet

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%	
<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)			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	Reduction for High Performer Classification.			
Total Adjustment Percentage (Subtotals 2, 3, & 7)			-10%	

Express PCW opw
Screening Date 15-Sep-2006 **Docket No.** 2006-1684-PST-E **PCW**
Respondent Danish Business, Inc. dba Power Fuel Express *Policy Revision 2 (September 2002)*
Case ID No. 31203 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101844603
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Alison Echlin

Violation Number 1
Primary Rule Cite(s) 30 Tex. Admin. Code § 115.242(3) and 115.242(9)
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)
Violation Description
 Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system and failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II system, as documented during an investigation conducted on August 16, 2006. Specifically, the station did not have swivels at the fills or drybrakes and did not have operating stickers.
Base Penalty \$10,000

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

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

 >> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification					Percent

Matrix Notes
 Human health or the environment will or could be exposed to significant amounts of pollutants which would not 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 August 16, 2006 investigation date to the August 22, 2006 date of compliance.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$1	Violation Final Penalty Total \$1,625
This violation Final Assessed Penalty (adjusted for limits) \$1,625	

Economic Benefit Worksheet

Respondent: Danish Business, Inc. dba Power Fuel Express
 Case ID No: 31203
 Reg. Ent. Reference No: RN101844603
 Media [Statute]: Petroleum Storage Tank
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Description No commas or \$

Delayed Costs

Equipment	\$782	16-Aug-2006	22-Aug-2006	0.0	\$0	\$1	\$1
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: Estimated expense to purchase and replace swivel adapters and estimated cost to post operating instructions on gasoline dispensing pumps from the investigation date to 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

Express PCW.gov

Screening Date 15-Sep-2006

Docket No. 2006-1684-PST-E

PCW

Respondent Danish Business, Inc. dba Power Fuel Express

Policy Revision 2 (September 2002)

Case ID No. 31203

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101844603

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Alison Echlin

Violation Number

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

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

Violation Description Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), as documented during an investigation conducted on August 16, 2006. Also, the Respondent failed to conduct a piping tightness test and failed to conduct line leak detector test at least once per year for performance and operational reliability.

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="50%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

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

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

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended from the August 16, 2006 investigation date to the August 24, 2006 date of compliance.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Express PCW.rnw

Economic Benefit Worksheet

Respondent Danish Business, Inc. dba Power Fuel Express
 Case ID No. 31203
 Reg. Ent. Reference No. RN101844603
 Media [Statute] Petroleum Storage Tank
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Description No commas or \$

Delayed Costs

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	16-Aug-2006	24-Aug-2006	0.0	\$2	n/a	\$2

Notes for DELAYED costs

Approximate cost to provide release detection for the UST system. Date Required is the date of the investigation. Final Date is the date the Respondent came into compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

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

Express PCW.gpw

Screening Date 15-Sep-2006 Docket No. 2006-1684-PST-E PCW

Respondent Danish Business, Inc. dba Power Fuel Express Policy Revision 2 (September 2002)

Case ID No. 31203 PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101844603

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Alison Echlin

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.48(c)

Secondary Rule Cite(s)

Violation Description Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel, as documented during an investigation conducted on August 16, 2006. Specifically, at the time of the investigation, the station was not doing inventory control.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				50%
Potential	X			

OR

>> 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 -\$5,000

Base Penalty Subtotal \$5,000

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 \$5,000

One quarterly event is recommended from the August 16, 2006 investigation date to the August 28, 2006 date of compliance.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$2	Violation Final Penalty Total \$3,250
This violation Final Assessed Penalty (adjusted for limits) \$3,250	

Express PCW.rnw

Economic Benefit Worksheet

Respondent: Danish Business, Inc. dba Power Fuel Express
 Case ID No: 31203
 Reg. Ent. Reference No: RN101844603
 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
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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	\$1,000	16-Aug-2006	28-Aug-2006	0.0	\$2	n/a	\$2
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 amount required to conduct effective manual or automatic inventory control procedures for all underground storage tanks. Date Required is the date of the investigation. Final Date is the date the Respondent came 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 **\$1,000** TOTAL **\$2**

Express PCW.gpw

Screening Date 15-Sep-2006 Docket No. 2006-1684-PST-E PCW

Respondent Danish Business, Inc. dba Power Fuel Express Policy Revision 2 (September 2002)

Case ID No. 31203 PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101844603

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Alison Echlin

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 115.248(1)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to ensure at least one station representative received training and instruction in the operation and maintenance of the Stage II vapor recovery system by successfully completing a training course approved by the executive director, as documented during an investigation conducted on August 16, 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		X		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	Human health or the environment will or could be exposed to significant amounts of pollutants which would not 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 August 16, 2006 investigation date to the August 25, 2006 date of compliance.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$1	Violation Final Penalty Total \$1,625
This violation Final Assessed Penalty (adjusted for limits) \$1,625	

Economic Benefit Worksheet

Respondent: Danish Business, Inc. dba Power Fuel Express
 Case ID No: 31203
 Reg. Ent. Reference No: RN101844603
 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
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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	\$500	16-Aug-2006	25-Aug-2006	0.0	\$1	n/a	\$1
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: Approximate cost for Stage II training, from the investigation date until date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for onetime 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

Compliance History

Customer/Respondent/Owner-Operator: CN602492688 Danish Business, Inc. Classification: HIGH Rating: 0.0
 Regulated Entity: RN101844603 POWER FUEL EXPRESS Classification: HIGH Site Rating: 0.0

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 66578
 REGISTRATION
 Location: 13611 ELLA BLVD, HOUSTON, TX, 77014 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: September 11, 2006
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: September 11, 2001 to September 11, 2006

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

Name: Alison Echlin Phone: 512-239-3308

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?

 Danish Business Inc dba
 Power Fuel Express
4. If Yes, who was/were the prior owner(s)?

 R N B Business, Inc.
 R&B Business, Inc.
5. When did the change(s) in ownership occur? 8/29/2004

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 (509765)
 2 09/06/2002 (8672)
 - 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
DANISH BUSINESS, INC. DBA
POWER FUEL EXPRESS
RN101844603**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-1684-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 Danish Business, Inc. dba Power Fuel Express ("Danish Business, Inc.") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Danish Business, Inc. appear before the Commission and together stipulate that:

1. Danish Business, Inc. owns and operates a convenience store with retail sales of gasoline at 13611 Ella Boulevard in Houston, Harris County, Texas (the "Station").
2. Danish Business, Inc.'s two underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Facility consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Danish Business, Inc. agree that the Commission has jurisdiction to enter this Agreed Order, and that Danish Business, Inc. is subject to the Commission's jurisdiction.
4. Danish Business, Inc. 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 Danish Business, Inc. of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Seven Hundred Fifty Dollars (\$9,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Danish Business, Inc. has paid Two Hundred Forty Dollars (\$240) of the administrative penalty and One Thousand Nine Hundred Fifty Dollars (\$1,950) is deferred contingent upon Danish Business, Inc.'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 Danish Business, Inc. fails to timely and satisfactorily comply with all requirements of this Agreed Order,

including the payment schedule, the Executive Director may require Danish Business, Inc. to pay all or part of the deferred penalty.

The remaining amount of Seven Thousand Five Hundred Sixty Dollars (\$7,560) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Sixteen Dollars (\$216) 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 Danish Business, Inc. fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Danish Business, Inc. to meet the payment schedule of this Agreed Order constitutes the failure by Danish Business, Inc. to timely and satisfactorily comply with all the terms of this Agreed Order.

6. 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.
7. The Executive Director of the TCEQ and Danish Business, Inc. have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Danish Business, Inc. has implemented the following corrective measures at the Station:
 - a. Submitted documentation to the TCEQ that swivels at the fills and drybrakes had been installed on August 22, 2006.
 - b. Submitted documentation to the TCEQ that operating instructions had been placed on the front of each dispenser equipped with a Stage II system on August 22, 2006.
 - c. Submitted Statistical Inventory Reconciliation reports for the tanks to the TCEQ on August 24, 2006.
 - d. Submitted the test results for the piping tightness test to the TCEQ on August 24, 2006.
 - e. Submitted the test results for the leak detector test conducted on August 22, 2006 to the TCEQ on August 24, 2006.
 - f. Submitted inventory control documentation for all the tanks to the TCEQ on August 28, 2006.
 - g. Submitted documentation to the TCEQ showing that a representative of the Station successfully completed Stage II training on August 25, 2006.
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 Danish Business, Inc. has not complied with one or more of the terms or conditions in this Agreed Order.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that data management practices remain effective and aligned with the organization's goals.

6. The sixth part of the document provides a detailed overview of the data collection process, including the identification of data sources, the design of data collection instruments, and the implementation of data collection procedures.

7. The seventh part of the document discusses the various methods used for data analysis, such as descriptive statistics, inferential statistics, and regression analysis. It explains how these methods are used to interpret the data and draw meaningful conclusions.

8. The eighth part of the document focuses on the importance of data visualization in presenting complex information in a clear and concise manner. It discusses various visualization techniques, such as bar charts, line graphs, and pie charts.

9. The ninth part of the document addresses the ethical considerations surrounding data management and analysis. It discusses the need to protect individual privacy and ensure that data is used only for legitimate purposes.

10. The tenth part of the document provides a summary of the key points discussed throughout the document. It reiterates the importance of data management and analysis in supporting organizational success and decision-making.

11. The eleventh part of the document discusses the future of data management and analysis, highlighting emerging trends and technologies that are expected to shape the field in the coming years.

12. The twelfth part of the document provides a final conclusion and a call to action, encouraging organizations to embrace data-driven decision-making and to invest in the necessary resources and skills to succeed in a data-centric world.

13. The thirteenth part of the document provides a list of references and sources used in the document, ensuring that all information is properly cited and that credit is given to the original authors.

14. The fourteenth part of the document provides a list of appendices and supplementary materials, including additional data, charts, and tables that are referenced in the main text of the document.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Station, Danish Business, Inc. is alleged to have:

1. Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system, in violation of 30 TEX. ADMIN. CODE § 115.242(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 16, 2006.
2. Failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II System, in violation of 30 TEX. ADMIN. CODE § 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 16, 2006.
3. Failed to provide proper release detection for all UST systems, 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 August 16, 2006.
4. Failed to conduct a piping tightness test at least once per year for pressurized piping, 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 August 16, 2006.
5. Failed to have line leak detectors tested 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 August 16, 2006.
6. Failed to conduct effective manual or automatic inventory control procedures for all UST systems involved in the retail sale of petroleum substances used as a motor fuel, in violation of 30 TEX. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on August 16, 2006.
7. Failed to ensure at least on facility representative received training and instruction in the operation and maintenance of the Stage II vapor recovery system by successfully completing a training course approved by the executive director, in violation of 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 16, 2006.

III. DENIALS

Danish Business, Inc. generally denies each allegation in Section II ("Allegations").

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved. The document also outlines the various methods and techniques used to ensure the accuracy and reliability of the records.

RECORDS MANAGEMENT

Records management is a critical component of any organization's operations. It involves the systematic control of the creation, maintenance, use, and disposal of records. This process ensures that information is accessible when needed and is protected from loss or damage. The document provides a detailed overview of the principles and practices of records management, including the importance of classification and indexing.

The second part of the document focuses on the legal aspects of records management. It discusses the various laws and regulations that govern the handling of records, particularly in the context of privacy and data protection. The document highlights the importance of compliance with these laws and provides guidance on how to implement effective record-keeping practices that meet legal requirements.

The third part of the document addresses the challenges of records management in the digital age. It discusses the impact of electronic records and the need for new strategies to manage digital information. The document explores the benefits of digital records and provides practical advice on how to overcome the challenges associated with their management, such as ensuring data integrity and security.

The final part of the document provides a summary of the key points discussed and offers recommendations for further action. It emphasizes the importance of ongoing education and training for staff involved in records management and encourages the adoption of best practices to ensure the long-term success of the organization's records management program.

CONCLUSION

In conclusion, records management is a vital function for any organization. It ensures that information is preserved, accessible, and secure. By following the principles and practices outlined in this document, organizations can effectively manage their records and protect their interests. The document serves as a valuable resource for anyone involved in records management and provides a clear path forward for improving record-keeping practices.

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Danish Business, Inc. pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Danish Business, Inc.'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: Danish Business, Inc. dba Power Fuel Express, Docket No. 2006-1684-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 Danish Business, Inc.. Danish Business, Inc. is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Danish Business, Inc. 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. If Danish Business, Inc. fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Danish Business, Inc.'s failure to comply is not a violation of this Agreed Order. Danish Business, Inc. shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Danish Business, Inc. shall notify the Executive Director within seven days after Danish Business, Inc. becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Danish Business, Inc. shall be made in writing to the Executive Director. Extensions are not effective until Danish Business, Inc. receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Danish Business, Inc., or three days after the date on which the Commission mails notice of the Order to Danish Business, Inc., whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

RESEARCH REPORT

The following report was prepared by the author(s) and is being submitted to the Division of the Physical Sciences, Department of Chemistry, University of Chicago, for publication in the *Journal of Chemical Physics*. The author(s) warrant that the report is the original work of the author(s) and that it does not contain any material which is the property of the University of Chicago or any other person or organization.

Author(s):
Title:
Date:
Department:

This report is being submitted to the Division of the Physical Sciences, Department of Chemistry, University of Chicago, for publication in the *Journal of Chemical Physics*. The author(s) warrant that the report is the original work of the author(s) and that it does not contain any material which is the property of the University of Chicago or any other person or organization.

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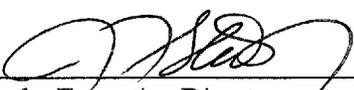
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/20/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, 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.

Barkat Momina

Signature

11/21/06

Date

BARBAT MOMINA

Name (Printed or typed)
Authorized Representative of
Danish Business, Inc. dba Power Fuel Express

President

Title

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

Handwritten text at the top right of the page, possibly a date or reference number.

Main body of handwritten text in the upper middle section, appearing to be a list or series of entries.

Handwritten signature or name on the left side of the page.

Handwritten signature or name on the right side of the page.

First paragraph of printed text at the bottom of the page, starting with "The following..."

Second paragraph of printed text, continuing the narrative or list.

Third paragraph of printed text, providing further details.

Fourth paragraph of printed text, concluding the main body of text.

Fifth paragraph of printed text, possibly a closing or summary.

Sixth paragraph of printed text, appearing to be a separate section or note.

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