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:

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: Power Fuel Express, 13611 Ella Boulevard, 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 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

Attachment: Site Compliance History

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** August 16, 2006 **Date of NOE Relating to this Case:** August 30, 2006 (NOE) **Background Facts:** This was a routine investigation. Seven violations were documented. **WASTE** 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)]. 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)]. 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)]. 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)]. 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)].	**Total Assessed:** $9,750 **Total Deferred:** $1,950 _X_ Expedited Settlement __ Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid (Due) to General Revenue:** $240 (remaining $7,560 due in 35 monthly payments of $216 each) **Site Compliance History Classification:** _X_ High ___ Avg. ___ Poor **Person Compliance History Classification:** _X_ High ___ Avg. ___ Poor **Major Source:** _X_ Yes ___ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 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.

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
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)]. 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)].		

Penalty Calculation Worksheet (PCW)

TCEQ

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

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

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

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

Notes: Reduction 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 25% Reduction *Subtotal 5* -$3,750

	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

**Capped at the Total EB $ Amount*

Total EB Amounts	$5
Approx. Cost of Compliance	$3,782

SUM OF SUBTOTALS 1-7 Final Subtotal $9,750

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 $9,750

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $9,750

DEFERRAL 20% Reduction Adjustment -$1,950

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

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

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 Reduction 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	15-Sep-2006
Docket No.	2006-1684-PST-E
Respondent	Danish Business, Inc. dba Power Fuel Express
Case ID No.	31203
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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

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

Estimated EB Amount $1

Statutory Limit Test

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 Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$782	TOTAL	$1

PCW

Screening Date	15-Sep-2006
Docket No.	2006-1684-PST-E
Respondent	Danish Business, Inc. dba Power Fuel Express
Case ID No.	31203
Reg. Ent. Reference No.	RN101844603
Media [Statute]	Petroleum Storage Tank
Enf. Coordinator	Alison Echlin

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

Violation Number 2

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 (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 $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	X		

OR

Percent 50%

>> 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	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $5,000

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

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $3,250

This violation Final Assessed Penalty (adjusted for limits) $3,250

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 Description	Item Cost (No commas or $)	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				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)						
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	$2

PCW

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

Screening Date	15-Sep-2006
Docket No.	2006-1684-PST-E
Respondent	Danish Business, Inc. dba Power Fuel Express
Case ID No.	31203
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: Major	Moderate	Minor
Actual			
Potential	X		

OR

Percent 50%

>> 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

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $3,250

This violation Final Assessed Penalty (adjusted for limits) $3,250

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 (No commas or $)	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	$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

PCW

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

Screening Date	15-Sep-2006
Docket No.	2006-1684-PST-E
Respondent	Danish Business, Inc. dba Power Fuel Express
Case ID No.	31203
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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

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 25, 2006 date of compliance.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

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 (No commas or $)	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				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 one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$500	TOTAL	$1

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 REGISTRATION 66578

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
DANISH BUSINESS, INC. DBA	§	
POWER FUEL EXPRESS	§	**ENVIRONMENTAL QUALITY**
RN101844603	§	

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.

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").

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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 2/26/07
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.

Barkat Momin 11/21/06
Signature Date

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

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.