

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-1812-PST-E TCEQ ID: RN101375921 CASE NO.: 27120
RESPONDENT NAME: SAKS ENTERPRISE INC. DBA SAKS TEXACO

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: 3809 South Interstate 35 E, Denton, Denton County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no previous complaints. There is no record of additional pending enforcement actions regarding this facility 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: Ms. Mary Hammer, Litigation Division, MC 175, (512) 239-2496; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEQ Enforcement Coordinator: Ms. Judy Kluge, Enforcement Division, Section II, MC R-4, (817) 588-5825

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

Respondent: Mr. Dilip Patel, Registered Agent, Saks Enterprise Inc. dba Saks Texaco, 13476 Bugatti Dr., Frisco, TX 75034-0920

Respondent's Attorney: Not represented by counsel.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date(s) of Investigation(s) Relating to this Case: September 13, 2005</p> <p>Date(s) of NOV(s)/NOE(s) Relating to this Case: October 13, 2005(NOE)</p> <p>Background Facts: An EDRP was filed in this case on May 17, 2006. The Respondent submitted a signed Agreed Order and the first installment of the penalty payment on November 1, 2006.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>PST</p> <ol style="list-style-type: none"> Failed to maintain records on-site at the Station and failed to make records immediately available for review upon request [30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to maintain to maintain the Stage II Vapor Recovery System in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order(s), and free of defects that would impair the effectiveness of the system, including, but not limited to absence or disconnection of any component that is a part of the approved system [30 TEX. ADMIN. CODE § 115.242(3)(A), (E), and (K) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to provide proper release detection for the product piping associated with the UST system [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)]. Failed to conduct effective manual or automatic inventory control procedures for all USTs at the Station [30 TEX. ADMIN. CODE § 334.48(c)]. Failed to maintain UST records as required [30 TEX. ADMIN. CODE § 334.10(b)]. Failed to install an emergency shutoff valve on each pressurized delivery or product line and ensure that it was securely anchored at the base of the dispenser [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)]. 	<p>Total Assessed: \$8,505</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Due to General Revenue: \$8,505</p> <p>The Respondent has paid \$280 of the administrative penalty. The remaining amount of \$8,225 shall be payable in 35 monthly payments of \$235 each.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provision(s)</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately: <ol style="list-style-type: none"> Begin maintaining all Stage II vapor recovery system records on- site; and Begin conducting effective manual or automatic inventory control procedures. Within 30 days: <ol style="list-style-type: none"> Begin maintaining the Stage II Vapor Recovery System in proper operating condition; Install and implement a release detection method for piping associated with the UST's; Begin maintaining results of all UST records at the Station; and Ensure shear valves are installed and securely anchored at the base of each dispenser. Within 45 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 1 and 2.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	17-Oct-2005			
	PCW	05-Jul-2006	Screening	20-Oct-2005	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Saks Enterprise Inc. dba Saks Texaco
Reg. Ent. Ref. No.	RN101375921
Facility/Site Region	4-Dallas/Fort Worth <input type="checkbox"/> Major/Minor Source <input type="checkbox"/> Minor Source <input checked="" type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	27120	No. of Violations	6
Docket No.	2005-1812-PST-E	Order Type	1660 <input type="checkbox"/>
Media Program(s)	Petroleum Storage Tank <input type="checkbox"/>	Enf. Coordinator	Judy Kluge <input type="checkbox"/>
Multi-Media		EC's Team	3 <input type="checkbox"/>
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5% Enhancement	Subtotals 2, 3, & 7	\$405
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Notes: Respondent has one prior NOV for same or similar violations.

Culpability	No <input checked="" type="checkbox"/>	0% Enhancement	Subtotal 4	\$0
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Notes: Respondent does not meet culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with a small x)

Notes: Respondent is not yet in compliance.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$92	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,300	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,505
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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	\$8,505
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,505
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: This is not an expedited case.

PAYABLE PENALTY	\$8,505
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Screening Date	20-Oct-2005	Docket No.	2005-1812-PST-E	PCW
Respondent	Saks Enterprise Inc. dba Saks Texaco	Policy Revision 2 (September 2002)		
Case ID No.	27120	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN101375921			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Judy Kluge			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<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) 5%

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date	20-Oct-2005	Docket No.	2005-1812-PST-E	PCW
Respondent	Saks Enterprise Inc. dba Saks Texaco		Policy Revision 2 (September 2002)	
Case ID No.	27120		PCW Revision May 19, 2005	
Reg. Ent. Reference No.	RN101375921			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Judy Kluge			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.246(7)(A)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to maintain records on-site at the Station ordinarily manned during business hours, and make immediately available for review upon request. Specifically, at the time of investigation, Stage II records were not available for review including the California Air Resources Board Executive order, a daily inspection log, a record of all Stage II test results, and a certificate of training for a Station representative.</p>			
Base Penalty	\$10,000			

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
			X			Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment: -\$9,000

Base Penalty Subtotal: \$1,000

Violation Events

Number of Violation Events: 1

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

Violation Base Penalty: \$1,000

One single event is recommended based on the investigation conducted on September 13, 2005.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: \$3	Violation Final Penalty Total: \$1,050
This violation Final Assessed Penalty (adjusted for limits): \$1,050	

Economic Benefit Worksheet

Respondent: Saks Enterprise Inc. dba Saks Texaco
 Case ID No: 27120
 Reg. Ent. Reference No: RN101375921
 Media [Statute]: Petroleum Storage Tank
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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	\$100	13-Sep-2005	15-May-2006	0.7	\$3	n/a	\$3
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to establish a record keeping system at the Station. Date required is the investigation date and final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$3

Screening Date	20-Oct-2005	Docket No.	2005-1812-PST-E	PCW
Respondent	Saks Enterprise Inc. dba Saks Texaco		Policy Revision 2 (September 2002)	
Case ID No.	27120	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN101375921			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Judy Kluge			
Violation Number	2			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.242(3)(A), (E), and (K)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>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, including, but not limited to absence or disconnection of any component that is a part of the approved system. Specifically, the vapor cap was missing from the Stage I riser, flexible cones were damaged on dispensers No. 2 and No. 4, and the Healy monitor for the Stage II system was not operative.</p>			
Base Penalty	\$10,000			

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent <input type="text" value="10%"/>
	Potential		X		

>> **Programmatic Matrix**

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

Matrix Notes

Failure to maintain the Stage II vapor recovery system in proper operating condition could result in the release of significant amounts of pollutants which do not exceed levels that are protective of human health or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One quarterly event is recommended from the September 13, 2005 investigation date until the October 20, 2005 date of screening.

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Saks Enterprise Inc. dba Saks Texaco
Case ID No. 27120
Reg. Ent. Reference No. RN101375921
Media [Statute] Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment	\$500	13-Sep-2005	15-Jun-2006	0.8	\$1	\$25	\$26
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 cost to properly operate and maintain the Stage II vapor recovery system as specified. Date required is the investigation date. Final date is the estimated compliance date.

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 \$26

Screening Date	20-Oct-2005	Docket No.	2005-1812-PST-E	PCW
Respondent	Saks Enterprise Inc. dba Saks Texaco		Policy Revision 2 (September 2002)	
Case ID No.	27120	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN101375921			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Judy Kluge			
Violation Number	3			
Primary Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(2)			
Secondary Rule Cite(s)	Tex. Water Code § 26.3475(a)			
Violation Description	Failed to provide proper release detection for the product piping associated with the UST system. Specifically, the pressurized product piping was not being monitored for releases.			
Base Penalty				\$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Failing to monitor the UST system for releases could expose human health or the environment 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

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

Violation Base Penalty \$2,500

One quarterly event is recommended from the September 13, 2005 investigation date until the October 20, 2005 date of screening.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$38"/>	Violation Final Penalty Total <input type="text" value="\$2,625"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,625"/>	

Economic Benefit Worksheet

Respondent: Saks Enterprise Inc. dba Saks Texaco
 Case ID No: 27120
 Reg. Ent. Reference No: RN101375921
 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				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	13-Sep-2005	15-Jun-2006	0.8	\$38	n/a	\$38

Notes for DELAYED costs: Estimated cost to ensure a proper release detection method is in place to monitor the piping for releases. Date required is the investigation date and the final date is the estimated compliance date.

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 \$38

Screening Date	20-Oct-2005	Docket No.	2005-1812-PST-E	PCW
Respondent	Saks Enterprise Inc. dba Saks Texaco	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	27120	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101375921			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Judy Kluge			
Violation Number	4			
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 at the Station.			
Base Penalty				\$10,000

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

		Harm			
Release		Major	Moderate	Minor	
Actual					
Potential		X			Percent <input type="text" value="25%"/>

>> **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

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

Violation Base Penalty

One quarterly event is recommended based on documentation of the violation during the September 13, 2005 investigation date, to the October 20, 2005 screening date.

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

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Saks Enterprise Inc. dba Saks Texaco
 Case ID No. 27120
 Reg. Ent. Reference No. RN101375921
 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				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)	\$250	13-Sep-2005	15-May-2006	0.7	\$8	n/a	\$8

Notes for DELAYED costs: Estimated cost to conduct inventory control for all USTs. Required date is the date of the investigation and final date is the estimated compliance date.

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 \$250

TOTAL \$8

Screening Date	20-Oct-2005	Docket No.	2005-1812-PST-E	PCW
Respondent	Saks Enterprise Inc. dba Saks Texaco			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	27120			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN101375921			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Judy Kluge			

Violation Number	5
Primary Rule Cite(s)	30 Tex. Admin. Code § 334.10(b)
Secondary Rule Cite(s)	
Violation Description	Failed to maintain the UST records. Specifically, the automatic tank gauge monthly tank tightness tests and the financial assurance coverage records were not available for review.
Base Penalty	\$10,000

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
Matrix Notes	Less than 30% of the rule requirement was not met.				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$11"/>	Violation Final Penalty Total <input type="text" value="\$105"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$105"/>	

Economic Benefit Worksheet

Respondent Saks Enterprise Inc. dba Saks Texaco
Case ID No. 27120
Reg. Ent. Reference No. RN101375921
Media [Statute] Petroleum Storage Tank
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

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	\$100	13-Sep-2005	30-Jun-2006	0.8	\$4	n/a	\$4
Tank Tightness Tests	\$250	13-Sep-2005	10-Apr-2006	0.6	\$7	n/a	\$7
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 costs to maintain the UST records as required. Date required is the date of the investigation and the final date is the estimated compliance date.

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 \$350

TOTAL \$11

Screening Date	20-Oct-2005	Docket No.	2005-1812-PST-E	PCW
Respondent	Saks Enterprise Inc. dba Saks Texaco		Policy Revision 2 (September 2002)	
Case ID No.	27120	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN101375921			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Judy Kluge			
Violation Number	6			
Primary Rule Cite(s)	30 Tex. Admin. Code § 334.45(c)(3)(A)			
Secondary Rule Cite(s)				
Violation Description	Failed to install an emergency shutoff valve (aka shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser. Specifically, the "shear valve" was not securely anchored under dispensers 3/4, 5/6, and 7/8.			
Base Penalty	\$10,000			

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

		Harm			
Release		Major	Moderate	Minor	
Actual					
Potential			X		Percent <input type="text" value="10%"/>

OR

>> **Programmatic Matrix**

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

Matrix Notes

Human health or the environment will or could be exposed to a significant amount of pollutants which would not 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 type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended based the September 13, 2005 investigation to the October 20, 2005 screening date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$5"/>	Violation Final Penalty Total <input type="text" value="\$1,050"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,050"/>	

Economic Benefit Worksheet

Respondent Saks Enterprise Inc. dba Saks Texaco
 Case ID No. 27120
 Reg. Ent. Reference No. RN101375921
 Media [Statute] Petroleum Storage Tank
 Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment	\$100	13-Sep-2005	15-Jun-2006	0.8	\$0	\$5	\$5
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 cost to securely anchor all emergency shutoff valves at the base of the dispensing unit. Date required is the date of the investigation and the final date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600729495 Saks Enterprise Inc.	Classification: AVERAGE	Rating: 1.00
Regulated Entity:	RN101375921 SAKS TEXACO	Classification: AVERAGE	Site Rating: 1.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	6581
Location:	3809 S INTERSTATE 35 E, DENTON, TX, 76210		Rating Date: 9/1/2005 Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	October 19, 2005		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 19, 2000 to October 19, 2005		

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

Name: Judy Kluge Phone: (817) 588-5825

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 10/13/2005 | (431745) |
| 2 | 04/04/2005 | (374414) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | |
|------------------|---|-----------------------|
| Date: 04/04/2005 | (374414) | |
| Self Report? NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 115, SubChapter C 115.246(7)(A) | |
| | Description: Failure to maintain records on-site at facilities ordinarily manned during business hours, and made immediately available for review upon request by authorized representatives of the Texas Commission on Environmental Quality (TCEQ), the U.S. Environmental Protection Agency (EPA), or any local air pollution control prog | |
| Self Report? NO | | Classification: Minor |
| Citation: | 30 TAC Chapter 115, SubChapter C. 115.242(3)(K) | |
| | Description: Failure 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, including a system monitor or printer that is malfunctioning or out of paper. | |
| | At | |
- 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



<p>IN THE MATTER OF AN</p> <p>ENFORCEMENT ACTION</p> <p>CONCERNING SAKS</p> <p>ENTERPRISE INC. DBA SAKS</p> <p>TEXACO; RN101375921</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>BEFORE THE</p> <p>TEXAS COMMISSION ON</p> <p>ENVIRONMENTAL QUALITY</p>
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AGREED ORDER
DOCKET NO. 2005-1812-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Saks Enterprise Inc. dba Saks Texaco ("Saks") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Saks, appear before the Commission and together stipulate that:

1. Saks owns and operates a convenience store with retail sales of gasoline located at 3809 South Interstate 35 E, Denton, Denton County, Texas (the "Station").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 26 and the TCEQ rules.
3. The Commission and Saks agree that the Commission has jurisdiction to enter this Agreed Order, and that Saks is subject to the Commission's jurisdiction.
4. Saks received notice of the violations alleged in Section II ("Allegations") on or about October 18, 2005.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Saks of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
6. An administrative penalty in the amount of eight thousand five hundred and five dollars (\$8,505.00) is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). Saks has paid two hundred and eighty dollars (\$280.00) of the administrative penalty. The remaining amount of eight thousand two hundred twenty-five dollars (\$8,225.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of two hundred thirty-five dollars (\$235.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Saks fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Saks to meet the payment schedule of this Agreed Order constitutes the failure by Saks to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Saks 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 Saks has implemented the following corrective measures at the Station in response to this enforcement action:
 - (a) On April 10, 2006, Saks submitted documentation showing that it passed line leak detector and line tightness tests conducted on March 21, 2006; and
 - (b) On June 30, 2006, Saks submitted sufficient proof of financial assurance effective on the date of the investigation, September 13, 2005.
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 Saks 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

Saks is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain records on-site at the Station and failing to make records immediately available for review upon request, as documented during an investigation conducted on September 13, 2005. Specifically, Stage II records were not available for review;
2. 30 TEX. ADMIN. CODE § 115.242(3)(A), (E), and (K) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order(s), and free of defects that would impair the effectiveness of the system, including, but not limited to absence or disconnection of any component that is a part of the approved system, as documented during an investigation conducted on September 13, 2005. Specifically, at the time of the investigation, the vapor cap was missing from the Stage I riser, flexible cones were damaged on dispensers No. 2 and No. 4, and the Healey monitor for the Stage II system was not operative;
3. 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a) by failing to provide proper release detection for the product piping associated with the UST system, as documented during an investigation conducted on September 13, 2005. Specifically, at the time of the investigation, the pressurized product piping was not being monitored for releases;
4. 30 TEX. ADMIN. CODE § 334.48(c) by failing to conduct effective manual or automatic inventory control procedures for all USTs at the Station, as documented during an investigation conducted on September 13, 2005. Specifically, at the time of the investigation, inventory volume measurements were not being performed each operating day;
5. 30 TEX. ADMIN. CODE § 334.10(b) by failing to maintain UST records as required, as documented during an investigation conducted on September 13, 2005. Specifically, the automatic tank gauge monthly tank tightness test records and documentation of financial assurance were not available for review on the date of the investigation; and

6. 30 TEX. ADMIN. CODE § 334.45(c)(3)(A) by failing to install an emergency shutoff valve (aka shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser, as documented during an investigation conducted on September 13, 2005. Specifically, at the time of the investigation, the shear valve was not securely anchored.

III. DENIALS

Saks generally denies each allegation in Section II (“Allegations”).

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Saks pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Saks's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to “Texas Commission on Environmental Quality” and shall be sent with the notation “Re: Saks Enterprise Inc. dba Saks Texaco, Docket No. 2005-1812-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. Saks shall undertake the following technical requirements:
 - a. Immediately upon the effective date of the Commission Order, Saks shall:
 - i. begin maintaining all Stage II vapor recovery system records on-site, in accordance with 30 TEX. ADMIN. CODE § 115.246; and
 - ii. begin conducting effective manual or automatic inventory control procedures for all USTs, in accordance with 30 TEX. ADMIN. CODE § 334.48.
 - b. Within 30 days of the effective date of the Commission Order, Saks shall:
 - i. begin maintaining the Stage II vapor recovery system in proper operating condition, in accordance with 30 TEX. ADMIN. CODE § 115.242;

- ii. install and implement a release detection method for the piping associated with the USTs, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - iii. begin maintaining results of all UST records at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.10; and
 - iv. ensure shear valves are installed and securely anchored at the base of each dispenser, in accordance with 30 TEX. ADMIN. CODE § 334.45.
- c. Within 45 days of the effective date of the Commission Order, Saks shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

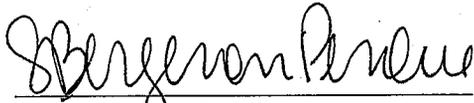
Mr. Sam Barrett, Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Saks. Saks 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.
4. If Saks 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, Saks's failure to comply is not a violation of this Agreed Order. Saks shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Saks shall notify the Executive Director within seven days after Saks 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 Saks shall be made in writing to the Executive Director. Extensions are not effective until Saks receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Saks in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Saks, or three days after the date on which the Commission mails notice of the Order to Saks, 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



For the Executive Director

1/16/07

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

10/31/06

Date

Sakina Anwar

Name (Printed or typed)

President

Title

Authorized representative of
Saks Enterprise Inc. dba Saks Texaco