

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-0288-PST-E TCEQ ID NO: RN102375094 CASE NO.: 28727

RESPONDENT NAME: MARKET TRUCK STOP INC. DBA TEXAS TRUCK STOP

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 8772 Market Street Road Houston, Harris County 77029

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 March 12, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Mark Curnutt, Litigation Division, MC 175, (512) 239-0624
 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

TCEQ Enforcement Coordinator: Mr. Thomas Greimel, Enforcement Division, Section IV, MC 128 (512) 239-5690

TCEQ Regional Contact Ms. Nicole Bealle, Houston Regional Office, MC R-12 (713) 767-3623

Respondent: Mr. Madat Hirani, Director, 8772 Market Street Road, Houston, Texas 77029

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:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input checked="" type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: September 12, 2005</p> <p>Date of NOE Relating to this Case: March 7, 2006 (NOE)</p> <p>Background Facts:</p> <p>The EDPRP was filed on October 16, 2006. The Respondent received notice of the EDPRP on October 18, 2006. An Agreed Order was signed and first payment was sent on December 28, 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> <p>1) Failed to ensure that release detection equipment or procedures are provided or followed for the underground storage tanks at the Facility and failing to perform an automatic test for substance loss that detects a release which equals or exceeds 0.2 gallons per hour from the UST system [30 TEX. ADMIN. CODE §§ 334.50(d)(1)(B) and 334.50(d)(4)(A)(ii)(II) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>2) Failed to conduct manual or automatic inventory control procedures for the UST system at the Facility [30 TEX. ADMIN. CODE § 334.48(c)].</p>	<p>Total Assessed: \$13,400</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$380/\$13,020</p> <p>The Respondent has paid \$380 of the penalty amount. The remaining \$13,020 shall be paid in 35 monthly installments of \$372.</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 1,2002</p>	<p>Corrective Actions:</p> <p>The Executive Director recognizes that Market Truck Stop has implemented the following corrective measures at the Facility in response to this enforcement action:</p> <p>1) Submitted documentation to the TCEQ indicating that the Facility implemented a release detection system on November 30, 2005.</p> <p>2) Began conducting inventory control procedures at the Facility on November 30, 2005.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	06-Mar-2006	Screening	14-Mar-2006	EPA Due	
	PCW	12-Jun-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Market Truck Stop Inc. dba Texas Truck Stop
Reg. Ent. Ref. No.	RN102375094
Facility/Site Region	12-Houston
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	28727	No. of Violations	2
Docket No.	2006-0288-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Thomas Greimel
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$20,000
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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	-8% Enhancement	Subtotals 2, 3, & 7	-\$1,600
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Notes: Enhancement due to one NOV without same or similar violations and 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	-\$5,000
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: The Respondent was in compliance on November 30, 2005.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$14	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,300	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,400
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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	\$13,400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,400
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral due to referral to litigation.

PAYABLE PENALTY	\$13,400
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Screening Date 14-Mar-2006

Docket No. 2006-0288-PST-E

PCW

Respondent Market Truck Stop, Inc. dba Texas Truck Stop

Policy Revision 2 (September 2002)

Case ID No. 28727

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102375094

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement due to one NOV without same or similar violations and reduction for High Performer classification.

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

Screening Date 14-Mar-2006 **Docket No.** 2006-0288-PST-E **PCW**
Respondent Market Truck Stop Inc. dba Texas Truck Stop *Policy Revision 2 (September 2002)*
Case ID No. 28727 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102375094

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.50(d)(1)(B) and 334.50(d)(4)(A)(ii)(II)

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

Violation Description

Failure to ensure that release detection equipment or procedures are provided or followed for the underground storage tanks at the Facility. Specifically, the respondent did not reconcile inventory control records on a monthly basis. Failure to perform an automatic test for substance loss that can detect a release which equals or exceeds a rate of 0.2 gallons per hour from the UST system. Specifically, the automatic tank gauging equipment was not performing leak tests monthly.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				50%
Potential	X			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Human health or the environment could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment -\$5,000

Base Penalty Subtotal \$5,000

Violation Events

Number of Violation Events 3

mark only one use a small x

daily	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Three monthly events are recommended from the September 12, 2005 investigation date to the November 30, 2005 date of compliance.

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

Estimated EB Amount \$13

Violation Final Penalty Total \$10,050

This violation Final Assessed Penalty (adjusted for limits) \$10,050

Economic Benefit Worksheet

Respondent - Market Truck Stop Inc. dba Texas Truck Stop

Case ID No. 28727

Reg. Ent. Reference No. RN102375094

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
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)	\$1,200	12-Sep-2005	30-Nov-2005	0.2	\$13	n/a	\$13

Notes for DELAYED costs: Estimated cost to provide release detection for the USTs at the Facility 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 \$1,200

TOTAL \$13

Screening Date 14-Mar-2006	Docket No. 2006-0288-PST-E	PCW
Respondent Market Truck Stop Inc. dba Texas Truck Stop	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 28727	<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No. RN102375094		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Thomas Greimel		
Violation Number <input type="text" value="2"/>		
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 334.48(c)"/>	
Secondary Rule Cite(s)	<input type="text"/>	
Violation Description	<input type="text" value="Failure to conduct manual or automatic inventory control procedures for the UST system at the Facility, as documented during an investigation conducted on September 12, 2005."/>	
Base Penalty		<input type="text" value="\$10,000"/>

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One quarterly event is recommended from the September 12, 2005 investigation date to the November 30, 2005 date of compliance.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$1"/>	Violation Final Penalty Total <input type="text" value="\$3,350"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,350"/>	

Economic Benefit Worksheet

Respondent Market Truck Stop Inc. dba Texas Truck Stop

Case ID No. 28727

Reg. Ent. Reference No. RN102375094

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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	12-Sep-2005	30-Nov-2005	0.2	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to conduct proper inventory control procedures. Date required is the investigation date and final date is the date of compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$1

Compliance History

Customer/Respondent/Owner-Operator: CN602914715 MARKET TRUCK STOP INC Classification: HIGH Rating: 0.00
 Regulated Entity: RN102375094 TEXAS TRUCK STOP Classification: HIGH Site Rating: 0.00
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 9778
 Location: 8772 MARKET STREET RD, HOUSTON, TX, 77029 Rating Date: September 01 05 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON
 Date Compliance History Prepared: April 03, 2006
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: April 03, 2001 to April 03, 2006

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

Name: Thomas Greimel Phone: (512) 239-5690

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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 | 03/02/2006 | (456026) |
| 2 | 09/06/2002 | (10322) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|--|----------|--------------------------|
| Date: | 10/12/2005 | (431947) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 334, SubChapter A 334.10(b)[G] | | |
| Description: | Failure to develop and maintain all UST records. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 334, SubChapter A 334.7(d)(3) | | |
| Description: | Failure to provide amended registration for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, or within 30 days of the date on which the owner or operator first became aware of the change or addition, as applicable. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(ii) | | |
| Description: | Failure of the owner or operator of USTs regulated under this section to make immediately available, upon request by agency staff, a valid, current TCEQ delivery certificate (or TCEQ temporary delivery authorization under subparagraph (D) of this paragraph, as applicable) for the USTs at a facility. | | |
| Self Report? | NO | | Classification: Moderate |
| 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. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 115, SubChapter C 115.246(6) | | |
| Description: | Failure to maintain a daily inspection log according to 115.244 (Inspection Requirements). | | |

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)

Description: Failure to maintain proof of attendance and completion of training as specified in 115.248 (state approved Stage II training course) and documentation of all Stage II training for each employee.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)

Description: Failure to maintain a maintenance log for all repair/replacements conducted at the facility.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(1)

Description: Failure to maintain a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II Vapor Recovery system and any related components installed at the facility.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)

Description: Failure to maintain a record of the results of testing conducted at the facility according to 115.245 (Testing Requirements).

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.242(9)[G]

Description: Failure to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II system.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)[G]

Description: Failure to maintain all components of 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.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)

Description: Failure to provide and maintain the Stage II Vapor Recovery system in proper operating condition, as specified by the California Air Resources Board (CARB) Executive Order, including the absence or disconnection of any component that is a part of the approved system.

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
AGAINST MARKET TRUCK STOP
INC. DBA TEXAS TRUCK STOP;
RN102375094**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2006-0288-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 Market Truck Stop Inc. dba Texas Truck Stop ("Market Truck Stop") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Market Truck Stop appear before the Commission and together stipulate that:

1. Market Truck Stop owns and operates a convenience store with retail sales of gasoline at 8772 Market Street Road in Houston, Harris County, Texas (the "Facility").
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. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Market Truck Stop agree that the Commission has jurisdiction to enter this Agreed Order, and that Market Truck Stop is subject to the Commission's jurisdiction.
4. Market Truck Stop received notice of the violations alleged in Section II ("Allegations") on or about March 7, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Market Truck Stop of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of thirteen thousand four hundred dollars (\$13,400.00) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). Market Truck Stop has paid three hundred eighty dollars (\$380.00) of the administrative penalty. The remaining amount of thirteen thousand twenty dollars (\$13,020.00) shall be payable thirty-five monthly payments of three hundred seventy-two dollars (\$372.00) each. The first 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 Market Truck Stop fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, 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 acceleration of any remaining balance constitutes the failure by Market Truck Stop to timely and satisfactorily comply with all the terms of this Agreed Order and the Executive Director may demand payment of any deferred penalty amount.

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 Market Truck Stop 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 Market Truck Stop has implemented the following corrective measures at the Facility in response to this enforcement action:
 - i. Submitted documentation to the TCEQ indicating that the Facility implemented a release detection system on November 30, 2005; and
 - ii. Began conducting inventory control procedures at the Facility on November 30, 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 Market Truck Stop 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

Market Truck Stop is alleged to have violated:

1. 30 TEX. ADMIN. CODE §§ 334.50(d)(1)(B) and 334.50(d)(4)(A)(ii)(II) and TEX. WATER CODE § 26.3475(c)(1) by failing to ensure that release detection equipment or procedures are provided or followed for the underground storage tanks at the Facility and failing to perform an automatic test for substance loss that detects a release which equals or exceeds 0.2 gallons per hour from the UST system. Specifically, the Respondent did not reconcile inventory control records on a monthly basis and the automatic tank gauging equipment was not performing leak tests monthly, as documented during an investigation conducted on September 12, 2005.
2. 30 TEX. ADMIN. CODE § 334.48(c) by failing to conduct manual or automatic inventory control procedures for the UST system at the Facility, as documented during an investigation conducted on September 12, 2005.

III. DENIALS

Market Truck Stop generally denies each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Market Truck Stop pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Market Truck Stop'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 or 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: Market Truck Stop Inc. dba Texas Truck Stop, Docket No: 2006-0288-PST-E" to:

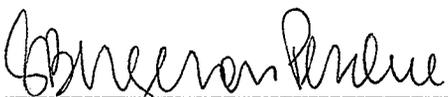
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Market Truck Stop. Market Truck Stop is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Market Truck Stop in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Market Truck Stop, or three days after the date on which the Commission mails notice of the Order to Market Truck Stop, 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

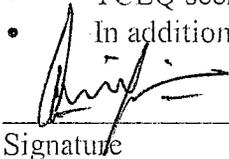
3/2/07

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 compliance documents may result in criminal prosecution.



Signature

12/28/06

Date

SALIM. HIRANI (MANAGER)

Name (Printed or typed)

MANAGER

Title

Authorized representative of
Market Truck Stop Inc. dba Texas Truck Stop