

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NUMBER: 2006-0300-PST-E TCEQ ID NO.: RN102231214 CASE NO.: 28788

RESPONDENT NAME: ABDULLAH AHMEDI DBA COUNTRY BOY STORE 2

ORDER TYPE:

<input 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 checked="" type="checkbox"/> SHUTDOWN ORDER	<input checked="" 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	<input type="checkbox"/> DRY CLEANER REGISTRATION	

SITE WHERE VIOLATION(S) OCCURRED: 10956 Elam Road, Balch Springs, Dallas 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.

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 April 9, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Robert R. Mosley, Litigation Division, MC 175, (512) 239-0627; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

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

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

Respondent: Mr. Abdullah Ahmedi, Owner, Country Boy Store 2, 10956 Elam Road, Balch Springs, Texas 75180

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: January 20, 2006.</p> <p>Date(s) of NOV(s)/NOE(s) Relating to this Case: March 3, 2006 (NOE)</p> <p>Background Facts:</p> <p>An EDRP was filed on September 11, 2006. The Respondent received notice of the EDRP on or about September 15, 2006. The Respondent was sent a Notice of Intent to Shutdown Underground Storage Tanks on February 13, 2007. The Respondent has not filed an answer, scheduled a settlement conference or requested a hearing.</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 conduct daily and monthly inspections of the Stage II Vapor Recovery System [30 TEX. ADMIN. CODE § 115.244(1) and (3) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II Vapor Recovery System. Specifically, the Stage II training for the Station's representative had not been completed [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to maintain a record of the maintenance conducted on any part of the Stage II equipment. Specifically, at the time of the investigation, Stage II records were not available for review [30 TEX. ADMIN. CODE § 115.246(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to verify the proper operation of the Stage II equipment at least once every 12 months or upon major system replacements or modifications. Specifically, the Station did not perform the annual pressure decay, flow rate determination, and volume to liquid ratio compliance testing [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 	<p>Total Assessed: \$14,700</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>Total Due to General Revenue: \$14,700</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of the Order.</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 Provisions</p> <p>The Respondent's UST delivery certificate is revoked immediately upon the effective date of this Order. The Respondent may apply for a new delivery certificate only after the Respondent complies with the terms of this Order.</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately, take the following steps to shut down operations of the non-compliant UST systems at the Station: <ol style="list-style-type: none"> Cease dispensing fuel from the USTs; Cease receiving deliveries of regulated substances into the USTs; Padlock the dispensers; Empty the USTs of all regulated substances; and Temporarily remove the UST system from service. Within 10 days, send UST delivery certificate to TCEQ. Within 15 days, submit to the Executive Director a detailed written report documenting the steps taken to comply with Ordering Provision No. 1. Prior to resuming service of the USTs: <ol style="list-style-type: none"> Test the cathodic protection system; and Install and implement a release detection method. Immediately upon resuming service of the USTs: <ol style="list-style-type: none"> Begin conducting daily and monthly inspections of the Stage II Vapor Recovery System; Begin maintaining all Stage II records at the Station; and Begin conducting effective manual or automatic inventory control procedures for all USTs.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to maintain the Stage II Vapor Recovery System in proper operating condition and free of defects that would impair the effectiveness of the system. Specifically, devices were not installed which would prevent loosening or over tightening of Phase I product adaptors [30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to have the cathodic protection systems inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the Respondent did not conduct the triennial test [30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d)].</p> <p>7. Failed to monitor USTs for a release at a frequency of at least once every month, not to exceed 35 days between each monitoring. Specifically, the Respondent did not provide proper release detection for the USTs at the Station [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)].</p> <p>8. Failed to monitor USTs for a release at a frequency of at least once every month, not to exceed 35 days between each monitoring. Specifically, the Respondent did not conduct monthly monitoring or annual piping tightness testing [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].</p> <p>9. Failed to monitor USTs for a release at a frequency of at least once every month, not to exceed 35 days between each monitoring. Specifically, the line leak detectors had not been performance tested annually [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a)].</p> <p>10. Failed to conduct effective manual or automatic inventory control procedures for all USTs. Specifically, inventory volume measurements for regulated substance inputs, withdrawals, and amounts still remaining in the tanks were not being performed [30 TEX. ADMIN. CODE § 334.48(c)].</p>		<p>6. Within 30 days after resuming service:</p> <ul style="list-style-type: none"> a. Ensure that at least one Station representative has 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 TCEQ; b. Begin maintaining all Stage II equipment in proper operating condition; c. Conduct annual testing of the Stage II Vapor Recovery System; d. Conduct triennial testing of the cathodic protection system; and e. Install and implement a release detection method for the USTs and the piping associated with the UST system. <p>7. Within 45 days after resuming service of the USTs, submit written certification demonstrating compliance with Ordering Provision Nos. 4, 5 and 6.</p> <p>8. If elected to permanently remove from service any UST systems at the Station, the Respondent shall:</p> <ul style="list-style-type: none"> a. Permanently remove those UST systems; and b. Within 15 days, submit to the Commission a written report documenting compliance.

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

DATES	Assigned 06-Mar-2006				
	PCW 05-Jul-2006	Screening 20-Mar-2006	EPA Due		

RESPONDENT/FACILITY INFORMATION					
Respondent	Abdullah Ahmedi dba Country Boy Store 2				
Reg. Ent. Ref. No.	RN102231214				
Facility/Site Region	4-Dallas/Fort Worth		Major/Minor Source	Minor Source	

CASE INFORMATION					
Enf./Case ID No.	28788		No. of Violations	8	
Docket No.	2006-0300-PST-E		Order Type	1660	
Media Program(s)	Petroleum Storage Tank		Enf. Coordinator	Judy Kluge	
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	\$14,000
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	\$700	
Notes	Enhancement for one NOV with same or similar violations.					
Culpability		No <input checked="" type="checkbox"/> 0% Enhancement		Subtotal 4	\$0	
Notes	The respondent does not meet the culpability criteria.					
Good Faith Effort to Comply		0% Reduction		Subtotal 5	\$0	
	Before NOV	NOV to EDPRP/Settlement Offer				
Extraordinary						
Ordinary						
N/A	x	(mark with a small x)				
Notes	The respondent does not meet the good faith effort criteria.					
Economic Benefit		0% Enhancement*		Subtotal 6	\$0	
Total EB Amounts	\$2,405	*Capped at the Total EB \$ Amount				
Approx. Cost of Compliance	\$7,000					
SUM OF SUBTOTALS 1-7					Final Subtotal	\$14,700
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					\$14,700	
STATUTORY LIMIT ADJUSTMENT					Final Assessed Penalty	\$14,700
DEFERRAL					Adjustment	\$0
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					\$14,700	

Screening Date 20-Mar-2006	Docket No. 2006-0300-PST-E	PCW
Respondent Abdullah Ahmedi dba Country Boy Store 2		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 28788		<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No. RN102231214		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Judy Kluge		

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	<i>Enter Number Here</i>	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)

<input type="text" value="No"/>	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

<input type="text" value="Average Performer"/>	Adjustment Percentage (Subtotal 7) 0%
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>> Compliance History Summary

Compliance History Notes	Enhancement for one NOV with same or similar violations.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 20-Mar-2006	Docket No. 2006-0300-PST-E	PCW
Respondent Abdullah Ahmedi dba Country Boy Store 2	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 28788	<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No. RN102231214		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Judy Kluge		
Violation Number <input type="text" value="1"/>		
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.244 (1) and (3)"/>	
Secondary Rule Cite(s)	<input type="text" value="Tex. Health & Safety Code § 382.085(b)"/>	
Violation Description	<input type="text" value="Failed to conduct daily and monthly inspections of the Stage II vapor recovery system."/>	
Base Penalty		<input type="text" value="\$10,000"/>

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

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

>> **Programmatic Matrix**

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

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>daily</i>	<input type="text"/>
<i>monthly</i>	<input type="text"/>
<i>quarterly</i>	X
<i>semiannual</i>	<input type="text"/>
<i>annual</i>	<input type="text"/>
<i>single event</i>	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$20"/>	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: Abdullah Ahmedi dba Country Boy Store 2
Case ID No.: 28788
Reg. Ent. Reference No.: RN102231214
Media [Statute]: Petroleum Storage Tank
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	20-Jan-2006	02-Nov-2006	0.8	\$20	n/a	\$20
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount required to conduct daily and monthly inspections of the Stage II vapor recovery system. Date required is the date of investigation. 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 \$500

TOTAL \$20

Screening Date	20-Mar-2006	Docket No.	2006-0300-PST-E	PCW
Respondent	Abdullah Ahmedi dba Country Boy Store 2		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	28788	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN102231214			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Judy Kluge			
Violation Number	2			
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 that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system. Specifically, the Stage II training for the Station's representative had not been completed.			
Base Penalty			\$10,000	

>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent <input type="text"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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			-\$9,000		

Base Penalty Subtotal	\$1,000
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Violation Events					
Number of Violation Events		<input type="text" value="1"/>			
<i>mark only one use a small x</i>	<i>daily</i>	<input type="checkbox"/>	<input type="checkbox"/>	Violation Base Penalty	
	<i>monthly</i>	<input type="checkbox"/>	<input type="checkbox"/>		
	<i>quarterly</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		\$1,000
	<i>semiannual</i>	<input type="checkbox"/>	<input type="checkbox"/>		
	<i>annual</i>	<input type="checkbox"/>	<input type="checkbox"/>		
	<i>single event</i>	<input type="checkbox"/>	<input type="checkbox"/>		
One quarterly event is recommended from the inspection date of January 20, 2006 to the screening date of March 20, 2006.					

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$39"/>	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: Abdullah Ahmedi dba Country Boy Store 2
 Case ID No: 28788
 Reg. Ent. Reference No: RN102231214
 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				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	\$1,000	20-Jan-2006	02-Nov-2006	0.8	\$39	n/a	\$39
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimate of training. Date required is the date of investigation. 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 \$1,000 **TOTAL** \$39

Screening Date 20-Mar-2006	Docket No. 2006-0300-PST-E	PCW
Respondent Abdullah Ahmedi dba Country Boy Store 2	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 28788	<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No. RN102231214		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Judy Kluge		
Violation Number <input type="text" value="3"/>		
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.246(3)"/>	
Secondary Rule Cite(s)	<input type="text" value="Tex. Health & Safety Code § 382.085(b)"/>	
Violation Description	<input type="text" value="Failure to maintain a record of the maintenance conducted on any part of the Stage II equipment. Specifically, at the time of the investigation, Stage II records were not available for review."/>	
Base Penalty		<input type="text" value="\$10,000"/>

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>daily</i>	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>
<i>monthly</i>	<input type="text"/>	
<i>quarterly</i>	<input type="text"/>	
<i>semiannual</i>	<input type="text"/>	
<i>annual</i>	<input type="text"/>	
<i>single event</i>	<input checked="" type="checkbox"/>	

One single event is recommended, based on the January 20, 2006 investigation date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$17"/>	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: Abdullah Ahmedi dba Country Boy Store 2
Case ID No.: 28788
Reg. Ent. Reference No.: RN102231214
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	\$500	20-Jan-2006	02-Oct-2006	0.7	\$17	n/a	\$17
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount required to maintain a record of the maintenance conducted on any part of the Stage II equipment. Date required is the date of investigation. 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 \$500
TOTAL \$17

Screening Date 20-Mar-2006	Docket No. 2006-0300-PST-E	PCW
Respondent Abdullah Ahmedi dba Country Boy Store 2	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 28788	<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No. RN102231214		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Judy Kluge		
Violation Number	4	
Primary Rule Cite(s)	30 Texas Admin. Code § 115.245(2)	
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to verify proper operation of the Stage II equipment at least once every 12 months or upon major system replacements or modifications. Specifically, the Station did not perform the annual pressure decay, flow rate determination, and volume to liquid ratio compliance testing.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release	Major Moderate Minor
	Actual	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Potential	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		Percent 25%
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
		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		-\$7,500

Base Penalty Subtotal \$2,500

Violation Events		
Number of Violation Events		1
mark only one use a small x	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input checked="" type="checkbox"/>
	single event	<input type="checkbox"/>
		Violation Base Penalty \$2,500
One annual event is recommended for the 12-month period preceding the January 20, 2006 investigation date.		

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$1,050	Violation Final Penalty Total \$2,625
This violation Final Assessed Penalty (adjusted for limits) \$2,625	

Economic Benefit Worksheet

Respondent: Abdullah Ahmedi dba Country Boy Store 2
 Case ID No: 28788
 Reg. Ent. Reference No: RN102231214
 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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)	\$1,000	20-Jan-2005	20-Jan-2006	1.0	\$50	\$1,000	\$1,050

Notes for AVOIDED costs

Estimated cost to conduct annual testing to verify proper operation of the Stage II equipment. Date required is 12 months prior to the investigation date and final date is the investigation date.

Approx. Cost of Compliance \$1,000

TOTAL \$1,050

Screening Date	20-Mar-2006	Docket No.	2006-0300-PST-E	PCW
Respondent	Abdullah Ahmedi dba Country Boy Store 2		Policy Revision 2 (September 2002)	
Case ID No.	28788	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN102231214			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Judy Kluge			
Violation Number	5			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.242(3)(A)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failure to maintain the Stage II vapor recovery system in proper operating condition and free of defects that would impair the effectiveness of the system. Specifically, devices were not installed which would prevent loosening or over tightening of the Phase I product adaptors.			
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: 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

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>
	monthly	<input type="text"/>	
	quarterly	x	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

One quarterly event is recommended from the inspection date of January 20, 2006 to the screening date of March 20, 2006.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$24"/>	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: Abdullah Ahmedi dba Country Boy Store 2
 Case ID No: 28788
 Reg. Ent. Reference No: RN102231214
 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	\$500	20-Jan-2006	02-Oct-2006	0.7	\$1	\$23	\$24
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 amount to install devices to prevent loosening or overtightening of the product adaptor. Date required is the date of investigation. 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 \$500

TOTAL \$24

Screening Date	20-Mar-2006	Docket No.	2006-0300-PST-E	PCW
Respondent	Abdullah Ahmedi dba Country Boy Store 2		Policy Revision 2 (September 2002)	
Case ID No.	28788	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN102231214			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Judy Kluge			
Violation Number	6			
Primary Rule Cite(s)	30 Tex. Admin Code § 334.49(c)(4)			
Secondary Rule Cite(s)	Tex. Water Code § 26.3475(d)			
Violation Description	Failure to have the cathodic protection systems inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the respondent did not conduct the triennial test.			
Base Penalty			\$10,000	

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

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

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification					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	<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 for the three year period preceding the January 20, 2006 investigation 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: Abdullah Ahmedi dba Country Boy Store 2
 Case ID No: 28788
 Reg. Ent. Reference No: RN102231214
 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				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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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)	\$1,000	20-Jan-2003	20-Jan-2006	3.0	\$150	\$1,000	\$1,150

Notes for AVOIDED costs

Avoided cost for completing the triennial test. The date required is three years before the investigation date and the final date is the investigation date.

Approx. Cost of Compliance \$1,000

TOTAL \$1,150

Screening Date 20-Mar-2006	Docket No. 2006-0300-PST-E	PCW
Respondent Abdullah Ahmedi dba Country Boy Store 2	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 28788	<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No. RN102231214		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Judy Kluge		
Violation Number	7	
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)	
Violation Description	<p>Failed to monitor USTs for a release at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, the respondent did not provide proper release detection for the USTs at the Facility. Also, failed to provide release detection for the piping associated with the USTs. Specifically, the respondent did not conduct monthly monitoring or annual piping tightness. The respondent failed to test the line leak detector at least once per year for performance and operational reliability. Specifically, the line leak detectors had not been performance tested annually.</p>	
	Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="4" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td rowspan="2" style="text-align: right; vertical-align: middle;">Percent <input style="width: 50px;" type="text" value="25%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Harm					Release	Major	Moderate	Minor		Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input style="width: 50px;" type="text" value="25%"/>	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harm																				
Release	Major	Moderate	Minor																	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input style="width: 50px;" type="text" value="25%"/>																
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																	
>> Programmatic Matrix																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: right; vertical-align: middle;">Percent <input style="width: 50px;" type="text"/></td> </tr> </table>	Falsification	Major	Moderate	Minor		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input style="width: 50px;" type="text"/>									
Falsification	Major	Moderate	Minor																	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input style="width: 50px;" type="text"/>																
Matrix Notes	<div style="border: 1px solid black; padding: 5px;"> 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. </div>																			
	Adjustment <input style="width: 50px;" type="text" value="-\$7,500"/>																			

Base Penalty Subtotal	<input style="width: 100px;" type="text" value="\$2,500"/>
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Violation Events													
Number of Violation Events	<input style="width: 50px;" type="text" value="1"/>												
mark only one use a small x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>
daily	<input type="checkbox"/>												
monthly	<input type="checkbox"/>												
quarterly	<input checked="" type="checkbox"/>												
semiannual	<input type="checkbox"/>												
annual	<input type="checkbox"/>												
single event	<input type="checkbox"/>												
	Violation Base Penalty <input style="width: 100px;" type="text" value="\$2,500"/>												
One quarterly event is recommended from the date of the inspection, January 20, 2006, to the date of screening March 20, 2006.													

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 50px;" type="text" value="\$65"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$2,625"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$2,625"/>	

Economic Benefit Worksheet

Respondent: Abdullah Ahmedi dba Country Boy Store 2
 Case ID No: 28788
 Reg. Ent. Reference No: RN102231214
 Media [Statute]: Petroleum Storage Tank
 Violation No: 7

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	\$1,500	20-Jan-2006	02-Dec-2006	0.9	\$65	n/a	\$65
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount required to monitor the tanks and the pressurized underground lines in a manner which would detect a releases at a frequency of at least once every month and to test the line leak detector at least once per year for performance and operational reliability. Date required is the date of investigation. 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 \$1,500 **TOTAL** \$65

Screening Date	20-Mar-2006	Docket No.	2006-0300-PST-E	PCW
Respondent	Abdullah Ahmedi dba Country Boy Store 2			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	28788			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN102231214			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Judy Kluge			
Violation Number	<input type="text" value="8"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 334.48(c)"/>			
Secondary Rule Cite(s)	<input type="text"/>			
Violation Description	Failure to conduct effective manual or automatic inventory control procedures for all USTs. Specifically, inventory volume measurements for regulated substance inputs, withdrawals, and amounts still remaining in the tanks were not being performed.			
	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"/>	Percent <input type="text" value="25%"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text"/>
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One quarterly event is recommended from the inspection date of January 20, 2006 to the screening date of March 20, 2006.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$39"/>	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: Abdullah Ahmedi dba Country Boy Store 2
 Case ID No. 28788
 Reg. Ent. Reference No. RN102231214
 Media [Statute] Petroleum Storage Tank
 Violation No. 8

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				0.0	\$0	n/a	\$0
Training/Sampling	\$1,000	20-Jan-2006	02-Nov-2006	0.8	\$39	n/a	\$39
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the estimated amount required to conduct effective manual or automatic inventory control procedures for all underground storage tanks. Date required is the date of investigation. 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 \$1,000

TOTAL \$39

Compliance History

Customer/Respondent/Owner-Operator: CN602904617 AHMEDI, ABDULLAH Classification: AVERAGE Rating: 1.33
Regulated Entity: RN102231214 COUNTRY BOY STORE 2 Classification: AVERAGE Site Rating: 1.33
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 68977
Location: REGISTRATION 10956 ELAM RD, BALCH SPRINGS, TX, 75180 Rating Date: 9/1/2005 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: April 11, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 13, 2001 to March 13, 2006

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

Name: Joseph Daley Phone: 817-588-5928

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? ##
3. If Yes, who is the current owner? AHMEDI, ABDULLAH
4. If Yes, who was/were the prior owner(s)? PAYLESS BEER N'WINE
5. When did the change(s) in ownership occur? 1/11/2005

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 10/30/2002 (15447)
 - 2 05/30/2002 (1558)
 - 3 03/03/2006 (452667)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/23/2002 (1558)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)

Description: Failure to conduct pressure decay testing annually and in accordance with test procedures referenced in 115.245 (1).

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 Natural Resource Conservation Commission (TNRCC).
- 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 ABDULLAH AHMEDI
DBA COUNTRY BOY STORE 2;
RN102231214**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT AND SHUTDOWN ORDER DOCKET NO. 2006-0300-PST-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the TCEQ, which requests appropriate relief, including the revocation of the respondent's underground storage tank ("UST") delivery certificate, the imposition of an administrative penalty and corrective action of the respondent. The TCEQ also considered the Motion of the Executive Director requesting entry of an order requiring the respondent, Abdullah Ahmedi dba Country Boy Store 2 ("Mr. Ahmedi" or "Respondent"), to shutdown or remove from service the USTs at the Country Boy Store 2 station, located at 10956 Elam Road, Balch Springs, Dallas County, Texas.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Mr. Ahmedi owns a convenience store with retail sales of gasoline located at 10956 Elam Road, Balch Springs, Dallas County, Texas (the "Station").
2. Mr. Ahmedi's two USTs are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Mr. Ahmedi's USTs contain a regulated petroleum substance as defined in the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an inspection conducted on January 20, 2006, a TCEQ DFW Regional Office investigator documented that Mr. Ahmedi:
 - a. failed to conduct daily and monthly inspections of the Stage II vapor recovery system;
 - b. failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system. Specifically, the Stage II training for the Station's representative had not been completed;

- c. failed to maintain a record of the maintenance conducted on any part of the Stage II equipment. Specifically, at the time of the investigation, Stage II records were not available for review;
 - d. failed to verify the proper operation of the Stage II equipment at least once every 12 months or upon major system replacements or modifications. Specifically, the Station did not perform the annual pressure decay, flow rate determination, and volume to liquid ratio compliance testing;
 - e. failed to maintain the Stage II vapor recovery system in proper operating condition and free of defects that would impair the effectiveness of the system. Specifically, devices were not installed which would prevent loosening or over tightening of Phase I product adaptors;
 - f. failed to have the cathodic protection systems inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the Respondent did not conduct the triennial test;
 - g. failed to monitor USTs for a release at a frequency of at least once every month, not to exceed 35 days between each monitoring. Specifically, the Respondent did not provide proper release detection for the USTs at the Station;
 - h. failed to monitor USTs for a release at a frequency of at least once every month, not to exceed 35 days between each monitoring. Specifically, the Respondent did not conduct monthly monitoring or annual piping tightness testing;
 - i. failed to monitor USTs for a release at a frequency of at least once every month, not to exceed 35 days between each monitoring. Specifically, the line leak detectors had not been performance tested annually; and
 - j. failed to conduct effective manual or automatic inventory control procedures for all USTs. Specifically, inventory volume measurements for regulated substance inputs, withdrawals, and amounts still remaining in the tanks were not being performed.
4. By letter dated March 3, 2006 the TCEQ Dallas/Fort Worth Regional Office provided Mr. Ahmedi with notice of the violations and the TCEQ's authority to shut down and remove from service UST systems not in compliance with UST system release detection, spill and overfill prevention and/or corrosion protection requirements if the violations were not corrected.
 5. Mr. Ahmedi received notice of the violations on or about March 8, 2006.

6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Abdullah Ahmedi dba Country Boy Store 2" (the "EDPRP") in the TCEQ Chief Clerk's office on September 11, 2006.
7. By letter dated September 11, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Ahmedi with notice of the EDPRP. According to the return receipt "green card", Mr. Ahmedi received notice of the EDPRP on September 15, 2006, as evidenced by the signature on the card.
8. More than 20 days have elapsed since Mr. Ahmedi received notice of the EDPRP, provided by the Executive Director. Mr. Ahmedi failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.
9. By letter dated February 13, 2007, the TCEQ provided Mr. Ahmedi with notice of the TCEQ's intent to order the UST systems at the Station shut down and removed from service if the violations pertaining to corrosion protection and release detection were not corrected within 30 days of Mr. Ahmedi's receipt of the letter.
10. As of the date of entry of this Order, Mr. Ahmedi has not corrected the corrosion protection or release detection violations noted during the January 20, 2006, investigation.
11. The UST systems at the Station do not have corrosion protection as required by 30 TEX. ADMIN. CODE § 334.49(c)(4) or release detection as required by 30 TEX. ADMIN. CODE § 334.50 and may be releasing petroleum products to the environment without the knowledge of the tank owner or operator. Therefore, conditions at the Station constitute an imminent peril to public health, safety, and welfare.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Ahmedi is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Mr. Ahmedi failed to conduct daily and monthly inspections of the Stage II vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.244(1) and (3) and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 3.b., Mr. Ahmedi failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system. Specifically, the Stage II training for the Station's representative had

- not been completed, in violation of 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 3.c., Mr. Ahmedi failed to maintain a record of the maintenance conducted on any part of the Stage II equipment. Specifically, at the time of the investigation, Stage II records were not available for review, in violation of 30 TEX. ADMIN. CODE § 115.246(3) and TEX. HEALTH & SAFETY CODE § 382.085(b).
 5. As evidenced by Finding of Fact No. 3.d., Mr. Ahmedi failed to verify the proper operation of the Stage II equipment at least once every 12 months or upon major system replacements or modifications. Specifically, the Station did not perform the annual pressure decay, flow rate determination, and volume to liquid ratio compliance testing, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).
 6. As evidenced by Finding of Fact No. 3.e., Mr. Ahmedi failed to maintain the Stage II vapor recovery system in proper operating condition and free of defects that would impair the effectiveness of the system. Specifically, devices were not installed which would prevent loosening or over tightening of Phase I product adaptors, in violation of 30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b).
 7. As evidenced by Finding of Fact No. 3.f., Mr. Ahmedi failed to have the cathodic protection systems inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the Respondent did not conduct the triennial test, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d).
 8. As evidenced by Finding of Fact No. 3.g., Mr. Ahmedi failed to monitor USTs for a release at a frequency of at least once every month, not to exceed 35 days between each monitoring. Specifically, the Respondent did not provide proper release detection for the USTs at the Station, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c).
 9. As evidenced by Finding of Fact No. 3.h., Mr. Ahmedi failed to monitor USTs for a release at a frequency of at least once every month, not to exceed 35 days between each monitoring. Specifically, the Respondent did not conduct monthly monitoring or annual piping tightness testing, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a).
 10. As evidenced by Finding of Fact No. 3.i., Mr. Ahmedi failed to monitor USTs for a release at a frequency of at least once every month, not to exceed 35 days between each monitoring. Specifically, the line leak detectors had not been performance tested annually, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a).
 11. As evidenced by Finding of Fact No. 3.j., Mr. Ahmedi failed to conduct effective manual or automatic inventory control procedures for all USTs. Specifically, inventory volume

measurements for regulated substance inputs, withdrawals, and amounts still remaining in the tanks were not being performed, in violation of 30 TEX. ADMIN. CODE § 334.48(c).

12. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Mr. Ahmedi with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).

13. As evidenced by Finding of Fact No. 8, Mr. Ahmedi has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Mr. Ahmedi and assess the penalty recommended by the Executive Director.

14. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Ahmedi for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

15. An administrative penalty in the amount of fourteen thousand seven hundred dollars (\$14,700.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

16. As evidenced by Finding of Fact Numbers 3, 4, 5, 9 and 10, Mr. Ahmedi failed to correct documented violations of Commission requirements within 30 days after Mr. Ahmedi received notice of the violations.

17. TEX. WATER CODE § 26.3475(e) authorizes the Commission to order a UST owner or operator to shut down a UST system if, within 30 days after receiving notice of the violations, the owner or operator fails to correct violations of Commission regulatory requirements relating to release detection for tanks and/or piping, spill and overfill protection for tanks, and/or corrosion protection for tanks and piping.

18. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

19. Pursuant to 30 TEX. ADMIN. CODE § 334.8(c)(6), the Commission has authority to revoke Mr. Ahmedi's UST delivery certificate if the Commission finds good cause exists.

20. Good cause for revocation of Mr. Ahmedi's delivery certificate exists as justified by Findings of Fact Nos. 3 through 11 and Conclusions of Law Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 16.

21. As evidenced by Finding of Fact Number 11, current conditions at the Station constitute an imminent peril to public health, safety and welfare. Therefore, pursuant to Tex. Gov't Code §

2001.144(a)(3), this Order is final and effective on the date rendered.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Immediately upon the effective date of this Order:

a. Mr. Ahmedi shall take the following steps to shut down operations of the non-compliant UST systems at the Station:

i. Cease dispensing fuel from the USTs;

ii. Cease receiving deliveries of regulated substances into the USTs;

iii. Padlock the dispensers;

iv. Empty the USTs of all regulated substances in accordance with 30 TEX. ADMIN. CODE § 334.54(d); and

v. Temporarily remove the UST system from service in accordance with 30 TEX. ADMIN. CODE § 334.54.

b. Mr. Ahmedi's UST delivery certificate is revoked immediately upon the effective date of this Order. Mr. Ahmedi may submit an application for a new delivery certificate only after Mr. Ahmedi has complied with all of the requirements of this order.

2. Within 10 days after the effective date of this order, Mr. Ahmedi shall send his UST delivery certificate to:

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

3. Within 15 days after the effective date of this Order, Mr. Ahmedi shall submit to the Executive Director a detailed written report documenting the steps he has taken to comply with Ordering Provisions Nos. 1.a.i. through 1.a.v. Mr. Ahmedi shall submit the report to:

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

and

Sam Barrett, Waste Section Manager
Texas Commission on Environmental Quality
Dallas/ Fort Worth Regional Office
2301 Gravel Drive
Fort Worth, Texas 76118-6951

4. If Mr. Ahmedi elects to permanently remove from service any UST systems at the Station, Mr. Ahmedi shall permanently remove those UST systems in accordance with 30 TEX. ADMIN. CODE § 334.55, and shall, within 15 days after the effective date of this Order, submit to the Commission a written report documenting compliance with 30 TEX. ADMIN. CODE § 334.55. Mr. Ahmedi shall submit the report to:

Petroleum Storage Tank Registration Team, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Mr. Ahmedi is assessed an administrative penalty in the amount of fourteen thousand seven hundred dollars (\$14,700.00) for violations of TEX. WATER CODE chs. 7 and 26, Tex. HEALTH & SAFETY CODE ch. 382 and rules of the TCEQ. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Abdullah Ahmedi dba Country Boy Store 2; Docket No. 2006-0300-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

6. The Executive Director recommends that Mr. Ahmedi be required to implement the following corrective measures:

- a. Prior to resuming service of the USTs, Mr. Ahmedi shall:
 - i. test the cathodic protection system in accordance with 30 TEX. ADMIN. CODE § 334.49; and
 - ii. install and implement a release detection method in accordance with 30 TEX. ADMIN. CODE § 334.50.
- b. Immediately upon resuming service of the USTs:
 - i. Begin conducting daily and monthly inspections of the Stage II vapor recovery system, in accordance with 30 TEX. ADMIN. CODE § 115.244;
 - ii. Begin maintaining all Stage II records at the Station, in accordance with 30 TEX. ADMIN. CODE § 115.246; and
 - iii. Begin conducting effective manual or automatic inventory control procedures for all USTs, in accordance with 30 TEX. ADMIN. CODE § 334.48.
- c. Within 30 days after resuming service of the USTs, Mr. Ahmedi shall:
 - i. Ensure that at least one Station representative has 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 TCEQ, in accordance with 30 TEX. ADMIN. CODE § 115.248;
 - ii. Begin maintaining all Stage II equipment in proper operating condition, in accordance with 30 TEX. ADMIN. CODE § 115.242;
 - iii. Conduct annual testing of the Stage II vapor recovery system, in accordance with 30 TEX. ADMIN. CODE § 115.245;
 - iv. Conduct triennial testing of the cathodic protection system, in accordance with 30 TEX. ADMIN. CODE § 334.49; and
 - v. Install and implement a release detection method for the USTs and the piping associated with the UST system, in accordance with 30 TEX. ADMIN. CODE § 334.50.
- d. Within 45 days after resuming service of the USTs, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision numbers 6.a.i. through 6.c.v.

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:

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

7. Mr. Ahmedi's UST systems shall remain out of service as directed by Ordering Provision No. 1.a. until such time as Mr. Ahmedi demonstrates to the satisfaction of the Executive Director that he has corrected the violations noted in Findings of Fact Nos. 3.f., 3.g., 3.h., and 3.i. and Conclusions of Law Nos. 7, 8, 9, and 10 herein. The payment of the administrative penalty and Mr. Ahmedi's compliance with Ordering Provisions 1.b., 2, 3, and 6 completely resolve the violations noted in Findings of Fact Nos. 3.a., 3.b., 3.c., 3.d., 3.e., and 3.j. and Conclusions of Law Nos. 2, 3, 4, 5, 6, 11, 12, 13, 19, and 20 herein.
8. All relief not expressly granted in this Order is denied.
9. The provisions of this Order shall apply to and be binding upon Mr. Ahmedi. Mr. Ahmedi is ordered to give notice of this Order to personnel who maintain day-to-day control over the Station operations referenced in this Order.
10. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Ahmedi if

the Executive Director determines that Mr. Ahmedi has not complied with one or more of the terms or conditions in this Order.

11. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
12. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF ROBERT R. MOSLEY

STATE OF TEXAS

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COUNTY OF TRAVIS

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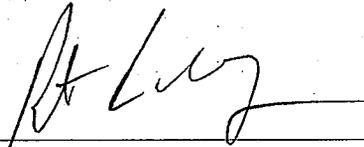
"My name is Robert R. Mosley. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Abdullah Ahmedi dba Country Boy Store 2" (the "EDPRP") with the Office of the Chief Clerk on September 11, 2006.

I sent the EDPRP to Mr. Ahmedi at its his last known address on September 11, 2006 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card", Mr. Ahmedi received notice of the EDPRP on September 16, 2006, as evidenced by the signature on the card.

More than 20 days have elapsed since Mr. Ahmedi received notice of the EDPRP. Mr. Ahmedi failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

By letter dated February, 13 2007 via first class mail and certified mail, return receipt requested (Article No. 7004 1350 0002 7566 1023), I provided Mr. Ahmedi with notice of the TCEQ's intent to order the UST systems at the station shutdown and removed from service if the violations pertaining to release detection, spill and overflow prevention equipment, and/or corrosion protection were not corrected within 30 days of Mr. Ahmedi's receipt of the letter. As of the date of this affidavit, Mr. Ahmedi has not corrected the violations noted during the January 20, 2006 inspection."



Robert R. Mosley

Attorney

Texas Commission on Environmental Quality

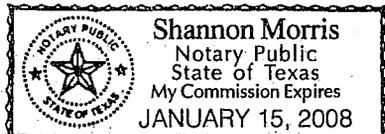
Before me, the undersigned authority, on this day personally appeared Robert R. Mosley, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 15th day of February, A.D., 2007:

Shannon Morris

Notary Stamp

Notary Signature



NOTARY WITHOUT BOND