EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2215-PST-E **TCEQ ID:** RN101560076 **CASE NO.:** 31979

RESPONDENT NAME: Aziz Chandwani dba Prince Food Mart

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Prince Food Mart, 6601 Meadowbrook Drive, Fort Worth, Tarrant County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: __X__ Yes ____ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 30, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Rajesh Acharya, Enforcement division, Enforcement Team 6, MC 128, (512) 239-0577; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Aziz Chandwani, Owner, Prince Food Mart, 6601 Meadowbrook Drive, Fort Worth, Texas 76112

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** October 6, 2006 **Date of NOE Relating to this Case:** December 4, 2006 (NOE) **Background Facts:** This was a routine investigation. Three violations were documented. **WASTE** 1) Failed to make each employee aware of the purposes and correct operating procdures of the Stage II equipment. Specifically, one employee did not receive Stage II employee in-house training [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, annual testing of the Stage II equipment was not conducted [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failed to maintain all required Stage II records at the Station and make immediately available for review upon request by the authorized representatives of the executive director. Specifically, the daily inspection records, a record of maintenance conducted on the Stage II equipment, the employee training records, and the results of Stage II testing were not available for review [30 TEX. ADMIN. CODE § 115.246(3), 115.246(4), 115.246(5), and 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(b)].	**Total Assessed:** $4,275 **Total Deferred:** $855 _X_ Expedited Settlement __ Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid (Due) to General Revenue:** $120 (the remaining $3,300 to be paid in 30 monthly payments of $110 each) **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that Mr. Chandwani has implemented the following corrective measures at the Station: a. Provided documentation verifying that all current employees received training on the purposes and correct operating procedures of the Stage II vapor recovery system on October 23, 2006; b. Successfully conducted the required annual testing of the Stage II equipment on November 1, 2006; and c. Began maintaining all the required Stage II records at the Station on October 23, 2006.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision November 15, 2006*

DATES					
Assigned	11-Dec-2006				
PCW	13-Dec-2006	Screening	13-Dec-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Aziz Chandwani dba Prince Food Mart		
Reg. Ent. Ref. No.	RN101560076		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	31979	No. of Violations	3
Docket No.	2006-2215-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Patricia Chawla
Multi-Media		EC's Team	EnforcementTeam 7
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $4,500

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* $225

Notes: Enhancement for one NOV with the same or similar violations.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 10% Reduction — *Subtotal 5* $450

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes: The Respondent came into compliance on November 1, 2006.

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$1,102
Approx. Cost of Compliance	$2,000

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $4,275

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 $4,275

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $4,275

DEFERRAL — 20% Reduction — *Adjustment* -$855

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $3,420

Screening Date	13-Dec-2006	**Docket No.** 2006-2215-PST-E	**PCW**
Respondent	Aziz Chandwani dba Prince Food Mart		*Policy Revision 2 (September 2002)*
Case ID No.	31979		*PCW Revision November 15, 2006*
Reg. Ent. Reference No.	RN101560076		
Media [Statute]	Petroleum Storage Tank		
Enf. Coordinator	Patricia Chawla		

Compliance History Worksheet

>> Compliance History *Site* Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which notices were submitted*)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same or similar violations.

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

Screening Date	13-Dec-2006	**Docket No.** 2006-2215-PST-E	**PCW**
Respondent	Aziz Chandwani dba Prince Food Mart		*Policy Revision 2 (September 2002)*
Case ID No.	31979		*PCW Revision November 15, 2006*
Reg. Ent. Reference No.	RN101560076		
Media [Statute]	Petroleum Storage Tank		
Enf. Coordinator	Patricia Chawla		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 115.248(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to make each employee aware of the purposes and correct operating procedures of the Stage II equipment. Specifically, one employee did not receive Stage II employee in-house training.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

$1,000

Violation Events

Number of Violation Events 1

17 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the October 6, 2006 investigation date to the October 23, 2006 compliance date.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $950

This violation Final Assessed Penalty (adjusted for limits) $950

Economic Benefit Worksheet

Respondent Aziz Chandwani dba Prince Food Mart
Case ID No. 31979
Reg. Ent. Reference No. RN101560076
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$500	6-Oct-2006	23-Oct-2006	0.0	$1	n/a	$1
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost of training of Stage II Station representative. The Date Required is the investigation date and the Final Date is the compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $1

Screening Date	13-Dec-2006	**Docket No.** 2006-2215-PST-E	PCW
Respondent	Aziz Chandwani dba Prince Food Mart		*Policy Revision 2 (September 2002)*
Case ID No.	31979		*PCW Revision November 15, 2006*
Reg. Ent. Reference No.	RN101560076		
Media [Statute]	Petroleum Storage Tank		
Enf. Coordinator	Patricia Chawla		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 115.245(2) and 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. Specifically, annual testing of the Stage II equipment was not conducted.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

$2,500

Violation Events

Number of Violation Events 1

392 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $2,500

One annual event is recommended for the 12-month period preceding the October 6, 2006 investigation date.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,099

Statutory Limit Test

Violation Final Penalty Total $2,375

This violation Final Assessed Penalty (adjusted for limits) $2,375

Economic Benefit Worksheet

Respondent Aziz Chandwani dba Prince Food Mart
Case ID No. 31979
Reg. Ent. Reference No. RN101560076
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	6-Oct-2005	1-Nov-2006	2.0	$99	$1,000	$1,099
Notes for AVOIDED costs	Estimated cost for annual testing to verify proper operation of the Stage II equipment. The Date Required is one year prior to the investigation date and the Final Date is the compliance date.						

Approx. Cost of Compliance: $1,000

TOTAL: $1,099

Screening Date 13-Dec-2006 **Docket No.** 2006-2215-PST-E **PCW**

Respondent Aziz Chandwani dba Prince Food Mart *Policy Revision 2 (September 2002)*

Case ID No. 31979 *PCW Revision November 15, 2006*

Reg. Ent. Reference No. RN101560076

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Patricia Chawla

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 115.246(3), 115.246(4), 115.246(5), and 115.246(6) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain all required Stage II records at the Station and make immediately available for review upon request by the authorized representatives of the Executive Director. Specifically, the daily inspection records, a record of maintenance conducted on the Stage II equipment, the employee training records, and the results of Stage II testing were not available for review.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1 | 17 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended based on documentation of the violation during the October 6, 2006 investigation date.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $950

This violation Final Assessed Penalty (adjusted for limits) $950

Economic Benefit Worksheet

Respondent Aziz Chandwani dba Prince Food Mart
Case ID No. 31979
Reg. Ent. Reference No. RN101560076
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	6-Oct-2006	23-Oct-2006	0.0	$1	n/a	$1
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost of maintaining Stage II records. The Date Required is the investigation date and the Final Date is the compliance date.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $1

Compliance History

Customer/Respondent/Owner-Operator:	CN601574569	CHANDWANI, AZIZ	Classification: AVERAGE	Rating: 1.50
Regulated Entity:	RN101560076	PRINCE FOOD MART	Classification: AVERAGE	Site Rating: 1.50

ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	14930
Location:	6601 MEADOWBROOK DR, FT WORTH, TX, 76112	Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	December 13, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 13, 2001 to December 13, 2006		

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

Name: Patricia Chawla Phone: 512-239-0739

Site Compliance History Components

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

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 07/14/2003 (134219)
2 12/04/2006 (515701)
3 12/06/2006 (518456)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A

Date: 07/14/2003 (134219)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)
Description: The required annual compliance tests were not peformed within the preceding 12 months as required.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
AZIZ CHANDWANI	§	
DBA PRINCE FOOD MART	§	**ENVIRONMENTAL QUALITY**
RN101560076		

AGREED ORDER
DOCKET NO. 2006-2215-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 Aziz Chandwani dba Prince Food Mart ("Mr. Chandwani") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Chandwani appear before the Commission and together stipulate that:

1. Mr. Chandwani owns and operates a convenience store with retail sales of gasoline at 6601 Meadowbrook Drive in Fort Worth, Tarrant County, Texas (the "Station").

2. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and Mr. Chandwani agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Chandwani is subject to the Commission's jurisdiction.

4. Mr. Chandwani received notice of the violations alleged in Section II ("Allegations") on or about December 9, 2006.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Chandwani of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Four Thousand Two Hundred Seventy-Five Dollars ($4,275) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Chandwani has paid One Hundred Twenty Dollars ($120) of the administrative penalty and Eight Hundred Fifty-Five Dollars ($855) is deferred contingent upon

Mr. Chandwani's timely and satisfactory compliance with all the terms of this Agreed Order. If Mr. Chandwani fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. Chandwani to pay all or part of the deferred penalty.

The remaining amount of Three Thousand Three Hundred Dollars ($3,300) of the administrative penalty shall be payable in 30 monthly payments of One Hundred Ten Dollars ($110) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Chandwani fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Chandwani to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Chandwani to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and Mr. Chandwani 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 Mr. Chandwani has implemented the following corrective measures at the Station:

   a. Provided documentation verifying that all current employees received training on the purposes and correct operating procedures of the Stage II vapor recovery system on October 23, 2006;

   b. Successfully conducted the required annual testing of the Stage II equipment on November 1, 2006; and

   c. Began maintaining all the required Stage II records at the Station on October 23, 2006.

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 Mr. Chandwani 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

As owner and operator of the Station, Mr. Chandwani is alleged to have:

1. Failed to make each employee aware of the purposes and correct operating procedures of the Stage II equipment, in violation of 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 6, 2006. Specifically, one employee did not receive Stage II employee in-house training.

2. Failed to verify proper operation of the Stage II equipment at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 6, 2006. Specifically, annual testing of the Stage II equipment was not conducted.

3. Failed to maintain all required Stage II records at the Station and make immediately available for review upon request by the authorized representatives of the executive director, in violation of 30 TEX. ADMIN. CODE § 115.246(3), 115.246(4), 115.246(5), and 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 6, 2006. Specifically, the daily inspection records, a record of maintenance conducted on the Stage II equipment, the employee training records, and the results of Stage II testing were not available for review.

III. DENIALS

Mr. Chandwani generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Chandwani pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Chandwani's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aziz Chandwani dba Prince Food Mart, Docket No. 2006-2215-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 Mr. Chandwani. Mr. Chandwani is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.

3. If Mr. Chandwani fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Chandwani's failure to comply is not a violation of this Agreed Order. Mr.

Chandwani shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Chandwani shall notify the Executive Director within seven days after Mr. Chandwani becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Chandwani shall be made in writing to the Executive Director. Extensions are not effective until Mr. Chandwani receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Chandwani 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.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Chandwani, or three days after the date on which the Commission mails notice of the Order to Mr. Chandwani, 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

Date

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

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

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

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

Signature

2/16/07
Date

AZIZ CHANDWANI
Name (Printed or typed)
Authorized Representative of
Aziz Chandwani dba Prince Food Mart

OWNER
Title

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