

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2005-0292-PST-E TCEQ ID: RN101821742 CASE NO.: 24572
RESPONDENT NAME: AL-TAHIR U.S.A., INC. DBA MAIN STREET SHELL

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 2220 Main Street, Houston, Harris County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 23, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="padding-left: 20px;">TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914 Ms. Jennifer Cook, Litigation Division, MC 174, (512) 239-1873</p> <p style="padding-left: 20px;">TCEQ Enforcement Coordinator: Mr. Daniel Siringi, Enforcement Division, Beaumont Regional Office, MC R-10, (409) 899-8799</p> <p style="padding-left: 20px;">TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623</p> <p style="padding-left: 20px;">Respondent: Mr. Syed Qamaruddin, President and Registered Agent, Al-Tahir U.S.A., Inc. dba Main Street Shell, 2220 Main Street, Houston, Texas 77002</p> <p style="padding-left: 20px;">Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 26, 2004</p> <p>Date of NOV/NOE Relating to this Case: January 27, 2005 (NOE)</p> <p>Background Facts: The EDPRP was filed and mailed to the Respondent on September 8, 2005. According to the return receipt "green card," the Respondent received notice of the EDPRP on September 10, 2005, as evidenced by the signature on the card. The Respondent failed to file an answer to the EDPRP. The EDFARP was filed and mailed to the respondent on August 21, 2006. According to the return receipt "green card," the Respondent received notice of the EDFARP on August 24, 2006, as evidenced by the signature on the card. The Respondent failed to file an answer to the EDFARP.</p> <p>PST:</p> <p>Failed to provide acceptable financial assurance for taking corrective actions and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p>	<p>Total Assessed: \$3,210</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p>Total Due to General Revenue: \$3,210</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 this proposed Order.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 1, 2002</p>	<p>Corrective Action(s) Taken</p> <p>The Executive Director recognizes that the Respondent obtained acceptable financial assurance on April 8, 2006.</p>



Penalty Calculation Worksheet (PCW)

DATES	Assigned	31-Jan-2005	Screening	10-Feb-2005	Priority Due	01-Apr-2005	EPA Due	
	PCW	03-Jun-2005						

RESPONDENT/FACILITY INFORMATION	
Respondent	Al-Tahir U.S.A., Inc. dba Main Street Shell
Reg. Ent. Ref. No.	RN101821742
Additional ID No(s)	Petroleum Storage Tank Facility ID No. 73521
Facility/Site Region	12-Houston <input type="checkbox"/> Major/Minor Source Minor Source <input type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	24572	No. of Violations	1
Docket No.	2005-0292-PST-E	Order Type	1660 without deferral <input type="checkbox"/>
Case Priority	3 <input type="checkbox"/>	Enf. Coordinator	Daniel O. Siringi <input type="checkbox"/>
Media Program(s)	Petroleum Storage Tank <input type="checkbox"/>	EC's Team	Enforcement Team 4 <input type="checkbox"/>
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$3,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 7% Enhancement **Subtotals 2, 3, & 7** **\$210**

Notes The Respondent has one NOV with same or similar violations and one NOV without same or similar violations at this facility within the past five years.

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

Notes The respondent did not meet culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** **\$0**

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

Notes The Respondent does not meet Good Faith Effort Criteria.

Economic Benefit 0% Enhancement* **Subtotal 6** **\$0**

Total EB Amounts	\$2,048	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,950	

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$3,210**

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 **\$3,210**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$3,210**

DEFERRAL 0% Reduction **Adjustment** **\$0**

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

Notes No deferral is offered since the respondent didn't settle in a timely manner.

PAYABLE PENALTY **\$3,210**

Screening Date	10-Feb-2005	Docket No.	2005-0292-PST-E	PCW
Respondent	Al-Tahir U.S.A., Inc. dba Main Street Shell	Policy Revision 2 (September 2002)		
Case ID No.	24572	PCW Revision December 10, 2004		
Reg. Ent. Reference No.	RN101821742			
Additional ID No(s).	Petroleum Storage Tank Facility ID No. 73521			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Daniel O. Siringi			
Site Address	2220 Main Street, Houston, Harris County			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 7%

>> 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 The Respondent has one NOV with same or similar violations and one NOV without same or similar violations at this facility within the past five years.

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

Screening Date 10-Feb-2005

Docket No. 2005-0292-PST-E

PCW

Respondent Al-Tahir U.S.A., Inc. dba Main Street Shell

Policy Revision 2 (September 2002)

Case ID No. 24572

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN101821742

Additional ID No(s) Petroleum Storage Tank Facility ID No. 73521

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Daniel O. Siringi

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 37.815(a) and (b)

Secondary Rule Cite(s)

Violation Description

Failure to provide acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of petroleum USTs.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

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

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 3

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

Violation Base Penalty \$3,000

Three single events (one per tank) are recommended based upon the record review conducted on August 26, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,048

Violation Final Penalty Total \$3,210

This violation Final Assessed Penalty (adjusted for limits) \$3,210

Economic Benefit Worksheet

Respondent: Al-Tahir U.S.A., Inc. dba Main Street Shell
Case ID No.: 24572
Reg. Ent. Reference No.: RN101821742
Additional ID No(s): Petroleum Storage Tank Facility ID No. 73521
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
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				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]	\$1,950	03-Dec-2002	03-Dec-2003	1.0	\$98	\$1,950	\$2,048
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Estimated cost to provide financial assurance for three petroleum USTs (\$650 per tank). Date required is one year prior to initial request. Final date is the initial request date.							

Approx. Cost of Compliance \$1,950

TOTAL \$2,048

Compliance History

Customer/Respondent/Owner-Operator:	CN600990303 Al-Tahir U.S.A., Inc.	Classification: AVERAGE	Rating: 1.200
Regulated Entity:	RN101821742 MAIN STREET SHELL	Classification: AVERAGE	Site Rating: 1.20
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	73521
Location:	2220 MAIN ST, HOUSTON, TX, 77002		Rating Date: 9/1/04 Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	February 11, 2005		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 11, 2000 to February 11, 2005		

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

Name: Daniel Siringi Phone: 409-899-8799

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 08/07/2000 (116470)
- 2 11/25/2002 (4455)
- 3 08/10/2004 (285393)
- 4 01/27/2005 (292591)
- 5 02/23/2004 (280985)

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

Date: 08/07/2000 (116470)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.248(1)[G]

Description: FAILURE TO COMPLY

Date: 02/23/2004 (280985)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)[G]

30 TAC Chapter 37, SubChapter I 37.815(b)[G]

Description: Failure to provide acceptable financial assurance.

F. Environmental audits.

N/A

Description:

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
CONCERNING
AL-TAHIR U. S. A., INC. DBA
MAIN STREET SHELL,
RN101821742

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2005-0292-PST-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Al-Tahir U. S. A., Inc. dba Main Street Shell("Al-Tahir").

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

FINDINGS OF FACT

1. Al-Tahir owns and operates a convenience store with retail sales of gasoline located at 2220 Main Street, Houston, Harris County, Texas (the "Facility").
2. Al-Tahir's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. During a record review conducted on August 26, 2004, a TCEQ central office staff documented that Al-Tahir failed to provide acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of petroleum USTs.
4. Al-Tahir received notice of the violation on or about February 1, 2005.
5. The Executive Director recognizes that Al-Tahir obtained acceptable financial assurance on April 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 Al-Tahir U. S. A., Inc. dba Main Street Shell” (the “EDPRP”) in the TCEQ Chief Clerk’s office on September 8, 2005.

7. By letter dated September 8, 2005, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Al-Tahir with notice of the EDPRP. According to the return receipt “green card”, Al-Tahir received notice of the EDPRP on September 10, 2005, as evidenced by the signature on the card.
8. The Executive Director filed the “Executive Director’s First Amended 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 Al-Tahir U. S. A., Inc. dba Main Street Shell” (the “EDFARP”) in the TCEQ Chief Clerk’s office on August 21, 2006.
9. By letter dated August 21, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Al-Tahir with notice of the EDFARP. According to the return receipt “green card”, Al-Tahir received notice of the EDFARP on August 24, 2006, as evidenced by the signature on the card.
10. More than 20 days have elapsed since Al-Tahir received notice of the EDPRP and the EDFARP, provided by the Executive Director. Al-Tahir failed to file an answer to the EDPRP or the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Al-Tahir is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Al-Tahir failed to provide acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).
3. As evidenced by Finding of Fact Nos. 6, 7, 8 and 9 the Executive Director has timely served Al-Tahir with proper notice of the EDPRP and the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).

4. As evidenced by Finding of Fact No. 10, Al-Tahir has failed to file a timely answer to the EDP RP or the EDFARP, 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 Al-Tahir and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Al-Tahir 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.
6. An administrative penalty in the amount of three thousand two hundred ten dollars (\$3,210.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. 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.

ORDERING PROVISIONS

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

1. Al-Tahir is assessed an administrative penalty in the amount of three thousand two hundred ten dollars (\$3,210.00) for violations of TEX. WATER CODE chs. 7 and 26 and rules of the TCEQ. The imposition of this administrative penalty and Al-Tahir's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. 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: Al-Tahir U. S. A., Inc. dba Main Street Shell; Docket No. 2005-0292-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. All relief not expressly granted in this Order is denied.
3. The provisions of this Order shall apply to and be binding upon Al-Tahir. Al-Tahir is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
4. If Al-Tahir fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Al-Tahir's failure to comply is not a violation of this Order. Al-Tahir shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Al-Tahir shall notify the Executive Director within seven days after Al-Tahir becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Al-Tahir shall be made in writing to the Executive Director. Extensions are not effective until Al-Tahir receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 Al-Tahir if the Executive Director determines that Al-Tahir has not complied with one or more of the terms or conditions in this Order.
7. 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.
8. 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 LAURENCIA N. FASOYIRO

STATE OF TEXAS §
COUNTY OF HARRIS §

"My name is Laurencia N. Fasoyiro. 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 Al-Tahir U. S. A., Inc. dba Main Street Shell" (the "EDPRP") with the Office of the Chief Clerk on September 8, 2005.

I sent the EDPRP to Al-Tahir at its last known address on September 8, 2005 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card", Al-Tahir received notice of the EDPRP on September 10, 2005, as evidenced by the signature on the card.

I sent the EDFARP to Al-Tahir at its last known address on August 21, 2006 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card", Al-Tahir received notice of the EDFARP on August 24, 2006, as evidenced by the signature on the card.

More than 20 days have elapsed since Al-Tahir received notice of the EDPRP and the EDFARP. Al-Tahir failed to file an answer to the EDPRP or the EDFARP, failed to request a hearing, and failed to schedule a settlement conference".

[Handwritten signature of Laurencia N. Fasoyiro]

Laurencia N. Fasoyiro
Attorney
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 6 day of February, A.D., 2007.

[Handwritten signature of Elizabeth Hewes]
Notary Signature

Notary Stamp
ELIZABETH HEWES
Notary Public, State of Texas
My Commission Expires
JANUARY 4, 2009
Notary without Bond