

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2004-1423-PST-E TCEQ ID: RN101660173 CASE NO.: 19515
RESPONDENT NAME: SAHIL BUSINESS, INC. DBA STOP N SAVE

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 1504 Highway 21 West, Caldwell, Burleson County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: Yes No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 11, 2007. No comments were received.

CONTACTS AND MAILING LIST:
TCEQ Attorney: Mr. Shawn A. Slack, Litigation Division, MC 175, (512) 239-0063;
 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
TCEQ Enforcement Coordinator: Mr. Ronnie Kramer, Enforcement Division, MC 174, (512) 239-0194
TCEQ Regional Contact: Mr. Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3007
Respondent: Mr. Mukhtar Mutti, Registered Agent, Sahil Business, Inc. dba Stop N Save, 1504 Highway 21 West, Caldwell, Texas 77836
Respondent's Attorney: Mr. M. A. Ramji, The Ramji Law Firm, P.C., 8191 S.W. Freeway, Suite 201, Houston, Texas 77074

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: November 7, 2002, August 9, 2004, and September 10, 2004</p> <p>Date of NOV/NOE Relating to this Case: February 25, 2003 (NOV), and September 2, 2004 (NOE)</p> <p>Background Facts: An EDRP was filed on October 16, 2006. A settlement agreement was reached with the Respondent and a signed Agreed Order was received on or about February 20, 2007.</p> <p>The Respondent does not owe any other penalties according to the Administrative Penalty Database Report</p> <p>PST:</p> <p>1. 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 underground storage tanks [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p> <p>2. Failed to pay Underground Storage Tank fees and late fees for TCEQ Account No. 0058325U for Fiscal Year 2004 [30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702].</p>	<p>Total Assessed: \$3,150</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>Total Paid to General Revenue: \$3,150</p> <p>The Respondent has paid the administrative penalty in full.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classifications: <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>Corrective Actions Taken</p> <p>The Executive Director recognizes the Facility's underground storage tanks are temporarily out of service as of December 5, 2003, as notified on February 2, 2007.</p> <p>The Executive Director recognizes that on December 5, 2002, Sahil obtained valid financial assurance.</p> <p>Technical Requirements:</p> <p>Submit payment for all outstanding fees, including any associated penalties and interest, for TCEQ Financial Administration Account No. 0058325U.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

DATES							
PCW	09-Sep-2004	Screening	09-Sep-2004	Priority Due	08-Dec-2004	EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Sahil Business, Inc. dba Stop N Save
Reg. Ent. Ref. No.	Regulated Entity Reference No. RN101660173
Additional ID No(s).	PST Facility ID No. 5829
Facility/Site Region	9-Waco <input type="checkbox"/> Major/Minor Source <input type="checkbox"/> Minor Source <input type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	19515	No. of Violations	2
Docket No.	2004-1423-PST-E	Order Type	1660 without deferral <input type="checkbox"/>
Case Priority	3 <input type="checkbox"/>	Enf. Coordinator	Ronnie Kramer
Media Program(s)	Petroleum Storage Tank <input type="checkbox"/>	EC's Team	Enforcement Team 1 <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
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5% Enhancement	Subtotals 2, 3, & 7	\$150
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Notes: Enhancement for one NOV with same or similar violations in the past five years.

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

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

Notes: The Respondent is not yet in compliance.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,048	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,950	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,150
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$3,150
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,150
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral recommended due to previous NOV dated February 25, 2003 for same or similar violations in the past five years.

PAYABLE PENALTY	\$3,150
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Screening Date	09-Sep-2004	Docket No.	2004-1423-PST-E	PCW
Respondent	Sahil Business, Inc. dba Stop N Save	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	19515	<i>PCW Revision May 17, 2004</i>		
Reg. Ent. Reference No.	Regulated Entity Reference No. RN101660173			
Additional ID No(s).	PST Facility ID No. 5829			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Ronnie Kramer			
Site Address	1504 West Highway 21, Caldwell, Burleson County, Texas			

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%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)		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%
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%
	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%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)		0%
Emissions	Chronic excessive emissions events (number of events)		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%
	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%
<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)

No	Adjustment Percentage (Subtotal 3) 0%
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>> Compliance History Person Classification (Subtotal 7)

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 in the past five years.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date	09-Sep-2004	Docket No.	2004-1423-PST-E	PCW
Respondent	Sahil Business, Inc. dba Stop N Save		Policy Revision 2 (September 2002)	
Case ID No.	19515	PCW Revision May 17, 2004		
Reg. Ent. Reference No.	Regulated Entity Reference No. RN101660173			
Additional ID No(s)	PST Facility ID No. 5829			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Ronnie Kramer			
Violation Number	1			
Primary Rule Cite(s)	30 TAC § 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**

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
		X			10%
Matrix Notes	100% of rule requirement was not met.				

Adjustment - \$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events

mark only one use a small x	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 \$3,000

Three single events (one event per tank) are recommended based upon the record review conducted on August 9, 2004.

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

Estimated EB Amount	\$2,048	Violation Final Penalty Total	\$3,150
This violation Final Assessed Penalty (adjusted for limits)		\$3,150	

Economic Benefit Worksheet

Respondent: Sahil Business, Inc. dba Stop N Save
Case ID No.: 19515
Reg. Ent. Reference No.: Regulated Entity Reference No. RN101660173
Additional ID No(s): PST Facility ID No. 5829
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]	\$1,950	07-Nov-2001	07-Nov-2002	1.0	\$98	\$1,950	\$2,048
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
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) for one year prior to November 7, 2002 request for financial assurance documentation.							

Approx. Cost of Compliance \$1,950

TOTAL \$2,048

Screening Date	09-Sep-2004	Docket No.	2004-1423-PST-E	PCW
Respondent	Sahil Business, Inc. dba Stop N Save	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	19515	<i>PCW Revision May 17, 2004</i>		
Reg. Ent. Reference No.	Regulated Entity Reference No. RN101660173			
Additional ID No(s)	PST Facility ID No. 5829			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Ronnie Kramer			
Violation Number	2			
Primary Rule Cite(s)	30 TAC § 334.22(a)			
Secondary Rule Cite(s)	TWC § 5.702			
Violation Description	Failure to pay Underground Storage Tank fees, as well as associated late fees, for TCEQ Account No. 0058325U for Fiscal Year 2004.			
Base Penalty				\$10,000

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

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
Potential				Percent	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					Percent
Matrix Notes					

Adjustment -\$10,000

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events

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

Violation Base Penalty \$0

No penalty is recommended because penalty and interest will be assessed at the next billing.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 50px;" type="text" value="\$0"/>	Violation Final Penalty Total <input style="width: 50px;" type="text" value="\$0"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 50px;" type="text" value="\$0"/>	

Economic Benefit Worksheet

Respondent: Sahil Business, Inc. dba Stop N Save
 Case ID No. 19515
 Reg. Ent. Reference No. Regulated Entity Reference No. RN101660173
 Additional ID No(s). PST Facility ID No. 5829
 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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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				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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance \$0

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600895312 Sahil Business, Inc.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101660173 STOP N SAVE	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	5829
Location:	1504 W HIGHWAY 21, CALDWELL, TX, 77836	Rating Date: 9/1/2003	Repeat Violator: NO
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	July 09, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 01, 1999 to October 01, 2004		

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

Name: Judy Kluge Phone: 817-588-5825

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 02/25/2003 (275362)
 - 2 09/02/2004 (288735)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	02/25/2003 (275362)	
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
 - 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
SAHIL BUSINESS, INC . DBA
STOP N SAVE,
TCEQ ID NO. RN101660173

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2004-1423-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Sahil Business, Inc. dba Stop N Save ("Sahil") under the authority of TEX. WATER CODE chs. 5, 7, and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Sahil, represented by Mr. M. A. Ramji of The Ramji Law Firm, P.C., appear before the Commission and together stipulate that:

1. Sahil owns and operates a convenience store with retail sales of gasoline at 1504 Highway 21 West in Caldwell, Burleson County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE chs. 5, 7, and 26 and TCEQ rules.
3. The Commission and Sahil agree that the Commission has jurisdiction to enter this Agreed Order, and that Sahil is subject to the Commission's jurisdiction.
4. Sahil received notice of the violations alleged in Section II ("Allegations") on or about September 7, 2004.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Sahil of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of three thousand one hundred fifty dollars (\$3,150.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Sahil has paid three thousand one hundred fifty dollars (\$3,150.00) of the administrative penalty.
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 Sahil 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 the Facility's underground storage tanks are temporarily out of service as of December 5, 2003, as notified on February 2, 2007.
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 Sahil 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

Sahil is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 37.815(a) and (b) by failing 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 underground storage tanks, as documented on the record reviews on November 7, 2002 and August 9, 2004.
2. 30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702 by failing to pay Underground Storage Tank fees and late fees for TCEQ Account No. 0058325U for Fiscal Year 2004, as documented on the record reviews on September 10, 2004.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Sahil pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Sahil's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Sahil Business, Inc. dba Stop N Save, Docket No. 2004-1423-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. Within 30 days after the effective date of this Agreed Order, Sahil shall submit payment for all outstanding fees, including any associated penalties and interest and with the notation, "Sahil Business, Inc. dba Stop N Save, TCEQ Account No. 0058325U", to the address in paragraph 1 of this section.
3. The provisions of this Agreed Order shall apply to and be binding upon Sahil. Sahil is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Sahil 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, Sahil's failure to comply is not a violation of this Agreed Order. Sahil shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Sahil shall notify the Executive Director within seven days after Sahil becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Sahil shall be made in writing to the Executive Director. Extensions are not effective until Sahil receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Sahil in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Sahil, or three days after the date on which the Commission mails notice of the Order to Sahil, 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

Johnnon Perdue
For the Executive Director

6/4/07
Date

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

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

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

Mukhtar Singh mutti
Signature

2/16/07
Date

MUKHTAR Singh mutti
Name (Printed or typed)
Authorized representative of
Sahil Business, Inc. dba Stop N Save

partner
Title