EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0194-PST-E **TCEQ ID:** RN102408614 **CASE NO.:** 32617

RESPONDENT NAME: T.A.B. Lone Star Holdings, Inc. dba Super Stop 20

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: Super Stop 20, 3310 Concord Road, Beaumont, Jefferson County

TYPE OF OPERATION: Convenience store with gasoline storage tanks

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 July 1, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: Mr. Taseer Badar, President and Registered Agent, T.A.B. Lone Star Holdings, Inc. dba Super Stop 20, 4265 San Felipe Street, Suite 450, Houston, Texas 77027

Respondent's Attorney: Mr. Anwar-I-Qadeer, Attorney-In-Fact, Anwar-I-Qadeer & Associates, P.C., 50 Briar Hollow Lane, Suite 230W, Houston, Texas 77027

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:** January 8, 2007 **Date of NOE Relating to this Case:** February 2, 2007 (NOE) **Background Facts:** This was a routine investigation. **WASTE** 1) Failure to either permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, three underground storage tanks (USTs) for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, or to ensure that any residue from stored regulated substances which remained in a temporarily out-of-service UST shall not exceed 2.5 centimeters at the deepest point and shall not exceed 0.3 percent by weight of the system at full capacity. Specifically, the unleaded tank contained 2.25 inches of product and the diesel tank contained 6.25 inches of product and water [30 TEX. ADMIN. CODE §§ 334.47(a)(2) and 334.54(d)(2)]. 2) Failure to assure that, with the exception of vent lines, all piping, pumps, manways, and ancillary equipment shall be capped, plugged, locked, and/or otherwise secured to prevent access, tampering, or vandalism by unauthorized persons. Specifically, two tank fill ports were not locked making them susceptible to vandalism by unauthorized persons [30 TEX. ADMIN. CODE § 334.5(b)]. 3) Failure to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the	**Total Assessed:** $9,350 **Total Deferred:** $1,870 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $7,480 **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 T.A.B. Lone Star sold the Facility on March 29, 2007.

occurrence of the change or addition, as applicable. Specifically, the registration information had not been properly amended to reflect the current out-of-service status of the USTs [30 TEX. ADMIN. CODE § 334.7(d)(3)].		

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision January 9, 2007*

TCEQ

DATES					
Assigned	8-Feb-2007				
PCW	12-Feb-2007	Screening	11-Feb-2007	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	T.A.B. Lone Star Holdings, Inc. dba Super Stop 20		
Reg. Ent. Ref. No.	RN102408614		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	32617	No. of Violations	2
Docket No.	2007-0194-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Judy Kluge
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* $8,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 10% Enhancement — *Subtotals 2, 3, & 7* $850

Notes: Enhancement for two prior NOVs with 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 — 0% Reduction — *Subtotal 5* $0

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

Notes: The respondent does not meet the good faith criteria.

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$4,415
Approx. Cost of Compliance	$10,100

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $9,350

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 $9,350

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $9,350

DEFERRAL — 20% Reduction — *Adjustment* -$1,870

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 $7,480

Screening Date 11-Feb-2007 **Docket No.** 2007-0194-PST-E **PCW**

Respondent T.A.B. Lone Star Holdings, Inc. dba Super Stop 20

Policy Revision 2 (September 2002)

Case ID No. 32617

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102408614

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

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*)	2	10%
	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) 10%

>> **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 two prior NOVs with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 11-Feb-2007 **Docket No.** 2007-0194-PST-E **PCW**

Respondent T.A.B. Lone Star Holdings, Inc. dba Super Stop 20 *Policy Revision 2 (September 2002)*

Case ID No. 32617 *PCW Revision January 9, 2007*

Reg. Ent. Reference No. RN102408614

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 334.47(a)(2), 334.54(b) and (d)(2)

Violation Description Failed to either permanently remove the USTs from service no later than 60 days after the prescribed implementation date, three USTs for which any applicable component of the system is not brought into timely compliance with the upgrade requirements or ensure that any residue from stored regulated substances which remained in a temporarily out-of-service UST shall not exceed 2.5 centimeters at the deepest point and shall not exceed 0.3 percent by weight of the system at full capacity. Specifically, the unleaded tank contained 2.25 inches of product and the diesel tank contained 6.25 inches of product and water. Also, failed to assure that, with the exception of vent lines, all piping, pumps, manways, and ancillary equipment shall be capped, plugged, locked, and/or otherwise secured to prevent access, tampering, or vandalism by unauthorized persons. Specifically, the tank fill ports were not locked making them susceptible to vandalism by unauthorized persons.

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 3 | 34 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Three quarterly events are recommended (one per UST) based on the January 8, 2007 investigation date to the February 11, 2007 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $4,411

Statutory Limit Test

Violation Final Penalty Total $8,250

This violation Final Assessed Penalty (adjusted for limits) $8,250

Economic Benefit Worksheet

Respondent T.A.B. Lone Star Holdings, Inc. dba Super Stop 20
Case ID No. 32617
Reg. Ent. Reference No. RN102408614
Media Petroleum Storage Tank
Violation No. 1

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)	$10,000	22-Dec-1998	16-Oct-2007	8.8	$4,411	n/a	$4,411

Notes for DELAYED costs: The estimated cost of permanently removing the UST system from service. The date required is the date when the respondent was required to upgrade the UST system and the final date is the projected 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
Other (as needed)				0.0	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: $10,000

TOTAL: $4,411

Screening Date 11-Feb-2007 **Docket No.** 2007-0194-PST-E **PCW**

Respondent T.A.B. Lone Star Holdings, Inc. dba Super Stop 20 *Policy Revision 2 (September 2002)*

Case ID No. 32617 *PCW Revision January 9, 2007*

Reg. Ent. Reference No. RN102408614

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.7(d)(3)

Violation Description Failed to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, as applicable. Specifically, the registration information had not been properly amended to reflect the current out-of-service status of the USTs.

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 | 34 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 January 8, 2007 investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $4

Statutory Limit Test

Violation Final Penalty Total $1,100

This violation Final Assessed Penalty (adjusted for limits) $1,100

Economic Benefit Worksheet

Respondent T.A.B. Lone Star Holdings, Inc. dba Super Stop 20
Case ID No. 32617
Reg. Ent. Reference No. RN102408614
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)	$100	8-Jan-2007	16-Oct-2007	0.8	$4	n/a	$4

Notes for DELAYED costs: Estimated cost to submit an amended UST registration form to the TCEQ. The date required is the investigation date and the 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: $100

TOTAL: $4

Compliance History

Customer/Respondent/Owner-Operator:	CN601585441	T.A.B. Lone Star Holdings, Inc.	Classification: AVERAGE	Rating: 6.00
Regulated Entity:	RN102408614	SUPER STOP 20	Classification: AVERAGE	Site Rating: 6.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	40082	
Location:	3310 CONCORD RD, BEAUMONT, TX, 77703	Rating Date: 09/01/2006	Repeat Violator: NO	
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	February 09, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 09, 2002 to February 09, 2007			

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? Yes
3. If Yes, who is the current owner? T,A,B, Lone Star Holdings, Inc.
4. if Yes, who was/were the prior owner(s)? Tab Convenient Stores, Inc.
5. When did the change(s) in ownership occur? 01/30/2004

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 02/02/2007 (536157)
2 10/14/2003 (247932)

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

Date: 12/03/2003 (256083)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)
Description: Failure to amend, update, or change registration information.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.54(d)(2)
Description: Failure to empty UST's of all regulated substances to less than an inch.

Date: 10/14/2003 (247932)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)
Description: Failure to amend, update, or change registration information.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.54(d)(2)
Description: Failure to empty UST's of all regulated substances to less than an inch.

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**
T.A.B. LONE STAR HOLDINGS, INC.	§	
DBA SUPER STOP 20	§	**ENVIRONMENTAL QUALITY**
RN102408614		

AGREED ORDER
DOCKET NO. 2007-0194-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 T.A.B. Lone Star Holdings, Inc. dba Super Stop 20 ("T.A.B. Lone Star") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and T.A.B. Lone Star, represented by Anwar-I-Qadeer & Associates, P.C., appear before the Commission and together stipulate that:

1. T.A.B. Lone Star owns an abandoned convenience store with underground storage tanks ("USTs") at 3310 Concord Road in Beaumont, Jefferson County, Texas (the "Facility").

2. T.A.B. Lone Star's three USTs are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.

3. The Commission and T.A.B. Lone Star agree that the Commission has jurisdiction to enter this Agreed Order, and that T.A.B. Lone Star is subject to the Commission's jurisdiction.

4. T.A.B. Lone Star received notice of the violations alleged in Section II ("Allegations") on or about February 7, 2007.

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

6. An administrative penalty in the amount of Nine Thousand Three Hundred Fifty Dollars ($9,350) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). T.A.B. Lone Star has paid Seven Thousand Four Hundred Eighty Dollars ($7,480) of the administrative penalty and One Thousand Eight Hundred Seventy Dollars ($1,870) is deferred contingent upon T.A.B. Lone Star's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If T.A.B. Lone Star fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require T.A.B. Lone Star to pay all or part of the deferred 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 T.A.B. Lone Star 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 T.A.B. Lone Star sold the Facility on March 29, 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 T.A.B. Lone Star 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 of the Facility, T.A.B. Lone Star is alleged to have:

1. Failed to either permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, three USTs for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, or ensure that any residue from stored regulated substances which remained in a temporarily out-of-service UST shall not exceed 2.5 centimeters at the deepest point and shall not exceed 0.3 percent by weight of the system at full capacity, in violation of 30 TEX. ADMIN. CODE § 334.47(a)(2) and 334.54(d)(2), as documented during an investigation conducted on January 8, 2007. Specifically, the unleaded tank contained 2.25 inches of product and the diesel tank contained approximately 6.25 inches of product and water.

2. Failed to assure that, with the exception of vent lines, all piping, pumps, manways, and ancillary equipment shall be capped, plugged, locked, and/or otherwise secured to prevent access, tampering, or vandalism by unauthorized persons, in violation of 30 TEX. ADMIN. CODE § 334.54(b), as documented during an investigation conducted on January 8, 2007. Specifically, two tank fill ports were not locked making them susceptible to vandalism by unauthorized persons.

3. Failed to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, as applicable, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(3), as documented during an investigation conducted on January 8, 2007. Specifically, the registration information had not been properly amended to reflect the current out-of-service status of the USTs.

III. DENIALS

T.A.B. Lone Star generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that T.A.B. Lone Star pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and T.A.B. Lone Star'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: T.A.B. Lone Star Holdings, Inc. dba Super Stop 20, Docket No. 2007-0194-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 T.A.B. Lone Star. T.A.B. Lone Star is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

3. This Agreed Order, issued by the Commission, shall not be admissible against T.A.B. Lone Star in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to T.A.B. Lone Star, or three days after the date on which the Commission mails notice of the Order to T.A.B. Lone Star, 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

John Sadlier
For the Executive Director

8/9/2007
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

4-26-07
Date

ANWAR-I- QADEER
Name (Printed or typed)
Authorized Representative of
T.A.B. Lone Star Holdings, Inc. dba Super Stop 20

Attorney-In-Fact
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.