EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0279-PST-E **TCEQ ID:** RN102031853 **CASE NO.:** 35408

RESPONDENT NAME: SIRAJUDDIN CORPORATION dba Highland Food Store

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: Highland Food Store, 3995 Parker Road, Wylie, Collin 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 July 7, 2008. 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. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Mr. Zahid Khan, President and Registered Agent, SIRAJUDDIN CORPORATION, 3995 Parker Road, Wylie, Texas 75098-7825

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:** January 7, 2008 **Date of NOV/NOE Relating to this Case:** February 5, 2008 (NOE) **Background Facts:** This was a routine investigation. **WASTE** 1) Failure to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system, including, but not limited to absence or disconnection of any component that is a part of the approved system. Specifically, the underground storage tanks ("USTs") were not equipped with product and Stage I vapor adaptors which prevent loosening and over-tightening [30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failure to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II system [30 TEX. ADMIN. CODE § 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 3) Failure to conduct daily and monthly inspections of the Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.244(1) and (3) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 4) Failure to equip each separate pressurized line with an automatic line leak detector [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i) and TEX. WATER CODE § 26.3475(a)].	**Total Assessed:** $12,932 **Total Deferred:** $2,586 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid (Due) to General Revenue:** $5,173 (remaining $5,173 due in one payment of Five Thousand One Hundred Seventy-Three Dollars) **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 the Respondent has implemented the following corrective measures at the Station: a. On January 31, 2008, during a follow up visit, the TCEQ Dallas/Fort Worth Regional Investigator observed that swivel adapters were installed at all Stage I risers and that operating instructions were posted conspicuously on the front of each dispenser; b. On January 31, 2008, the TCEQ Dallas/Fort Worth Regional Investigator verified documentation during a follow up visit that the Respondent began conducting daily and monthly inspections of the Stage II vapor recovery system; c. On February 19, 2008, the TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent has installed line leak detectors at the Station; d. On February 19, 2008, the TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent has begun conducting proper inventory control procedures at the Station; e. On January 31, 2008, during a follow up visit, the TCEQ Dallas/Fort Worth Regional Investigator was provided with a completed copy of the TCEQ Incident Form to report the suspected release; f. On February 19, 2008, the TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the required suspected release investigation was conducted, corrective measures were taken to conduct inventory measurements and reconciliation accurately, and passing results were achieved in the SIR analysis reports; g. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying successful triennial testing of the Stage II equipment as of January 30, 2008; and h. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying the

5) Failure to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1)]. 6) Failure to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26. 3475(c)(1)]. 7) Failure to report a suspected release to the TCEQ within 24 hours. Specifically, the Statistical Inventory Reconciliation ("SIR") report for December 2007 indicated a suspected release that was not reported [30 TEX. ADMIN. CODE § 334.72]. 8) Failure to investigate a suspected release within 30 days of discovery. Specifically, the SIR report for December 2007 indicated a suspected release that was not investigated [30 TEX. ADMIN. CODE § 334.74]. 9) Failure to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the triennial test had not been conducted [30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d)]. 10) Failure to provide an amended UST registration to the agency for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not amended to indicate accurate tank information including tank material, corrosion protection methods, and release detection methods [30 TEX. ADMIN. CODE § 334.7(d)(3)].		registration has been amended to reflect accurate tank information, corrosion protection methods, and release detection methods for the USTs on February 14, 2008.

Additional ID No(s).: PST No. 42370

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision January 29, 2008*

TCEQ

DATES					
Assigned	11-Feb-2008				
PCW	19-Feb-2008	Screening	13-Feb-2008	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	SIRAJUDDIN CORPORATION dba Highland Food Store		
Reg. Ent. Ref. No.	RN102031853		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35408	No. of Violations	7
Docket No.	2008-0279-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Judy Kluge
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$11,500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 2% Enhancement — *Subtotals 2, 3, & 7* **$230**

Notes: Enhancement for one prior dissimilar NOV.

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* **$1,150**

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

Notes: The Respondent came into compliance on February 19, 2008.

0% Enhancement* — *Subtotal 6* **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$2,393
Approx. Cost of Compliance	$7,200

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$10,580**

OTHER FACTORS AS JUSTICE MAY REQUIRE — 22% — *Adjustment* **$2,352**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided costs associated with Violation Numbers 2, 4, and 6.

Final Penalty Amount **$12,932**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$12,932**

DEFERRAL — 20% Reduction — *Adjustment* **-$2,586**

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 **$10,346**

Screening Date 13-Feb-2008 **Docket No.** 2008-0279-PST-E **PCW**

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store *Policy Revision 2 (September 2002)*

Case ID No. 35408 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN102031853

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*)	0	0%
	Other written NOVs	1	2%
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) 2%

>> 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 prior dissimilar NOV.

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

PCW

Policy Revision 2 (September 2002)
PCW Revision January 29, 2008

Screening Date 13-Feb-2008 **Docket No.** 2008-0279-PST-E
Respondent SIRAJUDDIN CORPORATION dba Highland Food Store
Case ID No. 35408
Reg. Ent. Reference No. RN102031853
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Judy Kluge

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 115.242(3)(A) and (9) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system, including, but not limited to absence or disconnection of any component that is a part of the approved system. Specifically, the USTs were not equipped with product and Stage I vapor adaptors which prevent loosening and over-tightening. Also, failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II system.

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 — 24 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 based on documentation of the violation during the January 7, 2008 investigation to the January 31, 2008 compliance date.

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

Estimated EB Amount $2 **Violation Final Penalty Total** $1,125

This violation Final Assessed Penalty (adjusted for limits) $1,125

Economic Benefit Worksheet

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store
Case ID No. 35408
Reg. Ent. Reference No. RN102031853
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	$500	7-Jan-2008	31-Jan-2008	0.1	$0	$2	$2
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	Estimated cost to properly operate and maintain the Stage II vapor recovery system as specified including installing the adaptors. The date required is the investigation date and the final date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance: $500

TOTAL: $2

PCW

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

Screening Date 13-Feb-2008 **Docket No.** 2008-0279-PST-E

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store

Case ID No. 35408

Reg. Ent. Reference No. RN102031853

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 115.244(1) and (3) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct daily and monthly inspections of the Stage II vapor recovery system.

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

24 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 based on documentation of the violation during the January 7, 2008 investigation to the January 31, 2008 compliance date.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,053

Statutory Limit Test

Violation Final Penalty Total $1,125

This violation Final Assessed Penalty (adjusted for limits) $1,125

Economic Benefit Worksheet

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store
Case ID No. 35408
Reg. Ent. Reference No. RN102031853
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]	$1,000	7-Dec-2007	31-Jan-2008	1.1	$53	$1,000	$1,053
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Estimated expense for an employee to conduct daily and monthly inspections of the Stage II system. The date required is one month prior to the investigation date and the final date is the date of compliance.						

Approx. Cost of Compliance $1,000

TOTAL $1,053

PCW

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

Screening Date 13-Feb-2008 **Docket No.** 2008-0279-PST-E

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store

Case ID No. 35408

Reg. Ent. Reference No. RN102031853

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 334.50(b)(2)(A)(i), (d)(1)(B)(ii), (d)(1)(B)(iii)(I) and Tex. Water Code § 26.3475(a) and (c)(1)

Violation Description Failed to equip each separate pressurized line with an automatic line leak detector. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons. Failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

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

37 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended based on documentation of the violation during the January 7, 2008 investigation to the February 13, 2008 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $9

Statutory Limit Test

Violation Final Penalty Total $2,811

This violation Final Assessed Penalty (adjusted for limits) $2,811

Economic Benefit Worksheet

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store
Case ID No. 35408
Reg. Ent. Reference No. RN102031853
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	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)	$1,500	7-Jan-2008	19-Feb-2008	0.1	$9	n/a	$9
Notes for DELAYED costs	Estimated cost to provide a method of release detection for the USTs and to conduct proper inventory control procedures. The date required is the investigation date and the final date is the date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $1,500

TOTAL $9

PCW

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

Screening Date 13-Feb-2008 **Docket No.** 2008-0279-PST-E

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store

Case ID No. 35408

Reg. Ent. Reference No. RN102031853

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 334.72

Violation Description Failed to report a suspected release within 24 hours of discovery. Specifically, the Statistical Inventory Reconciliation ("SIR") Report for December 2007 indicated a suspected release that was not reported.

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

14 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 investigation on January 7, 2008.

Economic Benefit (EB) for this violation

Estimated EB Amount $100

Statutory Limit Test

Violation Final Penalty Total $1,125

This violation Final Assessed Penalty (adjusted for limits) $1,125

Economic Benefit Worksheet

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store
Case ID No. 35408
Reg. Ent. Reference No. RN102031853
Media Petroleum Storage Tank
Violation No. 4

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]	$100	31-Dec-2007	1-Jan-2008	0.0	$0	$100	$100
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	The date required is the date of the suspected release. The final date is the date the report was due.						

Approx. Cost of Compliance $100

TOTAL $100

PCW

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

Screening Date 13-Feb-2008 **Docket No.** 2008-0279-PST-E

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store

Case ID No. 35408

Reg. Ent. Reference No. RN102031853

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 334.74

Violation Description Failed to investigate a suspected release within 30 days of discovery. Specifically, the SIR report for December 2007 indicated a suspected release that was not investigated.

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

14 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One monthly event is recommended from the release investigation due date of January 30, 2008 to the February 13, 2008 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $29

Statutory Limit Test

Violation Final Penalty Total $2,811

This violation Final Assessed Penalty (adjusted for limits) $2,811

Economic Benefit Worksheet

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store
Case ID No. 35408
Reg. Ent. Reference No. RN102031853
Media Petroleum Storage Tank
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction	$3,000	31-Dec-2007	19-Feb-2008	0.1	$1	$27	$29
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to investigate a suspected release. The date required is the date of the failed test and the final date is the 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 $3,000

TOTAL $29

PCW

Policy Revision 2 (September 2002)
PCW Revision January 29, 2008

Screening Date 13-Feb-2008 **Docket No.** 2008-0279-PST-E
Respondent SIRAJUDDIN CORPORATION dba Highland Food Store
Case ID No. 35408
Reg. Ent. Reference No. RN102031853
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Judy Kluge

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 334.49(c)(4) and Tex. Water Code § 26.3475(d)

Violation Description Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the triennial test had not been 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

1095 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $2,500

One single event is recommended for the three-year period preceding the January 7, 2008 investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $1,199

Statutory Limit Test

Violation Final Penalty Total $2,811

This violation Final Assessed Penalty (adjusted for limits) $2,811

Economic Benefit Worksheet

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store
Case ID No. 35408
Reg. Ent. Reference No. RN102031853
Media Petroleum Storage Tank
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	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]	$1,000	7-Jan-2005	30-Jan-2008	4.0	$199	$1,000	$1,199
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Avoided cost for completing the triennial test. The date required is three years before the investigation date and the final date is the compliance date.						

Approx. Cost of Compliance $1,000

TOTAL $1,199

PCW

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

Screening Date 13-Feb-2008 **Docket No.** 2008-0279-PST-E

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store

Case ID No. 35408

Reg. Ent. Reference No. RN102031853

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 7

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

Violation Description Failed to provide an amended UST registration to the agency for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not amended to indicate accurate tank information including tank material, corrosion protection methods, and release detection methods.

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

1 — 37 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 7, 2008 investigation to the February 13, 2008 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $1,125

This violation Final Assessed Penalty (adjusted for limits) $1,125

Economic Benefit Worksheet

Respondent SIRAJUDDIN CORPORATION dba Highland Food Store
Case ID No. 35408
Reg. Ent. Reference No. RN102031853
Media Petroleum Storage Tank
Violation No. 7

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	$100	7-Jan-2008	14-Feb-2008	0.1	$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 to submit an amended UST registration form to the TCEQ. The date required is the investigation date and the final date is the 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 $1

Compliance History

Customer/Respondent/Owner-Operator:	CN601106453	SIRAJUDDIN CORPORATION	Classification: AVERAGE	Rating: 1.00
Regulated Entity:	RN102031853	Highland Food Store	Classification: AVERAGE	Site Rating: 1.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	42370	
Location:	3995 PARKER RD, WYLIE, TX, 75098		Rating Date: 9/1/2007 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	February 13, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 13, 2003 to February 13, 2008			

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 06/24/2003 (277038)
2 10/08/2004 (290556)
3 02/04/2008 (613726)

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

Date: 06/24/2003 (277038)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)
30 TAC Chapter 37, SubChapter I 37.815(b)
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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
SIRAJUDDIN CORPORATION DBA	§	
HIGHLAND FOOD STORE	§	**ENVIRONMENTAL QUALITY**
RN102031853		

AGREED ORDER
DOCKET NO. 2008-0279-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 SIRAJUDDIN CORPORATION dba Highland Food Store ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a convenience store with retail sales of gasoline at 3995 Parker Road in Wylie, Collin County, Texas (the "Station").

2. The Respondent's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

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

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about February 10, 2008.

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

6. An administrative penalty in the amount of Twelve Thousand Nine Hundred Thirty-Two Dollars ($12,932) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand One Hundred Seventy-Three Dollars ($5,173) of the administrative penalty and Two Thousand Five Hundred Eighty-Six Dollars ($2,586) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

   The remaining amount of Five Thousand One Hundred Seventy-Three Dollars ($5,173) of the administrative penalty shall be payable in one payment of Five Thousand One Hundred Seventy-Three Dollars ($5,173) and shall be paid within 30 days after the effective date of this Agreed Order. If the Respondent 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 installment, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent 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 the Respondent 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 the Respondent has implemented the following corrective measures at the Station:

   a. On January 31, 2008, during a follow up visit, the TCEQ Dallas/Fort Worth Regional Investigator observed that swivel adapters were installed at all Stage I risers and that operating instructions were posted conspicuously on the front of each dispenser;

   b. On January 31, 2008, the TCEQ Dallas/Fort Worth Regional Investigator verified documentation during a follow up visit that the Respondent began conducting daily and monthly inspections of the Stage II vapor recovery system;

   c. On February 19, 2008, the TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent has installed line leak detectors at the Station;

   d. On February 19, 2008, the TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent has begun conducting proper inventory control procedures at the Station;

   e. On January 31, 2008, during a follow up visit, the TCEQ Dallas/Fort Worth Regional Investigator was provided with a completed copy of the TCEQ Incident Form to report the suspected release;

f. On February 19, 2008, the TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the required suspected release investigation was conducted, corrective measures were taken to conduct inventory measurements and reconciliation accurately, and passing results were achieved in the Statistical Inventory Reconciliation ("SIR") analysis reports;

g. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying successful triennial testing of the Stage II equipment as of January 30, 2008; and

h. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying the registration has been amended to reflect accurate tank information, corrosion protection methods, and release detection methods for the USTs on February 14, 2008.

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 the Respondent 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, the Respondent is alleged to have:

1. Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system, including, but not limited to absence or disconnection of any component that is a part of the approved system, in violation of 30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 7, 2008. Specifically, the USTs were not equipped with product and Stage I vapor adaptors which prevent loosening and over-tightening.

2. Failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II system, in violation of 30 TEX. ADMIN. CODE § 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 7, 2008.

3. Failed to conduct daily and monthly inspections of the Stage II vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.244(1) and (3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on January 7, 2008.

4. Failed to equip each separate pressurized line with an automatic line leak detector, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on January 7, 2008.

5. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on January 7, 2008.

6. Failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on January 7, 2008.

7. Failed to report a suspected release to the TCEQ within 24 hours, in violation of 30 TEX. ADMIN. CODE § 334.72, as documented during an investigation conducted on January 7, 2008. Specifically, the SIR report for December 2007 indicated a suspected release that was not reported.

8. Failed to investigate a suspected release within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74, as documented during an investigation conducted on January 7, 2008. Specifically, the SIR report for December 2007 indicated a suspected release that was not investigated.

9. Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on January 7, 2008. Specifically, the triennial test had not been conducted.

10. Failed to provide an amended UST registration to the Agency for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(3), as documented during an investigation conducted on January 7, 2008. Specifically, the registration was not amended to indicate accurate tank information including tank material, corrosion protection methods, and release detection methods.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: SIRAJUDDIN CORPORATION dba Highland Food Store, Docket No. 2008-0279-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 the Respondent. The Respondent 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 the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 the Respondent 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 the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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 Sidlin
For the Executive Director

8/29/2008
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

_____
Signature

4/27/08
Date

Zahid Khan
Name (Printed or typed)
Authorized Representative of
SIRAJUDDIN CORPORATION dba Highland Food Store

President
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.