

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.:2004-0380-PST-E TCEQ ID NO.: RN101761039 CASE NO.: 13831
RESPONDENT NAME: KAS INVESTMENTS, LTD. DBA CONVENIENCE PLUS**

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
<p>SITE WHERE VIOLATION(S) OCCURRED: 6422 Stephen F. Austin Road, Jones Creek, Brazoria County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 28, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Rebecca Johnson, Air Enforcement Section, MC R-12, (713) 422-8931 TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623 Respondent: Mr. Aarif Gulamani, Secretary, Kas Investments, Ltd. dba Convenience Plus, 6422 Stephen F. Austin Road, Jones Creek, Texas 77541-8308 Respondent's Attorney: Not represented by counsel.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Dates of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 8, 2003</p> <p>Date of NOE Relating to this Case: October 3, 2003</p> <p>Background Facts:</p> <p>Since the filing of the petition and the amended petition, the Respondent has worked with staff to bring the Facility into compliance and resolve violations. On March 10, 2008, the Respondent agreed to pay the outstanding penalty.</p> <p>PST:</p> <p>1. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and (d)(4)(A)(i) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>2. Failed to have cathodic protection system tested by a qualified corrosion specialist or corrosion technician within three to six months after installation and at a subsequent frequency of at least once every three years [30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d)].</p>	<p>Total Assessed: \$3,750</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid/Due to General Revenue: \$340/\$3,410</p> <p>The Respondent has paid \$340 of the administrative penalty. The remaining amount of \$3,410 of the administrative penalty shall be payable in 11 monthly payments of \$310 each.</p> <p>Site Compliance History Classification: <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: N/A</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 that the Respondent has implemented the following corrective measures at the Station in response to this enforcement action:</p> <ol style="list-style-type: none"> On June 19, 2003, the Station achieved compliance with regard to monthly monitoring for releases. On July 10, 2003, the Station achieved compliance with regard to testing of the Station's cathodic protection system.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02)

PCW Revision 2/10/2004

DATES

PCW 23-Jan-2008 Screening 18-Mar-2004 Priority Due 16-Jul-2004 EPA Due

RESPONDENT INFORMATION

Respondent Kas Investments, Ltd. dba Convenience Plus
 Respondent/Site ID No(s) RN101761039/Petroleum Storage Tank Facility ID No. 50247
 Facility/Site Region 12 - Houston Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No(s) Case No. 13831
 Docket No. 2004-0380-PST-E No. Violations 2
 Case Priority 3 Order Type 1660 Without Deferral
 Enf. Coordinator Rebecca Johnson EC's Team Enforcement Team 6
 Media Program(s) Petroleum Storage Tank
 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement **Subtotals 2, 3 & 7** \$0

Notes: No compliance history adjustment. +

Culpability 0% Enhancement **Subtotal 4** \$0

Notes: No. The respondent does not meet the culpability criteria. +

Good Faith Effort to Comply 25% Reduction **Subtotal 5** -\$1,250

Notes: The respondent returned to compliance on July 10, 2003. +

Extraordinary	Before NOV	NOV to EDRP/Settlement Offer
Ordinary	X	
None of the above		(mark with small x)

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

\$157 Total EB Amounts *Capped at the Total EB \$ Amount
 \$2,200 Approx. Cost of Compliance =

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$3,750

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** \$0

Notes: Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%) =

Final Penalty Amount \$3,750

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$3,750

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

Notes: Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction) =
 No deferral since this is not an expedited enforcement action.

PAYABLE PENALTY \$3,750

Screening Date 18-Mar-2004 **Docket Number** 2004-0380-PST-E **PCW**
Respondent Kas Investments, Ltd. dba Convenience Plus **Policy Revision 2 (09/02)**
Case ID No. Case No. 13831 **PCW Revision 2/10/2004**
Respondent/Site ID No. RN101761039/Petroleum Storage Tank Facility ID No. 50247
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Rebecca Johnson
Site Address 6422 Stephen F. Austin Road, Jones Creek, Brazoria County

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	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%
Other	<i>Please enter Yes or No</i>		
	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) 0%

>> **Repeat Violator (Subtotal 3)**

No Select Yes/No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A Select High, Average or Poor

Adjustment Percentage (Subtotal 7) 0%

Compliance History Summary

Compliance History Notes

No compliance history adjustment.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 0%

Screening Date 18-Mar-04 **Docket Number** 2004-0380-PST-E **PCW**
Respondent Kas Investments, Ltd. dba Convenience Plus **Policy Revision 2 (09/02)**
Case ID No. Case No. 13831 **PCW Revision 2/10/2004**
Respondent/Site ID No. RN101761039/Petroleum Storage Tank Facility ID No. 50247
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Rebecca Johnson
Violation Number
Primary Rule Cite
Secondary Cite(s)
Violation Description

Base Penalty

» Environmental, Property and Human Health Matrix

		Harm				
		Major	Moderate	Minor		
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

» Programmatic Matrix

		Falsification	Major	Moderate	Minor		
OR		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one; use small x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Events Notes

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$)

Violation Final Penalty total

This Violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Kas Investments, Ltd. dba Convenience Plus
ID Number(s) Case No. 13831
Media [Statute] Petroleum Storage Tank
Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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

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Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel	\$1,200	8-May-2003	19-Jun-2003	0.1	\$7	\$138	\$145
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

Estimated annualized cost to put the automatic tank gauge into test mode once per month. Date required based on the investigation date. Final date based on the compliance date.
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Approx Cost of Compliance

TOTAL

Screening Date 18-Mar-04 Docket Number 2004-0380-PST-E

PCW

Respondent Kas Investments, Ltd. dba Convenience Plus

Policy Revision 2 (09/02)

Case ID No. Case No. 13831

PCW Revision 2/10/2004

Respondent/Site ID No. RN101761039/Petroleum Storage Tank Facility ID No. 50247

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rebecca Johnson

Violation Number

Primary Rule Cite

Secondary Cite(s)

Violation Description

Base Penalty

» Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

» Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one; use small x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Events Notes

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$)

Violation Final Penalty total

This Violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Kas Investments, Ltd. dba Convenience Plus
ID Number(s) Case No. 13831
Media [Statute] Petroleum Storage Tank
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	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)	\$1,000	8-May-2003	10-Jul-2003	0.2	\$1	\$12	\$12
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 have the cathodic protection system tested by a qualified corrosion specialist. Date required based on the investigation date. Final date based on the compliance date.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN602591166 KAS INVESTMENTS, LTD Classification: Rating:
Regulated Entity: RN101761039 CONVENIENCE PLUS Classification: HIGH Site Rating: 0.00
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 50247
REGISTRATION
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0200366
Location: 6422 STEPHEN F AUSTIN RD, JONES CREEK, TX, 77541 Rating Date: September 01 03 Repeat Violator: NO
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: March 14, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 22, 1999 to March 22, 2004

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

Name: Rebecca Johnson Phone: (713) 422-8931

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? KAS INVESTMENTS, LTD
4. If Yes, who was/were the prior owner(s)? Kas Investments, Inc.
5. When did the change(s) in ownership occur? 3/19/2004

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 03/24/1999 (58609)
2 05/17/1999 (58611)
3 10/21/1999 (58610)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
 - 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
KAS INVESTMENTS, LTD. DBA
CONVENIENCE PLUS,
RN101761039

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2004-0380-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 Kas Investments, Ltd. dba Convenience Plus ("Convenience Plus ") under the authority of TEX. WATER CODE ch. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Convenience Plus, appear before the Commission and together stipulate that:

1. Convenience Plus owns and operates a convenience store with retail sales of gasoline located at 6422 Stephen F. Austin Road, Jones Creek, Brazoria County, Texas (the "Station").
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 ch. 26 and TCEQ rules.
3. The Commission and Convenience Plus agree that the Commission has jurisdiction to enter this Agreed Order, and that Convenience Plus is subject to the Commission's jurisdiction.
4. Convenience Plus received notice of the violations alleged in Section II ("Allegations") on or about October 3, 2003.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Convenience Plus of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of three thousand seven hundred and fifty dollars (\$3,750.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Convenience Plus has paid three hundred and forty dollars (\$340.00) of the administrative penalty. The remaining amount of three thousand four hundred and ten dollars (\$3,410) of the administrative penalty shall be payable in 11 monthly payments of three hundred and ten dollars (\$310.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Convenience Plus fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Convenience Plus to meet the payment schedule of this Agreed Order constitutes the failure by Convenience Plus to timely and satisfactorily comply with all of 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 Convenience Plus 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 Convenience Plus has implemented the following corrective measures at the Site in response to this enforcement action:
 - a. On June 19, 2003, the Station achieved compliance under 30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A) and (d)(4)(A)(i) and TEX. WATER CODE § 26.3475(c)(1), with regard to monthly monitoring for releases; and
 - b. On July 10, 2003, the Station achieved compliance under 30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d), with regard to testing of the Station cathodic protection system.
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 Convenience Plus 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

Convenience Plus is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and (d)(4)(A)(i) and TEX. WATER CODE § 26.3475(c)(1) by failing to monitor the UST's for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, failure to conduct inventory control in combination with automatic tank gauging as documented on May 8, 2003.
2. 30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d) by failing to have cathodic protection system tested by a qualified corrosion specialist or corrosion technician within three to six months after installation and at a subsequent frequency of at least once every three years as documented on May 8, 2003.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Convenience Plus pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Convenience Plus'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: Kas Investments, Ltd. dba Convenience Plus, Docket No. 2004-0380-PST-E" to:

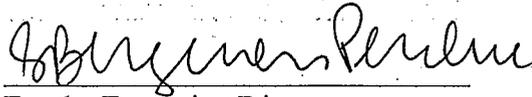
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. This Agreed Order, issued by the Commission, shall not be admissible against Convenience Plus 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.
3. 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.
4. 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 Convenience Plus, or three days after the date on which the Commission mails notice of the Order to Convenience Plus, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/11/08

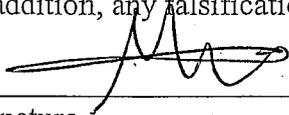
Date

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.



Signature

MAR 11 06/08
Date

AARIF GOLAMAWI
Name (Printed or typed)

SECRETARY
Title

Authorized representative of
Kas Investments, Ltd. dba Convenience Plus