

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2004-0672-PST-E TCEQ ID: RN102782851 CASE NO.: 15128
RESPONDENT NAME: THATTA CORPORATION INC. DBA STOP-N-DRIVE #26**

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: 1096 Alabama Street, Beaumont, Jefferson County</p> <p>TYPE OF OPERATION: Out-of-service petroleum storage tank facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 5, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p style="padding-left: 20px;">TCEQ Attorney: Mr. Xavier Guerra, Litigation Division, MC R-13, (210) 403-4016 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p style="padding-left: 20px;">TCEQ Enforcement Coordinator: Ms. Suzanne Walrath, Air Enforcement Section, MC 219, (512) 239-2134</p> <p style="padding-left: 20px;">TCEQ Regional Contact: Mr. Derek Eades, Beaumont Regional Office, MC R-10, (409) 899-8705</p> <p style="padding-left: 20px;">Respondent: Mr. Firdous Hamani, President, Thatta Corporation Inc. dba Stop-N-Drive #26, 7447 Harwin Drive, Suite 213, Houston, Texas 77036-2028</p> <p style="padding-left: 20px;">Respondent's Attorney: Ms. Jennifer Fleck, Ted A. Cox P.C., 4910 Dacoma, Suite 100, Houston, Texas 77092</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: February 4, 2004</p> <p>Date of NOE Relating to this Case: March 3, 2004</p> <p>Background Facts: The EDP RP was filed on October 25, 2004. The Respondent filed an answer on January 28, 2005. After negotiations, the Respondent signed an Agreed Order on August 28, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>PST</p> <p>1. Failed to permanently remove an existing underground storage tank("UST") system that was not brought into compliance with upgrade requirements within sixty days of the prescribed implementation date [30 TEX. ADMIN CODE § 334.47(a)(2)].</p> <p>2. Failed to ensure that any residue from stored regulated substances, which remain in an out of service UST system, 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, one UST contained 4.75 inches and one contained 43 inches of regulated substance [30 TEX. ADMIN CODE § 334.54(d)(2)].</p> <p>3. Failed to provide amended registration for any change or additional information regarding USTs with 30 days from the date of the occurrence of the change or addition, or within 30 days of the date on which the owner or operator first became aware of the change or addition, as applicable, specifically failed to update UST registration to reflect out of service status [30 TEX. ADMIN CODE § 334.7(d)(3)].</p>	<p>Total Assessed: \$13,200</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid/Due to General Revenue: \$1,100/\$12,100</p> <p>The Respondent has paid \$1,100 of the administrative penalty. The remaining amount of \$12,100 shall be payable in 11 monthly payments of \$1,100 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Technical Requirements</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days, permanently remove the UST system from service. 2. Within 30 days, submit an updated UST Registration and Self-Certification Form reflecting the permanent removal of the UST system to the TCEQ. 3. Within 30 days, submit payment for all outstanding fees, including any associated penalties and interest. 4. Within 45 days, submit written certification as described in the Order, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to perform release monitoring for a UST system at least once per month [30 TEX. ADMIN CODE § 334.50(a)(1)(A) and 30 TEX. WATER CODE § 26.3475(b)].</p> <p>5. Failed to provide corrosion protection for the UST system [30 TEX. ADMIN CODE § 334.49(a) and 30 TEX. WATER CODE § 26.3475(d)].</p> <p>6. Failed to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the UST system [30 TEX. ADMIN CODE § 37.815(a) and (b)].</p> <p>7. Failed to pay UST fees for fiscal years 2003 and 2004 for TCEQ Financial Administration Account No. 0032113U [30 TEX. ADMIN CODE § 334.22(a) and 30 TEX. WATER CODE § 5.702].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02)

PCW Revision 2/10/2004

DATES	
PCW 18-Mar-2008	Screening 2-May-2004
Priority Due 30-Aug-2004	EPA Due
RESPONDENT INFORMATION	
Respondent Thatta Corporation Inc. dba Stop-n-Drive #26	
Respondent/Site ID No(s) Petroleum Storage Tank Rgistration No. 57470; Regulated Entity Reference No. RN102782851	
Facility/Site Region 10 - Beaumont	Major/Minor Source Minor
CASE INFORMATION	
Enf./Case ID No(s) 15128	No. Violations 7
Docket No. 2004-0672-PST-E	Order Type 1660 without deferral
Case Priority 3	EC's Team Enforcement Team 3
Enf. Coordinator Suzanne Walrath	
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** \$12,000

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** \$1,200

Notes Adjustment was made for two NOV's dated 12/16/2003 and 12/18/2003 for same and similar violations. **+**

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

No Select Yes/No
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			
None of the above	X	(mark with small x)	+
Notes	Respondent is not yet in compliance.		

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

\$5,327	Total EB Amounts	*Capped at the Total EB \$ Amount	
\$13,600	Approx. Cost of Compliance		=

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$13,200

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 \$13,200

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$13,200

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

Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction)
Notes No deferral is recommended because the Respondent has had prior NOV's for the same or similar violations at this site within the past five years. **=**

PAYABLE PENALTY \$13,200

Screening Date 2-May-2004

Docket Number 2004-0672-PST-E

PCW

Respondent Thatta Corporation Inc. dba Stop-n-Drive #26

Policy Revision 2 (09/02)

Case ID No. 15128

PCW Revision 2/10/2004

Respondent/Site ID No. Petroleum Storage Tank Rgistration No. 57470; Regulated Entity Reference No. RN102782851

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Suzanne Walrath

Site Address 1096 Alabama Street, Beaumont, Jefferson County, Texas

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	2	10%
	Other written NOV's	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 Select Yes/No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer Select High, Average or Poor

Adjustment Percentage (Subtotal 7) 0%

Compliance History Summary

Compliance History Notes

Adjustment was made for two NOV's dated 12/16/2003 and 12/18/2003 for same and similar violations.

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

Screening Date	02-May-04	Docket Number	2004-0672-PST-E	PCW
Respondent	Thatta Corporation Inc. dba Stop-n-Drive #26		Policy Revision 2 (09/02)	
Case ID No.	15128		PCW Revision 2/10/2004	
Respondent/Site ID No.	Petroleum Storage Tank Rggistration No. 57470; Regulated Entity Reference No. RN102782851			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Suzanne Walrath			
Violation Number	1			
Primary Rule Cite	30 Tex. Admin. Code § 334.47(a)(2)			
Secondary Cite(s)				
Violation Description	The Respondent failed to permanently remove an existing underground storage tank ("UST") system that was not brought into compliance with upgrade requirements within sixty days of the prescribed implementation date, as documented during an investigation conducted on February 4, 2004.			
	Base Penalty	\$10,000		

» Environmental, Property and Human Health Matrix				
	Harm			
	Release	Major	Moderate	Minor
OR	Actual			
	Potential	x		
				Percent 25%
» Programmatic Matrix				
	Falsification	Major	Moderate	Minor
OR				
				Percent
Matrix Notes	Failure to remove non-compliant USTs could result in the release of significant amounts of pollutants which would exceed levels that are protective of human health or the environment.			
	Adjustment	-\$7,500		
	Base Penalty Subtotal	\$2,500		

Violation Events				
	Number of Violation Events	1		
<i>mark only one; use small x</i>	daily			
	monthly			
	quarterly			
	semiannual	x		
	annual			
	single event			
				Violation Base Penalty \$2,500
Events Notes	One semiannual event is recommended based on the February 4, 2004 inspection date to the May 2, 2004 screening date.			

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount (\$) \$178	Violation Final Penalty total \$2,750
This Violation Final Assessed Penalty (adjusted for limits) \$2,750	

Economic Benefit Worksheet

Respondent Thatta Corporation Inc. dba Stop-n-Drive #26
ID Number(s) 15128
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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)	\$5,000	16-Dec-2003	1-Sep-2004	0.7	\$178	n/a	\$178

Notes for DELAYED costs

Estimated cost to permanently remove an UST. Date required is the first date of non-compliance. 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/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 \$5,000

TOTAL \$178

Screening Date	02-May-04	Docket Number	2004-0672-PST-E	PCW
Respondent	Thatta Corporation Inc. dba Stop-n-Drive #26		Policy Revision 2 (09/02)	
Case ID No.	15128	PCW Revision 2/10/2004		
Respondent/Site ID No.	Petroleum Storage Tank Rggistration No. 57470; Regulated Entity Reference No. RN102782851			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Suzanne Walrath			
Violation Number	2			
Primary Rule Cite	30 Tex. Admin. Code § 334.54(d)(2)			
Secondary Cite(s)				
Violation Description	The Respondent failed to ensure that any residue from stored regulated substances, which remain in an out of service UST system, 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, one UST contained 4.75 inches and one contained 43 inches of regulated substance, as documented during an investigation conducted on February 4, 2004.			
	Base Penalty			\$10,000

» Environmental, Property and Human Health Matrix				
	Harm			
	Release	Major	Moderate	Minor
OR	Actual			
	Potential	x		
				Percent 25%
» Programmatic Matrix				
	Falsification	Major	Moderate	Minor
OR				
				Percent
Matrix Notes	Storing regulated substances in excess of the recommended limit could result in the release of significant amounts of pollutants which would exceed levels that are protective of human health or the environment.			
	Adjustment			-7,500
	Base Penalty Subtotal			\$2,500

Violation Events				
	Number of Violation Events	1		
<i>mark only one; use small x</i>	daily			
	monthly			
	quarterly			
	semiannual	x		
	annual			
	single event			
				Violation Base Penalty \$2,500
Events Notes	One semiannual event is recommended based on the February 4, 2004 inspection date to the May 2, 2004 screening date.			

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount (\$) \$36	Violation Final Penalty total \$2,750
This Violation Final Assessed Penalty (adjusted for limits) \$2,750	

Economic Benefit Worksheet

Respondent: Thatta Corporation Inc. dba Stop-n-Drive #26
ID Number(s): 15128
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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$1,000	16-Dec-2003	1-Sep-2004	0.7	\$36	n/a	\$36
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 dispose of a regulated substance. Date required is the first date of non-compliance. 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/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 \$1,000

TOTAL \$36

Screening Date	02-May-04	Docket Number	2004-0672-PST-E	PCW
Respondent	Thatta Corporation Inc. dba Stop-n-Drive #26		Policy Revision 2 (09/02)	
Case ID No.	15128	PCW Revision 2/10/2004		
Respondent/Site ID No.	Petroleum Storage Tank Rggistration No. 57470; Regulated Entity Reference No. RN102782851			
Media (Statute)	Petroleum Storage Tank			
Enf. Coordinator	Suzanne Walrath			
Violation Number	3			
Primary Rule Cite	30 Tex. Admin. Code § 334.7(d)(3)			
Secondary Cite(s)				
Violation Description	The Respondent failed to provide amended registration for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, or within 30 days of the date on which the owner or operator first became aware of the change or addition, as applicable. Specifically, failed to update UST registration to reflect out of service status, as documented during an investigation conducted on February 4, 2004.			

		Base Penalty	\$10,000
» Environmental, Property and Human Health Matrix			
Harm			
	Release	Major	Moderate
OR	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>
			Percent <input type="text"/>
» Programmatic Matrix			
	Falsification	Major	Moderate
OR	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
			Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>		
		Adjustment	<input type="text" value="-9,000"/>
		Base Penalty Subtotal	\$1,000

Violation Events			
Number of Violation Events		<input type="text" value="1"/>	
<i>mark only one; use small x</i>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="checkbox"/>	
			Violation Base Penalty <input type="text" value="\$1,000"/>
Events Notes	<input type="text" value="One single event is recommended based on the February 4, 2004 inspection date."/>		

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount (\$) <input type="text" value="\$3"/>	Violation Final Penalty total <input type="text" value="\$1,100"/>
This Violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,100"/>	

Economic Benefit Worksheet

Respondent Thatta Corporation Inc. dba Stop-n-Drive #26
ID Number(s) 15128
Media [Statute] Petroleum Storage Tank
Violation Number 3

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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)	\$100	4-Feb-2004	1-Sep-2004	0.6	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost for preparation and submittal of a UST registration form updating the current status of the UST system. Date required is the investigation date. 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/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 \$100

TOTAL \$3

Screening Date	02-May-04	Docket Number	2004-0672-PST-E	PCW
Respondent	Thatta Corporation Inc. dba Stop-n-Drive #26		Policy Revision 2 (09/02)	
Case ID No.	15128	PCW Revision 2/10/2004		
Respondent/Site ID No.	Petroleum Storage Tank Rgistration No. 57470; Regulated Entity Reference No. RN102782851			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Suzanne Walrath			
Violation Number	4			
Primary Rule Cite	30 Tex Admin. Code § 334.50(a)(1)(A)			
Secondary Cite(s)	Tex. Water Code § 26.3475(b)			
Violation Description	The Respondent failed to perform release monitoring for a UST system at least once per month, as documented during an investigation conducted on February 4, 2004.			
Base Penalty				\$10,000

» Environmental: Property and Human Health Matrix				
Harm				
	Release	Major	Moderate	Minor
OR	Actual			
	Potential	x		
				Percent 25%
» Programmatic Matrix				
	Falsification	Major	Moderate	Minor
OR				
				Percent
Matrix Notes	Failure to monitor USTs for releases could result in the release of a significant amount of pollutants which would exceed levels protective of human health and the environment.			
Adjustment				-\$7,500
Base Penalty Subtotal				\$2,500

Violation Events				
Number of Violation Events		1		
<i>mark only one; use small x</i>	daily			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$2,500
Events Notes	One quarterly event is recommended based on the February 4, 2004 inspection date to the May 2, 2004 screening date.			

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount (\$)	\$725	Violation Final Penalty total	\$2,750
This Violation Final Assessed Penalty (adjusted for limits)			\$2,750

Economic Benefit Worksheet

Respondent Thatta Corporation Inc. dba Stop-n-Drive #26
ID Number(s) 15128
Media [Statute] Petroleum Storage Tank
Violation Number 4

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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$1,200	4-Feb-2004	1-Sep-2004	0.6	\$35	\$690	\$725
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 avoided cost for leak detection for the UST system. Date required is the investigation date. Final date is the estimated date of compliance.

Approx Cost of Compliance \$1,200

TOTAL \$725

Screening Date	02-May-04	Docket Number	2004-0672-PST-E	PCW
Respondent	Thatta Corporation Inc. dba Stop-n-Drive #26		Policy Revision 2 (09/02)	
Case ID No.	15128	PCW Revision	2/10/2004	
Respondent/Site ID No.	Petroleum Storage Tank Registration No. 57470; Regulated Entity Reference No. RN102782851			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Suzanne Walrath			
Violation Number	5			
Primary Rule Cite	30 Tex. Admin. Code § 334.49(a)			
Secondary Cite(s)	Tex. Water Code § 26.3475(d)			
Violation Description	The Respondent failed to provide corrosion protection for the UST system, as documented during the February 4, 2004 investigation.			
	Base Penalty	\$10,000		

» Environmental, Property and Human Health Matrix				
	Harm			
	Release	Major	Moderate	Minor
OR	Actual			
	Potential	x		
	Percent	25%		
» Programmatic Matrix				
	Falsification	Major	Moderate	Minor
OR				
	Percent			
Matrix Notes	Failure to install a corrosion protection system could result in undetected releases, that could expose human health and the environment to significant amounts of pollutants, which would exceed levels that are protective of human health and environmental receptors.			
	Adjustment	-\$7,500		
	Base Penalty Subtotal	\$2,500		

Violation Events				
	Number of Violation Events	1		
<i>mark only one; use small x</i>	daily			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
	Violation Base Penalty	\$2,500		
Events Notes	One quarterly event is recommended based on the February 4, 2004 inspection date to the May 2, 2004 screening date.			

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount (\$)	\$3,021
Violation Final Penalty total	\$2,750
This Violation Final Assessed Penalty (adjusted for limits)	\$2,750

Economic Benefit Worksheet

Respondent Thatta Corporation Inc. dba Stop-n-Drive #26
ID Number(s) 15128
Media [Statute] Petroleum Storage Tank
Violation Number 5

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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip	\$5,000	4-Feb-2004	1-Sep-2004	0.6	\$144	\$2,877	\$3,021
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 avoided cost to upgrade and repair the UST system to provide adequate corrosion control protection. Date required is the investigation date. Final date is the date is the estimated date of compliance.

Approx Cost of Compliance \$5,000

TOTAL \$3,021

Screening Date: 02-May-04 **Docket Number:** 2004-0672-PST-E **PCW**
Respondent: Thatta Corporation Inc. dba Stop-n-Drive #26 Policy Revision 2 (09/02)
Case ID No.: 15128 PCW Revision 2/10/2004
Respondent/Site ID No.: Petroleum Storage Tank Rgistration No. 57470; Regulated Entity Reference No. RN102782851
Media [Statute]: Petroleum Storage Tank
Enf. Coordinator: Suzanne Walrath
Violation Number: 6
Primary Rule Cite: 30 Tex. Admin. Code § 37.815(a) and (b)
Secondary Cite(s):
Violation Description: The Respondent failed to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the UST system, as documented during the February 4, 2004 investigation.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

» **Programmatic Matrix**

		Major	Moderate	Minor	
OR	Falsification				Percent
		x			

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

Adjustment: -\$9,000

Base Penalty Subtotal: \$1,000

Violation Events

Number of Violation Events: 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty: \$1,000

Events Notes: One annual event recommended based on the previous twelve month period preceding the investigation date of February 4, 2004.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount (\$) \$1,365	Violation Final Penalty total \$1,100
This Violation Final Assessed Penalty (adjusted for limits) \$1,100	

Economic Benefit Worksheet

Respondent Thatta Corporation Inc. dba Stop-n-Drive #26
ID Number(s) 15128
Media [Statute] Petroleum Storage Tank
Violation Number 6

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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]	\$1,300	4-Feb-2003	4-Feb-2004	1.0	\$65	\$1,300	\$1,365
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated annual cost for an insurance policy that demonstrates financial responsibility for the two USTs. Date required is investigation date. Final date is one year past the investigation date, as this is an annual requirement.

Approx Cost of Compliance \$1,300

TOTAL \$1,365

Screening Date	02-May-04	Docket Number	2004-0672-PST-E	PCW
Respondent	Thatta Corporation Inc. dba Stop-n-Drive #26			Policy Revision 2 (09/02)
Case ID No.	15128	PCW Revision 2/10/2004		
Respondent/Site ID No.	Petroleum Storage Tank Rgistration No. 57470; Regulated Entity Reference No. RN102782851			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Suzanne Walrath			
Violation Number	7			
Primary Rule Cite	30 Tex. Admin. Code § 334.22(a)			
Secondary Cite(s)	Tex. Water Code 5.702			
Violation Description	Failure to pay UST fees for fiscal years 2003 and 2004 for TCEQ Financial Administration Account No. 0032113U.			

Base Penalty \$10,000

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

Harm				
	Release	Major	Moderate	Minor
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent <input type="text"/>		

» **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 -\$10,000

Base Penalty Subtotal \$0

Violation Events

Number of Violation Events

mark only one; use small x

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

Violation Base Penalty \$0

Events Notes

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

Economic Benefit Worksheet

Respondent Thatta Corporation Inc. dba Stop-n-Drive #26
ID Number(s) 15128
Media [Statute] Petroleum Storage Tank
Violation Number 7

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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Not Applicable.

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

Not Applicable.

Approx Cost of Compliance \$0

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator:	CN601413669 THATTA CORPORATION	Classification: AVERAGE BY DEFAULT	Rating: 3.010
Regulated Entity:	RN102782851 STOP-N-DRIVE 26	Classification: AVERAGE. BY DEFAULT	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	57470
Location:	1096 ALABAMA ST, BEAUMONT, TX, 77705	Rating Date: 9/1/03	Repeat Violator: NO
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	April 22, 2004		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 22, 1999 to April 22, 2004		

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

Name: Chris Miller Phone: 325-698-6136

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 11/18/2003 (249577)

2 03/03/2004 (261968)

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

Date: 12/16/2003 (249577)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.47(a)(2)

Description: Failure to permanently remove any existing UST system that was not brought into timely compliance with upgrade requirements no later than sixty (60) days after the prescribed implementation date.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.54(d)(2)

Description: Failure to ensure that any residue from stored regulated substances which remain in a UST system 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.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description: Failure to amend, update, or change registration information to reflect the current status of the UST system.

Date: 12/18/2003 (258101)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.47(a)(2)

Description: Failure to permanently remove any existing UST system that was not brought into timely compliance with upgrade requirements no later than sixty (60) days after the prescribed implementation date.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.54(d)(2)

Description: Failure to ensure that any residue from stored regulated substances which remain in a UST system 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.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description: Failure to amend, update, or change registration information to reflect the current status of the UST system.

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
THATTA CORPORATION INC.
DBA STOP-N-DRIVE #26,
RN102782851

§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2004-0672-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 Thatta Corporation Inc. dba Stop-N-Drive #26 ("Thatta Corp.") under the authority of TEX. WATER CODE chs. 5, 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Thatta Corp. represented by Jennifer Fleck of the law firm of Ted A. Cox, P.C., appear before the Commission and together stipulate that:

1. Thatta Corp. owns and operates a convenience store with retail sales of gasoline located at 1096 Alabama Street, Beaumont, Jefferson County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE chs. 5 and 26 and TCEQ rules.
3. The Commission and Thatta Corp. agree that the Commission has jurisdiction to enter this Agreed Order, and that Thatta Corp. is subject to the Commission's jurisdiction.
4. Thatta Corp. received notice of the violations alleged in Section II ("Allegations") on or about January 6, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Thatta Corp. of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of thirteen thousand two hundred dollars (\$13,200.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Thatta Corp. has paid one thousand one hundred dollars (\$1,100.00) of the administrative penalty. The remaining amount of twelve thousand one hundred dollars (\$12,100.00) of the administrative penalty shall be payable in 11 monthly payments of one thousand one hundred dollars (\$1,100.00) 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 Thatta Corp. 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 Thatta Corp. to meet the payment schedule of this Agreed Order constitutes the failure by Thatta Corp. 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 Thatta Corp. have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 Thatta Corp. has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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

Thatta Corp. is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 334.47(a)(2), by failing to permanently remove an existing underground storage tank (“UST”) system that was not brought into compliance with upgrade requirements within 60 days of the prescribed implementation date as documented on February 4, 2004.
2. 30 TEX. ADMIN. CODE § 334.54(d)(2), by failing to ensure that residue from stored regulated substances which remain in the system did not exceed 2.5 centimeters at the deepest point and did not exceed 0.3%, by weight, of the system at full capacity as documented on February 4, 2004.
3. 30 TEX. ADMIN. CODE § 334.7(d)(3), by failing to provide amended registration for any change or additional information regarding the USTs within 30 days of the date of the occurrence of the change or addition, or within 30 days of the date on which the owner or operator first became aware of the change or addition as documented on February 4, 2004.
4. 30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(b), by failing to perform release monitoring for the UST system at least once per month as documented on February 4, 2004.
5. 30 TEX. ADMIN. CODE § 334.49(a) and TEX. WATER CODE § 26.3475(d), by failing to provide corrosion protection for the UST system as documented on February 4, 2004.
6. 30 TEX. ADMIN. CODE § 37.815(a) and (b), by failing to demonstrate financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the UST system as documented on February 4, 2004.
7. 30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702, by failing to pay UST fees for fiscal years 2003 and 2004 for TCEQ Financial Administration Account No. 0032113U as documented on June 10, 2004.

III. DENIALS

Thatta Corp. generally denies each allegation in Section II (“Allegations”).

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Thatta Corp. pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Thatta Corp.'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: Thatta Corporation Inc. dba Stop-N-Drive #26, Docket No. 2004-0672-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. Thatta Corp. shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Thatta Corp. shall:
 - i. Permanently remove the UST system from service in accordance with 30 TEX. ADMIN. CODE § 334.55;
 - ii. Submit an updated UST Registration and Self-Certification Form reflecting the permanent removal of the UST system to the TCEQ in accordance with 30 TEX. ADMIN. CODE § 334.7(a)(2); and
 - iii. Submit payment for all outstanding fees, including any associated penalties and interest, with the notation, "Thatta Corporation Inc. dba Stop-N-Drive #26 – TCEQ FA Account No. 0032113U" 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

- b. Within 45 days after the effective date of this Agreed Order, Thatta Corp. shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision nos. 2.a.i. through 2.a.iii.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Derek Eades, Waste Section Manager
Texas Commission on Environmental Quality
Beaumont Regional Office
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. The provisions of this Agreed Order shall apply to and be binding upon Thatta Corp. Thatta Corp. is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Thatta Corp. 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, Thatta Corp.'s failure to comply is not a violation of this Agreed Order. Thatta Corp. shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Thatta Corp. shall notify the Executive Director within seven days after Thatta Corp. becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

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

Thatta Corporation Inc. dba Stop-N-Drive #26
DOCKET NO. 2004-0672-PST-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Handwritten Signature]

4/11/2008

For the Executive Director

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;
- Creation, 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~~

8-28-07
Date

FIRDOUS HAMANI
Name (Printed or typed)

P. Wickert
Title

Authorized representative of
Thatta Corporation Inc. dba Stop-N-Drive #26