

Page 1 of 3

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2006-1844-PST-E TCEQ ID: RN101539930 CASE NO.: 31345**  
**RESPONDENT NAME: A & L PARTNERS, LLC DBA HURST FOOD MART**

|   |  |  |
|---|--|--|
| <b>ORDER TYPE:</b>                                    |  |  |
| <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       |  |

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

**SITE WHERE VIOLATION(S) OCCURRED:** 1401 West Hurst Boulevard, Hurst, Tarrant County

**TYPE OF OPERATION:** Convenience store with retail sales of gasoline

**SMALL BUSINESS:**  Yes  No

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

**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 August 25, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  
**TCEQ Enforcement Coordinator:** Mr. Rajesh Acharya, Waste Enforcement Section, MC 128, (512) 239-0577  
**TCEQ Regional Contact:** Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901  
**Respondent:** Mr. Abdul Latif, President, A & L Partners, LLC, 1401 W. Hurst Blvd., Hurst, Texas 76053  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION  | PENALTY CONSIDERATIONS   | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
|--|--|---|
| <p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b><br/>None</p> <p><b>Date of Investigation Relating to this Case:</b><br/>July 10, 2006</p> <p><b>Date of NOE Relating to this Case:</b><br/>September 7, 2006</p> <p><b>Background Facts:</b> The case was referred to the Litigation Division on March 1, 2007. The EDPRP was filed on April 26, 2007, and re-filed for service on August 2, 2007. The Respondent failed to file an Answer and a Default Order was set on the June 18, 2008, Agenda. The Respondent contacted the Litigation attorney on June 17, 2008, and agreed to sign an Agreed Order, which was received on June 18, 2008.</p> <p><b>Current Compliance Status:</b><br/>In compliance.</p> <p><b>PST:</b></p> <ol style="list-style-type: none"> <li>Failed to monitor its USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); failed to accurately conduct manual or automatic monthly inventory control procedure for all USTs; failed to monitor the pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system; and failed to test the line leak detectors at least once per year for performance and operational reliability [30 TEX. ADMIN. CODE § 334.50(b)(1)(A), (b)(2), (b)(2)(A)(i)(III), and (d)(1)(B), and TEX. WATER CODE § 26.3475(a) and (c)(1)].</li> <li>Failed to properly conduct daily and monthly inspections of the Stage II Vapor Recovery System [30 TEX. ADMIN. CODE § 115.244(1) and (3), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> </ol> | <p><b>Total Assessed:</b> \$5,500</p> <p><b>Total Deferred:</b> \$0<br/> <input type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay<br/> <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b><br/>\$1,750/\$3,750</p> <p>The Respondent has paid \$1,750 of the administrative penalty. The remaining amount of \$3,750 shall be paid in 24 monthly installments of \$156.25 each.</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures:</p> <ol style="list-style-type: none"> <li>Had the line leak detectors tested on July 11, 2006, implemented a release detection method for the UST and the pressurized piping associated with the UST on August 10, 2006, and began conducting monthly inventory control procedures.</li> <li>Began conducting daily and monthly inspections of Stage II Vapor Recovery System.</li> <li>Ensured that a Stage II representative made aware to current employees the purposes and correct operating procedures for the Stage II Vapor Recovery System.</li> <li>Began maintaining at the Station all required Stage II records.</li> <li>Had the Stage II equipment, including the vapor recovery system, tested on July 11, 2006.</li> <li>Had the Stage I dry break replaced and conspicuously posted the operating instructions on the front of each gasoline dispensing pump equipped with a Stage II Vapor Recovery System on July 11, 2006.</li> <li>Replaced the locking ring around the drop tube on tank no. 1 on August 10, 2006.</li> </ol> |

**VIOLATION SUMMARY CHART:**

| <b>VIOLATION INFORMATION</b>  | <b>PENALTY CONSIDERATIONS</b> | <b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b> |
|---|-------------------------------|--|
| 3. Failed to ensure that a Stage II representative made aware to current employees the purpose and correct operating procedures for the Stage II Vapor Recovery System [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].   |                               |  |
| 4. Failed to maintain all required Stage II records at the Station and failing to make the records immediately available for review upon request by agency personnel [30 TEX. ADMIN. CODE § 115.246(1) and (3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].   |                               |  |
| 5. Failed to conduct the required annual and triennial testing to verify proper operation of the Stage II equipment [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].  |                               |  |
| 6. Failed to maintain all components of the Stage II Vapor Recovery System in proper operating condition as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system [30 TEX. ADMIN. CODE § 115.242(3)(J) and (9), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. |                               |  |
| 7. Failed to prevent the release of gasoline vapors from the Stage II Vapor Recovery System [30 TEX. ADMIN. CODE §§ 115.222(3) and 115.242(4), and TEX. HEALTH & SAFETY CODE § 382.085(b)].   |                               |  |



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

|              |              |             |           |             |         |  |
|--------------|--------------|-------------|-----------|-------------|---------|--|
| <b>DATES</b> | Assigned PCW | 11-Sep-2006 | Screening | 27-Sep-2006 | EPA Due |  |
|              |              | 31-May-2007 |           |             |         |  |

|  |   |
|--|---|
| <b>RESPONDENT/FACILITY INFORMATION</b> |   |
| Respondent                             | A & L Partners, LLC dba Hurst Food Mart |
| Reg. Ent. Ref. No.                     | RN101539930                             |
| Facility/Site Region                   | 4-Dallas/Fort Worth                     |
| Major/Minor Source                     | Minor Source                            |

|                                 |                        |                   |                 |
|---------------------------------|------------------------|-------------------|-----------------|
| <b>CASE INFORMATION</b>         |                        |                   |                 |
| Enf./Case ID No.                | 31345                  | No. of Violations | 7               |
| Docket No.                      | 2006-1844-PST-E        | Order Type        | 1660            |
| Media Program(s)                | Petroleum Storage Tank | Enf. Coordinator  | Shontay Wilcher |
| Multi-Media                     |                        | EC's Team         | Team 7          |
| Admin. Penalty \$ Limit Minimum | \$0                    | Maximum           | \$10,000        |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** 5% Enhancement Subtotals 2, 3, & 7

Notes:

**Culpability** No  Subtotal 4

Notes:

**Good Faith Effort to Comply** 50% Reduction Subtotal 5

|               |            |                              |
|---------------|------------|------------------------------|
|               | Before NOV | NOV to EDRP/Settlement Offer |
| Extraordinary | X          |                              |
| Ordinary      |            |                              |
| N/A           |            | (mark with a small x)        |

Notes:

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

|                            |         |                                   |
|----------------------------|---------|-----------------------------------|
| Total EB Amounts           | \$2,151 | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | \$5,350 |                                   |

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

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

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL**  Reduction Adjustment

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

**PAYABLE PENALTY**

Screening Date 27-Sep-2006

Docket No. 2006-1844-PST-E

PCW

Respondent A & L Partners, LLC dba Hurst Food Mart

Policy Revision 2 (September 2002)

Case ID No. 31345

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539930

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

**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)  | 1                 | 5%      |
|                               | 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%      |
| 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)                        | 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%      |
| <i>Please Enter Yes or No</i> |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

**Adjustment Percentage (Subtotal 2)**

>> Repeat Violator (Subtotal 3)

**Adjustment Percentage (Subtotal 3)**

>> Compliance History Person Classification (Subtotal 7)

**Adjustment Percentage (Subtotal 7)**

>> Compliance History Summary

Compliance History Notes

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

Screening Date 27-Sep-2006

Docket No. 2006-1844-PST-E

PCW

Respondent A & L Partners, LLC dba Hurst Food Mart

Policy Revision 2 (September 2002)

Case ID No. 31345

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539930

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 1

Primary Rule Cite(s)

30 Tex. Admin. Code § 334.50(b)(1)(A), 334.50(b)(2), 334.50(b)(2)(A)(i)(III), and 334.50(d)(1)(B)

Secondary Rule Cite(s)

Tex. Water Code § 26.3475(a) and (c)(1)

Violation Description

Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, the Station received failing automatic tank gauge (ATG) test results for the USTs on a monthly basis. Also, the respondent failed to accurately conduct manual or automatic monthly inventory control procedure for all USTs. Specifically, the respondent did not properly conduct manual or automatic inventory control procedures in conjunction with the ATG as a method of release detection. The respondent also failed to monitor the pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system. Specifically, the respondent did not conduct the annual pipe tightness test for the USTs. The respondent also failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the respondent did not conduct the annual line leak detector tests for all USTs at the Station.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

|         |           | Harm  |          |       |         |     |
|---------|-----------|-------|----------|-------|---------|-----|
| Release |           | Major | Moderate | Minor |         |     |
| OR      | Actual    |       |          |       | Percent | 25% |
|         | Potential | X     |          |       |         |     |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       |         |

Matrix Notes

Failure to ensure that all tanks are monitored for releases at a frequency of at least once every month could result in the release of significant amounts of pollutants that 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

|                                |              |   |
|--------------------------------|--------------|---|
| mark only one<br>use a small x | daily        |   |
|                                | monthly      |   |
|                                | quarterly    | X |
|                                | semiannual   |   |
|                                | annual       |   |
|                                | single event |   |

Violation Base Penalty \$2,500

One quarterly event is recommended for the period from the July 10, 2006 investigation date to September 27, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,137

Violation Final Penalty Total \$1,375

This violation Final Assessed Penalty (adjusted for limits) \$1,375

### Economic Benefit Worksheet

**Respondent** A & L Partners, LLC dba Hurst Food Mart  
**Case ID No.** 31345  
**Reg. Ent. Reference No.** RN101539930  
**Media [Statute]** Petroleum Storage Tank  
**Violation No.** 1

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| No commas or \$          |           |               |             |     |                |               |           |
| <b>Delayed Costs</b>     |           |               |             |     |                |               |           |
| Equipment                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Buildings                |           |               |             | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)        | \$1,500   | 10-Jul-2006   | 10-May-2007 | 0.8 | \$4            | \$83          | \$87      |
| 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 monitor all tanks and its associated piping for releases. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

| Item                          | ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) |               |             |     |                |               |           |
|-------------------------------|--|---------------|-------------|-----|----------------|---------------|-----------|
| Item                          | Item Cost  | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
| 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)             | \$1,000  | 10-Jul-2005   | 10-Jul-2006 | 1.0 | \$50           | \$1,000       | \$1,050   |

**Notes for AVOIDED costs** Estimated cost to test the line leak detectors. The Date Required is the 12-month period preceding the investigation. The Final Date is the investigation date.

Approx. Cost of Compliance \$2,500

**TOTAL** \$1,137

Screening Date 27-Sep-2006 MartPCW-A&L-revised May 2007.gpw Docket No. 2006-1844-PST-E

PCW

Respondent A & L Partners, LLC dba Hurst Food Mart

Policy Revision 2 (September 2002)

Case ID No. 31345

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539930

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

| Release   | Harm                 |                                     |                      | Percent                          |
|-----------|----------------------|-------------------------------------|----------------------|----------------------------------|
|           | Major                | Moderate                            | Minor                |                                  |
| Actual    | <input type="text"/> | <input type="text"/>                | <input type="text"/> | <input type="text" value="10%"/> |
| Potential | <input type="text"/> | <input checked="" type="checkbox"/> | <input type="text"/> |                                  |

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

|                                |              |                                     |
|--------------------------------|--------------|-------------------------------------|
| mark only one<br>use a 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

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** A & L Partners, LLC dba Hurst Food Mart

**Case ID No.** 31345

**Reg. Ent. Reference No.** RN101539930

**Media [Statute]** Petroleum Storage Tank

**Violation No.** 2

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

| <b>Item Description</b> | <b>Item Cost</b> | <b>Date Required</b> | <b>Final Date</b> | <b>Yrs</b> | <b>Interest Saved</b> | <b>Onetime Costs</b> | <b>EB Amount</b> |
|-------------------------|------------------|----------------------|-------------------|------------|-----------------------|----------------------|------------------|
|-------------------------|------------------|----------------------|-------------------|------------|-----------------------|----------------------|------------------|

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

|                               |       |             |             |     |     |       |       |
|-------------------------------|-------|-------------|-------------|-----|-----|-------|-------|
| Disposal                      |       |             |             | 0.0 | \$0 | \$0   | \$0   |
| Personnel                     |       |             |             | 0.0 | \$0 | \$0   | \$0   |
| Inspection/Reporting/Sampling |       |             |             | 0.0 | \$0 | \$0   | \$0   |
| Supplies/equipment            |       |             |             | 0.0 | \$0 | \$0   | \$0   |
| Financial Assurance [2]       |       |             |             | 0.0 | \$0 | \$0   | \$0   |
| ONE-TIME avoided costs [3]    |       |             |             | 0.0 | \$0 | \$0   | \$0   |
| Other (as needed)             | \$100 | 10-Jul-2006 | 10-May-2007 | 1.0 | \$5 | \$100 | \$105 |

Notes for AVOIDED costs

Estimated cost to conduct daily and monthly inspections of the Stage II vapor recovery system. The Date Required is the date of the investigation and the Final Date is the estimated date of compliance.

Approx. Cost of Compliance

**TOTAL**

Screening Date 27-Sep-2006 **Docket No.** 2006-1844-PST-E

**PCW**

**Respondent** A & L Partners, LLC dba Hurst Food Mart

*Policy Revision 2 (September 2002)*

**Case ID No.** 31345

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN101539930

**Media [Statute]** Petroleum Storage Tank

**Enf. Coordinator** Shontay Wilcher

**Violation Number** 3

**Primary Rule Cite(s)** 30 Tex. Admin. Code § 115.248(1)

**Secondary Rule Cite(s)** Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to ensure that a Stage II representative made aware to current employees the purposes and correct operating procedures of the Stage II vapor recovery system.

**Base Penalty** \$10,000

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

|         |           | Harm  |          |       |             |
|---------|-----------|-------|----------|-------|-------------|
| Release |           | Major | Moderate | Minor |             |
| OR      | Actual    |       |          |       | Percent 10% |
|         | Potential |       | X        |       |             |

>> **Programmatic Matrix**

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       |         |

**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

**Base Penalty Subtotal** \$1,000

**Violation Events**

**Number of Violation Events** 1

|                                |              |   |
|--------------------------------|--------------|---|
| mark only one<br>use a small x | daily        |   |
|                                | monthly      |   |
|                                | quarterly    | X |
|                                | semiannual   |   |
|                                | annual       |   |
|                                | single event |   |

**Violation Base Penalty** \$1,000

One quarterly event is recommended for the period from the July 10, 2006 investigation date to September 27, 2006 screening date.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$21

**Violation Final Penalty Total** \$550

**This violation Final Assessed Penalty (adjusted for limits)** \$550

### Economic Benefit Worksheet

**Respondent** A & L Partners, LLC dba Hurst Food Mart  
**Case ID No.** 31345  
**Reg. Ent. Reference No.** RN101539930  
**Media [Statute]** Petroleum Storage Tank  
**Violation No.** 3

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| No commas or \$          |           |               |             |     |                |               |           |
| <b>Delayed Costs</b>     |           |               |             |     |                |               |           |
| 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        | \$500     | 10-Jul-2006   | 10-May-2007 | 0.8 | \$21           | n/a           | \$21      |
| 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 of training. The Date Required is the investigation date. 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 \$21

Screening Date 27-Sep-2006 Mart\PCW-A&L-revised May 2007.gpw Docket No. 2006-1844-PST-E

PCW

Respondent A & L Partners, LLC dba Hurst Food Mart

Policy Revision 2 (September 2002)

Case ID No. 31345

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539930

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 115.246(1) and (3)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain all required Stage II records at the Station and make immediately available for review upon request by agency personnel. Specifically, the respondent did not maintain a copy of the California Air Board ("CARB") Executive Order(s) and the maintenance records for the Stage II vapor recovery system.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |  |
|---------------|-------|----------|-------|--|
|               | X     |          |       | Percent <input type="text" value="10%"/> |

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

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events

|                                |              |                                 |
|--------------------------------|--------------|---------------------------------|
| mark only one<br>use a small x | daily        | <input type="text"/>            |
|                                | monthly      | <input type="text"/>            |
|                                | quarterly    | <input type="text"/>            |
|                                | semiannual   | <input type="text"/>            |
|                                | annual       | <input type="text"/>            |
|                                | single event | <input checked="" type="text"/> |

Violation Base Penalty \$1,000

One single event is recommended based on the July 10, 2006 investigation date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$550

This violation Final Assessed Penalty (adjusted for limits) \$550

**Economic Benefit Worksheet**

**Respondent** A & L Partners, LLC dba Hurst Food Mart  
**Case ID No.** 31345  
**Reg. Ent. Reference No.** RN101539930  
**Media [Statute]** Petroleum Storage Tank  
**Violation No.** 4

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

| <b>Item Description</b>  | <b>Item Cost</b> | <b>Date Required</b> | <b>Final Date</b> | <b>Yrs</b> | <b>Interest Saved</b> | <b>Onetime Costs</b> | <b>EB Amount</b> |
|--------------------------|------------------|----------------------|-------------------|------------|-----------------------|----------------------|------------------|
| <b>Delayed Costs</b>     |                  |                      |                   |            |                       |                      |                  |
| 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    | \$500            | 10-Jul-2006          | 10-May-2007       | 0.8        | \$21                  | n/a                  | \$21             |
| 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 of maintaining required records. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

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

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$500**

**TOTAL \$21**

Screening Date 27-Sep-2006 Docket No. 2006-1844-PST-E

PCW

Respondent A & L Partners, LLC dba Hurst Food Mart

Policy Revision 2 (September 2002)

Case ID No. 31345

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539930

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 115.245(2)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct the required annual and triennial testing to verify proper operation of the Stage II equipment. Specifically, the respondent did not conduct annual testing for operability of the Stage II equipment and the triennial testing of the Stage II vapor recovery system at the Station.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

|         |           | Harm  |          |       |         |     |
|---------|-----------|-------|----------|-------|---------|-----|
| Release |           | Major | Moderate | Minor |         |     |
| OR      | Actual    |       |          |       | Percent | 25% |
|         | Potential | X     |          |       |         |     |

>> Programmatic Matrix

|               |  | Major | Moderate | Minor |         |  |
|---------------|--|-------|----------|-------|---------|--|
| Falsification |  |       |          |       | Percent |  |
|               |  |       |          |       |         |  |

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 the environment as a result of the violation.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

|                                |              |   |
|--------------------------------|--------------|---|
| mark only one<br>use a small x | daily        |   |
|                                | monthly      |   |
|                                | quarterly    |   |
|                                | semiannual   |   |
|                                | annual       | X |
|                                | single event |   |

Violation Base Penalty \$2,500

One annual event is recommended for the 12-month period preceding the July 10, 2006 investigation date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$863

Violation Final Penalty Total \$1,375

This violation Final Assessed Penalty (adjusted for limits) \$1,375

### Economic Benefit Worksheet

**Respondent** A & L Partners, LLC dba Hurst Food Mart  
**Case ID No.** 31345  
**Reg. Ent. Reference No.** RN101539930  
**Media [Statute]** Petroleum Storage Tank  
**Violation No.** 5

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

| Item Description         | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime | EB     |
|--------------------------|-----------|---------------|------------|-----|----------------|---------|--------|
|                          |           |               |            |     |                | Costs   | Amount |
| <b>Delayed Costs</b>     |           |               |            |     |                |         |        |
| Equipment                |           |               |            | 0.0 | \$0            | \$0     | \$0    |
| Buildings                |           |               |            | 0.0 | \$0            | \$0     | \$0    |
| Other (as needed)        |           |               |            | 0.0 | \$0            | \$0     | \$0    |
| Engineering/construction |           |               |            | 0.0 | \$0            | \$0     | \$0    |
| Land                     |           |               |            | 0.0 | \$0            | n/a     | \$0    |
| Record Keeping System    |           |               |            | 0.0 | \$0            | n/a     | \$0    |
| Training/Sampling        |           |               |            | 0.0 | \$0            | n/a     | \$0    |
| Remediation/Disposal     |           |               |            | 0.0 | \$0            | n/a     | \$0    |
| Permit Costs             |           |               |            | 0.0 | \$0            | n/a     | \$0    |
| Other (as needed)        |           |               |            | 0.0 | \$0            | n/a     | \$0    |

Notes for DELAYED costs

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

|                               |       |             |             |     |       |       |       |
|-------------------------------|-------|-------------|-------------|-----|-------|-------|-------|
| Disposal                      |       |             |             | 0.0 | \$0   | \$0   | \$0   |
| Personnel                     |       |             |             | 0.0 | \$0   | \$0   | \$0   |
| Inspection/Reporting/Sampling |       |             |             | 0.0 | \$0   | \$0   | \$0   |
| Supplies/equipment            |       |             |             | 0.0 | \$0   | \$0   | \$0   |
| Financial Assurance [2]       |       |             |             | 0.0 | \$0   | \$0   | \$0   |
| ONE-TIME avoided costs [3]    |       |             |             | 0.0 | \$0   | \$0   | \$0   |
| Other (as needed)             | \$750 | 10-Jul-2003 | 10-Jul-2006 | 3.0 | \$113 | \$750 | \$863 |

Notes for AVOIDED costs Estimated cost to conduct the required annual and triennial tests. The Date Required is the three year period preceding the investigation. The Final Date is the investigation date.

Approx. Cost of Compliance **\$750** **TOTAL** **\$863**

Screening Date 27-Sep-2006 MartPCW-A&L-revised May 2007.gpw Docket No. 2006-1844-PST-E

PCW

Respondent A & L Partners, LLC dba Hurst Food Mart

Policy Revision 2 (September 2002)

Case ID No. 31345

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539930

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code § 115.242(3)(J) and (9)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain all components of the Stage II vapor recovery system in proper operating condition as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system. Specifically, the respondent did not repair or replace the broken Stage I dry break to insure the proper operations of the Stage I equipment. The respondent also failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II Vapor Recovery System.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 10%     |
| Potential |       | X        |       |         |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       |         |

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

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

|                                |              |   |
|--------------------------------|--------------|---|
| mark only one<br>use a small x | daily        |   |
|                                | monthly      |   |
|                                | quarterly    | X |
|                                | semiannual   |   |
|                                | annual       |   |
|                                | single event |   |

Violation Base Penalty \$1,000

One quarterly event is recommended for the period from the July 10, 2006 investigation date to August 10, 2006 compliance date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$550

This violation Final Assessed Penalty (adjusted for limits) \$550

Mart\PCW-A&L-revised May 2007.opw  
**Economic Benefit Worksheet**

**Respondent** A & L Partners, LLC dba Hurst Food Mart  
**Case ID No.** 31345  
**Reg. Ent. Reference No.** RN101539930  
**Media [Statute]** Petroleum Storage Tank  
**Violation No.** 6

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
|                          |           |               |             |     |                |               |           |
| <b>Delayed Costs</b>     |           |               |             |     |                |               |           |
| 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)        | \$500     | 10-Jul-2006   | 10-Aug-2006 | 0.1 | \$2            | n/a           | \$2       |

Notes for DELAYED costs: Estimated cost to repair the Stage II dry break. Date required is the date of the investigation. Final date is the date of compliance.

| <b>Avoided Costs</b>          |  | 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**

Mart\PCW-A&L-revised May 2007.gpw

**Screening Date** 27-Sep-2006

**Docket No.** 2006-1844-PST-E

**PCW**

**Respondent** A & L Partners, LLC dba Hurst Food Mart

Policy Revision 2 (September 2002)

**Case ID No.** 31345

PCW Revision May 19, 2005

**Reg. Ent. Reference No.** RN101539930

**Media [Statute]** Petroleum Storage Tank

**Enf. Coordinator** Shontay Wilcher

**Violation Number** 7

**Primary Rule Cite(s)** 30 Tex. Admin. Code §§ 115.222(3) and 115.242(4)

**Secondary Rule Cite(s)** Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
Failed to prevent the release of gasoline vapors from the Stage II vapor recovery system. Specifically, the investigator observed and smelled gasoline vapors from the locking ring around the drop tube on tank no. 1 at the Station.

**Base Penalty** \$10,000

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

|         |           | Harm  |          |       |             |
|---------|-----------|-------|----------|-------|-------------|
| Release |           | Major | Moderate | Minor |             |
| OR      | Actual    |       |          | X     | Percent 10% |
|         | Potential |       |          |       |             |

>> **Programmatic Matrix**

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       |         |

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** -\$9,000

**Base Penalty Subtotal** \$1,000

**Violation Events**

**Number of Violation Events** 1

|                                |              |   |
|--------------------------------|--------------|---|
| mark only one<br>use a small x | daily        |   |
|                                | monthly      |   |
|                                | quarterly    | X |
|                                | semiannual   |   |
|                                | annual       |   |
|                                | single event |   |

**Violation Base Penalty** \$1,000

One quarterly event is recommended for the period from the July 10, 2006 investigation date to August 10, 2006 compliance date.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$2

**Violation Final Penalty Total** \$550

**This violation Final Assessed Penalty (adjusted for limits)** \$550

### Economic Benefit Worksheet

**Respondent** A & L Partners, LLC dba Hurst Food Mart  
**Case ID No.** 31345  
**Reg. Ent. Reference No.** RN101539930  
**Media [Statute]** Petroleum Storage Tank  
**Violation No.** 7

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

| Item Description         | Item Cost | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------|---------------|-------------|-----|----------------|---------------|-----------|
| <b>Delayed Costs</b>     |           |               |             |     |                |               |           |
| 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)        | \$500     | 10-Jul-2006   | 10-Aug-2006 | 0.1 | \$2            | n/a           | \$2       |

Notes for DELAYED costs: Estimated cost to repair the drop tubes of the Stage II vapory recovery system. The Date Required is the date of the investigation. The Final Date is the date of compliance.

| Avoided Costs                 | ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) |               |            |     |                |               |           |
|-------------------------------|--|---------------|------------|-----|----------------|---------------|-----------|
| Item                          | Item Cost  | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
| 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

# Compliance History

|   |  |                         |                     |
|---|--|-------------------------|---------------------|
| Customer/Respondent/Owner-Operator:           | CN603082686    A & L PARTNERS, LLC     | Classification: AVERAGE | Rating: 0.60        |
| Regulated Entity:                             | RN101539930    HURST FOOD MART         | Classification: AVERAGE | Site Rating: 0.60   |
| ID Number(s):                                 | PETROLEUM STORAGE TANK<br>REGISTRATION | REGISTRATION            | 44476               |
| Location:                                     | 1401 W HURST BLVD, HURST, TX, 76053    | Rating Date: 9/1/2006   | Repeat Violator: NO |
| TCEQ Region:                                  | REGION 04 - DFW METROPLEX              |                         |                     |
| Date Compliance History Prepared:             | November 10, 2006                      |                         |                     |
| Agency Decision Requiring Compliance History: | Enforcement                            |                         |                     |
| Compliance Period:                            | November 10, 2001 to November 10, 2006 |                         |                     |

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

Name: Shontay Wilcher Phone: (512) 239-2136

## 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 | 08/26/2002 | (9187)   |
| 2 | 12/03/2002 | (15080)  |
| 3 | 08/15/2006 | (497626) |
| 4 | 09/07/2006 | (510710) |
| 5 | 09/07/2006 | (486161) |
| 6 | 10/10/2003 | (251564) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 

|                  |  |                          |
|------------------|--|--------------------------|
| Date: 08/26/2002 | (9187)   |                          |
| Self Report?     | NO   | Classification: Moderate |
| Citation:        | 30 TAC Chapter 115, SubChapter C 115.245(3)[G]   |                          |
| Description:     | Failure to successfully verify proper operation of the Stage II equipment at least every five years. |                          |
- 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  
A & L PARTNERS, LLC DBA  
HURST FOOD MART  
RN101539930

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1844-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 A & L Partners, LLC dba Hurst Food Mart ("A & L") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and A & L appear before the Commission and together stipulate that:

1. A & L owns and operates a convenience store with retail sales of gasoline located at 1401 West Hurst Boulevard, Hurst, Tarrant 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. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and A & L agree that the Commission has jurisdiction to enter this Agreed Order, and that A & L is subject to the Commission's jurisdiction.
4. A & L received notice of the violations alleged in Section II ("Allegations") on or about September 12, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by A & L of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of five thousand five hundred dollars (\$5,500.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

7. A & L has paid one thousand seven hundred fifty dollars (\$1,750.00) of the administrative penalty. The remaining amount of three thousand seven hundred fifty dollars (\$3,750.00) of the administrative penalty shall be paid in **twenty-four (24) monthly installments of one hundred fifty-six dollars and twenty-five cents (\$156.25)** each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If A & L 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, A & L's failure to meet the payment schedule of this Agreed Order constitutes the failure by A & L to timely and satisfactorily comply with all of the terms of this Agreed Order.
8. 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.
9. The Executive Director of the TCEQ and A & L have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. The Executive Director recognizes that A & L has implemented the following corrective measures at the Station in response to this enforcement action:
  - a. Had the line leak detectors tested on July 11, 2006, implemented a release detection method for the UST and the pressurized piping associated with the UST on August 10, 2006, and began conducting monthly inventory control procedures.
  - b. Began conducting daily and monthly inspections of Stage II Vapor Recovery System.
  - c. Ensured that a Stage II representative made aware to current employees the purposes and correct operating procedures for the Stage II Vapor Recovery System.
  - d. Began maintaining at the Station all required Stage II records.
  - e. Had the Stage II equipment, including the vapor recovery system, tested on July 11, 2006.
  - f. Had the Stage I dry break replaced and conspicuously posted the operating instructions on the front of each gasoline dispensing pump equipped with a Stage II Vapor Recovery System on July 11, 2006.
  - g. Replaced the locking ring around the drop tube on tank no. 1 on August 10, 2006.

11. 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 A & L has not complied with one or more of the terms or conditions in this Agreed Order.
12. 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.
13. 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

1. A & L is alleged to have violated:
  - a. 30 TEX. ADMIN. CODE § 334.50(b)(1)(A), (b)(2), (b)(2)(A)(i)(III), and (d)(1)(B), and TEX. WATER CODE § 26.3475(a) and (c)(1), by failing to monitor its USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); failing to accurately conduct manual or automatic monthly inventory control procedure for all USTs; failing to monitor the pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system; and failing to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the Station received failing automatic tank gauge ("ATG") test results for the USTs on a monthly basis; did not properly conduct manual or automatic inventory control procedures in conjunction with the ATG as a method of release detection; did not conduct the annual pipe tightness test for the USTs; and did not conduct the annual line leak detector tests for all USTs at the Station.
  - b. 30 TEX. ADMIN. CODE § 115.244(1) and (3), and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to conduct daily and monthly inspections of the Stage II vapor recovery system. Specifically, A & L did not conduct daily inspections of the Stage II vapor recovery system, and did not conduct monthly inspections of the pressure/vacuum relief valves, vapor check valves, or Stage I dry breaks.
  - c. 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085.(b), by failing to ensure that at least one station representative received training and instruction in the operation and maintenance of the Stage II vapor recovery system. Specifically, the Station did not have a trained Stage II representative.

- d. 30 TEX. ADMIN. CODE § 115.246(1) and (3) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain all required Stage II records at the Station and failing to make the records immediately available for review upon request by agency personnel. Specifically, the respondent did not maintain a copy of the California Air Board (“CARB”) Executive Order(s) or the maintenance records for the Stage II vapor recovery system.
- e. 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to conduct the required annual and triennial testing to verify proper operation of the Stage II equipment. Specifically, A & L did not conduct annual testing for operability of the Stage II equipment and the triennial testing of the Stage II vapor recovery system at the Station.
- f. 30 TEX. ADMIN. CODE § 115.242(3)(J) and (9), and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain all components of the Stage II vapor recovery system in proper operating condition as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system. Specifically, the respondent did not repair or replace the broken Stage I dry break to insure the proper operations of the Stage I equipment. The respondent also failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II Vapor Recovery System.
- g. 30 TEX. ADMIN. CODE §§ 115.222(3) and 115.242(4), and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to prevent the release of gasoline vapors from the Stage II vapor recovery system. Specifically, the investigator observed and smelled gasoline vapors from the locking ring around the drop tube on tank no. 1 at the Station.

### III. DENIALS

- 1. A & L generally denies each allegation in Section II (“Allegations”).

### IV. ORDERING PROVISIONS

- 1. It is, therefore, ordered by the TCEQ that A & L pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and A & L’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: A & L Partners, LLC dba Hurst Food Mart, Docket No. 2006-1844-PST-E” to:

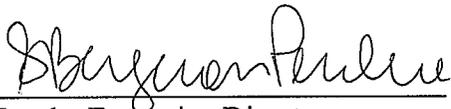
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon A & L.
3. This Agreed Order, issued by the Commission, shall not be admissible against A & L in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to A & L, or three days after the date on which the Commission mails notice of the Order to A & L, 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

8/22/08

\_\_\_\_\_  
Date

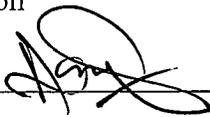
I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, 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 A & L's failure to timely pay the penalty amount, may result in:

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

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution

\_\_\_\_\_  
Signature



\_\_\_\_\_  
Date

6-18-08

ABDUL LASIC  
Name (Printed or typed)

Authorized representative of  
A & L Partners, LLC dba Hurst Food Mart

\_\_\_\_\_  
Title

operator / PRESIDENT  
