

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0305-PST-E TCEQ ID: RN101634889 CASE NO.: 28538

RESPONDENT NAME: TEXAS MALIK ENTERPRISES, INC. DBA KC 2 GROCERY STORE

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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: 2312 North Sylvania Avenue, Fort Worth, Tarrant County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on December 10, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Judy Kluge, Waste Enforcement Section, MC R-4, (817) 588-5825 TCEQ Regional Contact: Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903 Respondent: Mr. Jehad Alhwail, President, Texas Malik Enterprises, Inc. 2312 North Sylvania Avenue, Fort Worth, Texas 76111 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: November 13, 2006</p> <p>Date of NOE Relating to this Case: February 5, 2007 (NOE)</p> <p>Background Facts:</p> <p>The EDPRP was filed May 22, 2007. Settlement was achieved and a signed Agreed Order was received on August 1, 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 keep on file and make available for review the required records for the Station [30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE §382.085(b)].</p> <p>2. Failed to verify operation of the stage II equipment at least once every 12 months or upon major system replacement or modification [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$3,850</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid/Due to General Revenue: \$1,284.00/ \$2,566.00</p> <p>The Respondent has paid \$1,284 of the administrative penalty. The remaining amount of \$2,566 of the administrative penalty shall be payable in two monthly payments of \$1,283 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" 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>Findings Order Justification: The Respondent has demonstrated an indifference to legal duty.</p>	<p>Corrective Action:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures:</p> <ol style="list-style-type: none"> Had the Stage II equipment tested on December 5, 2006; and Provided the TCEQ Dallas-Fort Worth Regional Office with the required records for the Station.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	13-Feb-2007	Screening	22-Feb-2007	EPA Due	
	PCW	1-Aug-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Texas Malik Enterprises, Inc. dba KC2 Grocery Store
Reg. Ent. Ref. No.	RN101634889
Facility/Site Region	11-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	28538	No. of Violations	2
Docket No.	2007-0305-PST-E	Order Type	Findings
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Sandy VanCleave
Multi-Media		EC's Team	Order Compliance Team
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	35% Enhancement	Subtotals 2, 3, & 7	\$1,225
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Notes: The Respondent received one NOV for the same violations as those addressed in this enforcement action, one agreed final enforcement order that contains a denial of liability, and has a "Poor" compliance history rating.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$875
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent achieved compliance on December 5, 2006.

Total EB Amounts	\$1,652	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$1,600	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,850
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OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$3,850
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,850
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$3,850
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Screening Date 22-Feb-2007

Docket No. 2007-0305-PST-E

PCW

Respondent Texas Malik Enterprises, Inc. dba KC2 Grocery Store

Policy Revision 2 (September 2002)

Case ID No. 28538

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101634889

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Sandy VanCleave

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)	1	20%
	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) 25%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

The Respondent received one NOV for the same violations as those addressed in this enforcement action, one agreed final enforcement order that contains a denial of liability, and has a "Poor" compliance history rating.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Compliance History

Customer/Respondent/Owner-Operator:	CN600877799 Texas Malik Enterprises, Inc.	Classification: POOR	Rating: 66.50
Regulated Entity:	RN101634889 KC 2 GROCERY STORE	Classification: POOR	Site Rating: 66.50
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	34066
Location:	2312 N SYLVANIA AVE, FORT WORTH, TX, 76111	Rating Date: 9/1/2006	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	March 09, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 09, 2002 to March 09, 2007		

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

Name: Sandy VanCleave Phone: (512) 239-2670

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Texas Malik Enterprises, Inc.
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.

- | | |
|--|----------------------------|
| Effective Date: 08/28/2006 | ADMINORDER 2006-0245-PST-E |
| Classification: Moderate | |
| Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1) | |
| 30 TAC Chapter 334, SubChapter C 334.50(a)(1)(A) | |
| Description: Failed to have a method of release detection which was capable of detecting a release from any portion of the UST system. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 334, SubChapter C 334.48(c) | |
| Description: Failed to conduct effective manual or automatic inventory control procedure for all USTs at the Station. | |
| Classification: Major | |
| Citation: 2D TWC Chapter 26, SubChapter A 26.3467(a) | |
| 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i) | |
| Description: Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs at the Station. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)[G] | |
| 5C THC Chapter 382, SubChapter D 382.085(b) | |
| Description: Failed to maintain the Stage II vapor recovery system in proper operating condition. | |
| Classification: Moderate | |
| Citation: 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(B)(ii) | |
| Description: Failed to timely renew a previously issued TCEQ delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date of the delivery certificate. | |

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 | 05/28/2004 | (269482) |
| 2 | 06/23/2004 | (276604) |
| 3 | 02/15/2006 | (453843) |
| 4 | 12/21/2006 | (519289) |

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

Date: 05/28/2004 (269482)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)

Description: Failure to successfully conduct triennial testing within the last 36 months and annual testing within the last 12 months. At the time of the investigation, TXP-101, Vapor Space Manifold and TXP-103, Dynamic Backpressure compliance testing had not been successfully completed at the facility within the past 36 months as

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)[G]

Description: Failure to maintain the Stage II system in proper operating condition, as specified by the allowable pressure decay values listed in the applicable CARB Executive Order. At the time of the investigation on April 14, 2004, the TXP-102 Pressure Decay was observed to "fail" due to a vapor leak discovered at the leak dete

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
TEXAS MALIK ENTERPRISES,
INC. DBA KC 2 GROCERY STORE;
RN101634889

§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2007-0305-PST -E**

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Malik Enterprises, Inc. dba KC 2 Grocery Store ("Texas Malik") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Texas Malik presented this agreement to the Commission.

Texas Malik understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Texas Malik agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Texas Malik.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Texas Malik owns and operates a convenience store with retail sales of gasoline located at 2312 North Sylvania Avenue, Fort Worth, Tarrant County, Texas (the "Station").
2. Texas Malik's seven underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. During an investigation conducted on November 13, 2006, Fort Worth Department of Environmental Management ("FWDEM") investigators documented that Texas Malik:
 - a. Failed to keep on file and make available for review the required records for the Station. Specifically, the Station failed to provide the following Stage II records upon request by an authorized representative of FWDEM: daily inspection records, facility representative certificate, employee training records, annual test results, triennial test results, maintenance records, and a copy of the California Air Resources Board ("CARB") Executive Order; and
 - b. Failed to verify operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification, whichever occurs first. Specifically, the Station had not performed the annual Stage II testing, which was due in May 2006.
4. Texas Malik received notice of the violations alleged in Section II ("Allegations") on or about December 23, 2006.
5. The Executive Director recognizes that, in response to this enforcement action, Texas Malik has implemented the following corrective measures at the Station:
 - a. Had the Stage II equipment tested on December 5, 2006; and
 - b. Provided the TCEQ Dallas-Fort Worth Regional Office with the required records for the Station.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Texas Malik is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a. Texas Malik failed to keep on file and make available for review the required records for the Station, in violation of 30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 3.b. Texas Malik failed to verify operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification, whichever occurs first, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).

4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Texas Malik for violations of the Texas Health & Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of three thousand eight hundred fifty dollars (\$3,850.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Texas Malik has paid **one thousand two hundred eighty-four dollars (\$1,284.00)** of the administrative penalty. The remaining amount of two thousand five hundred sixty-six dollars (\$2,566.00) of the administrative penalty shall be payable in **two (2) monthly payments of one thousand two hundred eighty-three dollars (\$1,283.00) each**. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If Texas Malik 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 Texas Malik to meet the payment schedule of this Agreed Order constitutes the failure by Texas Malik to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Texas Malik is assessed an administrative penalty in the amount of three thousand eight hundred fifty dollars (\$3,850.00), as set forth in Conclusion of Law No. 5, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Texas Malik's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that 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: Texas Malik Enterprises, Inc. dba KC 2 Grocery Store; Docket No. 2007-0305-PST-E; Enforcement ID No. 28538" 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 Texas Malik. Texas Malik is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station referenced in this Agreed Order.
3. If Texas Malik 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, Texas Malik's failure to comply is not a violation of this Agreed Order. Texas Malik shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Texas Malik shall notify the Executive Director within seven days after Texas Malik becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Texas Malik shall be made in writing to the Executive Director. Extensions are not effective until Texas Malik receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Texas Malik if the Executive Director determines that Texas Malik has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. This Agreed Order, issued by the Commission, shall not be admissible against Texas Malik 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.

8. 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.

9. 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 Texas Malik, or three days after the date on which the Commission mails notice of the Order to Texas Malik, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Texas Malik Enterprises, Inc. dba KC 2 Grocery Store
DOCKET NO. 2007-0305-PST-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Handwritten Signature]

11/9/07

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 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 Texas Malik's failure to timely pay the penalty amount, may result in:

- A negative impact on Texas Malik's compliance history;
- Greater scrutiny of any permit applications submitted by Texas Malik;
- 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 Texas Malik;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Texas Malik; 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

[Handwritten Signature]
Signature

8/14/07
Date

Tehad Al-hameel
Name (Printed or typed)

Assistant
Title

Texas Malik Enterprises, Inc. dba KC 2 Grocery Store
August 7, 2007