

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2006-1769-PST-E TCEQ ID: RN102827649 CASE NO.: 31399**  
**RESPONDENT NAME: QUSRA CORPORATION DBA LONE STAR SUPERETTE**

<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
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 24652 Highway 124, Hamshire, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Retail gas service station.</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 14, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Anna M. Cox, Litigation Division, MC 175, (512) 239-0974  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  <b>TCEQ Enforcement Coordinator:</b> Ms. Audra Ruble, Air Enforcement Section, MC R-14, (361) 825-3126  <b>TCEQ Regional Contact:</b> Mr. Keith Anderson, Beaumont Regional Office, MC R-10, (409) 898-3838  <b>Respondent:</b> Mr. Majed Hassan, President, Qusra Corporation dba Lone Star Superette, 24652 Highway 124, Hamshire, Texas 77662 and P.O. Box 600, Hamshire, Texas 77662-0600  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input checked="" type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b>                      N/A</p> <p><b>Dates of Investigation Relating to this Case:</b>                      May 8, 2006 and July 6, 2006</p> <p><b>Dates of NOV/NOE Relating to this Case:</b>                      May 26, 2006 (NOV); August 26, 2006 (NOE)</p> <p><b>Background Facts:</b>                      The EDPRP was filed on July 19, 2007. The Respondent filed an answer on August 28, 2007. The case was referred to SOAH on October 8, 2007. An Agreed Order was signed on November 13, 2007. The case was remanded on December 12, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>PST</b></p> <p>1. Failed to verify proper operation of the Stage II equipment at least once every 12 months and failed to verify Vapor Space Manifolding and Dynamic Pressure Performance at least once every 36 months [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p> <p>3. Failed to monitor the UST system for releases at least once per month and failed to reconcile inventory control records on a monthly basis with sufficient accuracy to detect a release which equals or exceeds the sum of 1% of the flow through plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and (d)(1)(B)(ii) and TEX. WATER CODE § 26.3745(a)].</p>	<p><b>Total Assessed:</b> \$11,250</p> <p><b>Total Paid/Due to General Revenue:</b>                      \$400/\$10,850</p> <p>Respondent has paid \$400 of the administrative penalty. The remaining amount of \$10,850 of the administrative penalty shall be payable in 35 monthly payments of \$310 each.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <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>Technical Requirement(s):</b></p> <p>The Respondent shall implement the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Immediately, begin maintaining all Stage II equipment and records.</li> <li>2. Within 30 days,                         <ol style="list-style-type: none"> <li>a. Conspicuously post a legible and clear description of operation instructions on the front of each gasoline dispensing pump equipped with Stage II Vapor Recovery Systems.</li> <li>b. Conduct successful pressure decay, vapor space manifolding, and dynamic pressure performance testing for the Stage II Vapor Recovery System.</li> <li>c. Submit documentation that demonstrates acceptable financial assurance.</li> <li>d. Install or implement a release detection system for the UST system and begin conducting effective manual or automatic inventory control procedures for all USTs.</li> </ol> </li> </ol>

**VIOLATION SUMMARY CHART:**

<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p>4. Failed to operate the Stage II system in accordance with the California Air Resources Board Executive Order, and failing to post operating instructions conspicuously on the front of each dispenser [30 TEX. ADMIN. CODE § 115.242(3) and (9) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	05-Sep-2006	<b>Screening</b>	04-Oct-2006	<b>EPA Due</b>	
	<b>PCW</b>	18-May-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Qusra Corporation dba Lone Star Superette
<b>Reg. Ent. Ref. No.</b>	RN102827649
<b>Facility/Site Region</b>	10-Beaumont <
<b>Major/Minor Source</b>	Minor Source <

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	31399	<b>No. of Violations</b>	4
<b>Docket No.</b>	2006-1769-PST-E	<b>Order Type</b>	1660 <
<b>Media Program(s)</b>	Petroleum Storage Tank <	<b>Enf. Coordinator</b>	Audra L. Ruble
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 5 <
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$9,000

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

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

**Compliance History** 25% Enhancement **Subtotals 2, 3, & 7** \$2,250

**Notes** The Respondent has received one NOV for the same or similar violations and one 1660 Agreed Order (Docket No. 2002-0578-PST-E) effective April 13, 2003.

**Culpability** No < 0% Enhancement **Subtotal 4** \$0

**Notes** The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction **Subtotal 5** \$0

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

**Notes** The Respondent is not yet in compliance.

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

<b>Total EB Amounts</b>	\$4,963	*Capped at the Total EB \$ Amount
<b>Approx. Cost of Compliance</b>	\$5,450	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$11,250

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

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

**Notes**

**Final Penalty Amount** \$11,250

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$11,250

**DEFERRAL** **Reduction** **Adjustment** \$0

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

**Notes** Deferral removed because settlement was not achieved through the expedited process.

**PAYABLE PENALTY** \$11,250

<b>Screening Date</b> 04-Oct-2006	<b>Docket No.</b> 2006-1769-PST-E	<b>PCW</b>
<b>Respondent</b> Qusra Corporation dba Lone Star Superette	Policy Revision 2 (September 2002)	
<b>Case ID No.</b> 31399	PCW Revision May 19, 2005	
<b>Reg. Ent. Reference No.</b> RN102827649		
<b>Media [Statute]</b> Petroleum Storage Tank		
<b>Enf. Coordinator</b> Audra L. Ruble		

**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 ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	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 ( <i>number of counts</i> )	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 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	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)** 25%

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

**Adjustment Percentage (Subtotal 3)** 0%

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

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes** The Respondent has received one NOV for the same or similar violations and one 1660 Agreed Order (Docket No. 2002-0578-PST-E) effective April 13, 2003.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

<b>Screening Date</b>	04-Oct-2006	<b>Docket No.</b>	2006-1769-PST-E	<b>PCW</b>
<b>Respondent</b>	Qusra Corporation dba Lone Star Superette		<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b>	31399	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN102827649			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Audra L. Ruble			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 115.245(2)			
<b>Secondary Rule Cite(s)</b>	Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failure to verify proper operation of the Stage II equipment at least once every 12 months and failure to verify Vapor Space Manifolding and Dynamic Pressure Performance at least once every 36 months, as documented during an investigation conducted on July 6, 2006.			
<b>Base Penalty</b>			\$10,000	

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>Harm</b>					
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
<b>OR</b>	Actual				
	Potential	X			<b>Percent</b> <span style="border: 1px solid black; padding: 0 10px;">25%</span>
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid black; padding: 0 10px;"></span>
<b>Matrix Notes</b>	Human health and/or the environment could be exposed to a significant amount of pollutants as a result of the violations.				
<b>Adjustment</b>			-\$7,500		

<b>Base Penalty Subtotal</b>	\$2,500
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<b>Violation Events</b>				
Number of Violation Events		1		
<i>mark only one use a small x</i>	daily			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	X		
<b>Violation Base Penalty</b>			\$2,500	
One single event is recommended.				

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <span style="border: 1px solid black; padding: 0 10px;">\$2,875</span>	Violation Final Penalty Total <span style="border: 1px solid black; text-align: right;">\$3,125</span>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$3,125	

### Economic Benefit Worksheet

**Respondent:** Qusra Corporation dba Lone Star Superette  
**Case ID No.:** 31399  
**Reg. Ent. Reference No.:** RN102827649  
**Media [Statute]:** Petroleum Storage Tank  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				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)	\$2,500	06-Jul-2003	06-Jul-2006	3.0	\$375	\$2,500	\$2,875

Notes for AVOIDED costs

Estimated cost to perform required testing and make repairs to the Stage II system.

Approx. Cost of Compliance \$2,500

**TOTAL** \$2,875

<b>Screening Date</b>	04-Oct-2006	<b>Docket No.</b>	2006-1769-PST-E	<b>PCW</b>
<b>Respondent</b>	Qusra Corporation dba Lone Star Superette			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	31399			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN102827649			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Audra L. Ruble			
<b>Violation Number</b>	2			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 37.815(a) and (b)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failure to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, as documented during an investigation conducted on July 6, 2006.			
	<b>Base Penalty</b>	\$10,000		

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> 10%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
					<b>Adjustment</b> -\$9,000

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

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	X

**Violation Base Penalty** \$3,000

Three single events (one per tank) are recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$2,048"/>	Violation Final Penalty Total <input type="text" value="\$3,750"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$3,750"/>	

### Economic Benefit Worksheet

**Respondent:** Qusra Corporation dba Lone Star Superette  
**Case ID No.:** 31399  
**Reg. Ent. Reference No.:** RN102827649  
**Media [Statute]:** Petroleum Storage Tank  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]	\$1,950	15-Jan-2006	06-Jul-2006	1.0	\$98	\$1,950	\$2,048
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide financial assurance for the petroleum USTs from the date the policy expired to the date of the investigation.

Approx. Cost of Compliance \$1,950

**TOTAL** \$2,048

<b>Screening Date</b> 04-Oct-2006	<b>Docket No.</b> 2006-1769-PST-E	<b>PCW</b>
<b>Respondent</b> Qusra Corporation dba Lone Star Superette	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 31399	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN102827649		
<b>Media [Statute]</b> Petroleum Storage Tank		
<b>Enf. Coordinator</b> Audra L. Ruble		
<b>Violation Number</b> <input type="text" value="3"/>		
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 334.50(a)(1)(A) and 334.50(d)(1)(B)(ii)"/>	
<b>Secondary Rule Cite(s)</b>	<input type="text" value="Tex. Water Code § 26.3475(a)"/>	
<b>Violation Description</b>	<div style="border: 1px solid black; padding: 5px;">                     Failure to monitor the UST system for releases at least once per month and failure to reconcile inventory control records on a monthly basis with sufficient accuracy to detect a release which equals or exceeds the sum of 1% of the flow through plus 130 gallons, as documented during an investigation conducted on July 6, 2006. Specifically, the facility was not submitting their inventory control records for monthly SIR.                 </div>	

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

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

**Violation Base Penalty**

One quarterly event is recommended from investigation (July 6, 2006) through screening (October 4, 2006).

**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:** Qusra Corporation dba Lone Star Superette  
**Case ID No.:** 31399  
**Reg. Ent. Reference No.:** RN102827649  
**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
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	06-Jul-2006	01-May-2007	0.8	\$41	n/a	\$41

Notes for DELAYED costs: Estimated cost to submit inventory records monthly for SIR. Date required is the date of the investigation and final date is when compliance is expected to be achieved.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$1,000

**TOTAL** \$41

<b>Screening Date</b> 04-Oct-2006	<b>Docket No.</b> 2006-1769-PST-E	<b>PCW</b>												
<b>Respondent</b> Qusra Corporation dba Lone Star Superette	<i>Policy Revision 2 (September 2002)</i>													
<b>Case ID No.</b> 31399	<i>PCW Revision May 19, 2005</i>													
<b>Reg. Ent. Reference No.</b> RN102827649														
<b>Media [Statute]</b> Petroleum Storage Tank														
<b>Enf. Coordinator</b> Audra L. Ruble														
<b>Violation Number</b> <input type="text" value="4"/>														
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 115.242(3) and (9)"/>													
<b>Secondary Rule Cite(s)</b>	<input type="text" value="Tex. Health &amp; Safety Code § 382.085(b)"/>													
<b>Violation Description</b>	<div style="border: 1px solid black; padding: 5px;">                     Failure to operate the Stage II system in accordance with the CARB Executive Order, and failure to post operating instructions conspicuously on the front of each dispenser, as documented during an investigation conducted on July 6, 2006. Specifically, it was determined that the regular tank was not manifolded with the super tank and neither the drop tubes nor the #1 nozzle located on the southeastern dispenser were vapor tight.                 </div>													
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>												
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
<b>Harm</b>														
<b>Release</b>	Major	Moderate	Minor											
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>											
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>											
		<b>Percent</b>	<input type="text" value="10%"/>											
<b>&gt;&gt; Programmatic Matrix</b>														
<b>Falsification</b>														
Major	Moderate	Minor												
<input type="text"/>	<input type="text"/>	<input type="text"/>												
		<b>Percent</b>	<input type="text"/>											
<b>Matrix Notes</b>	Human health and/or the environment could be exposed to a significant amount of pollutants as a result of the violations.													
<b>Adjustment</b>		<input type="text" value="- \$9,000"/>												
<b>Base Penalty Subtotal</b>		<input type="text" value="\$1,000"/>												
<b>Violation Events</b>														
<b>Number of Violation Events</b>		<input type="text" value="1"/>												
<i>mark only one use a small x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td style="text-align: center;"><i>daily</i></td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;"><i>monthly</i></td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;"><i>quarterly</i></td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="text-align: center;"><i>semiannual</i></td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;"><i>annual</i></td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;"><i>single event</i></td><td style="text-align: center;"><input type="text"/></td></tr> </table>	<i>daily</i>	<input type="text"/>	<i>monthly</i>	<input type="text"/>	<i>quarterly</i>	<input checked="" type="checkbox"/>	<i>semiannual</i>	<input type="text"/>	<i>annual</i>	<input type="text"/>	<i>single event</i>	<input type="text"/>	<b>Violation Base Penalty</b>
<i>daily</i>	<input type="text"/>													
<i>monthly</i>	<input type="text"/>													
<i>quarterly</i>	<input checked="" type="checkbox"/>													
<i>semiannual</i>	<input type="text"/>													
<i>annual</i>	<input type="text"/>													
<i>single event</i>	<input type="text"/>													
		<input type="text" value="\$1,000"/>												
One quarterly event is recommended from investigation (July 6, 2006) through screening (October 4, 2006).														
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>												
<b>Estimated EB Amount</b>		<input type="text" value="\$0"/>												
		<b>Violation Final Penalty Total</b>												
		<input type="text" value="\$1,250"/>												
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$1,250"/>												

### Economic Benefit Worksheet

Respondent: Qusra Corporation dba Lone Star Superette  
 Case ID No. 31399  
 Reg. Ent. Reference No. RN102827649  
 Media [Statute] Petroleum Storage Tank  
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				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

Economic benefit is addressed under Violation 1.

**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 \$0

**TOTAL** \$0



Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(J)

Description: Failure to maintain the Stage II vapor recovery system in proper operating condition, and free of defects that would impair the effectiveness of the system, including pressure/vacuum relief valves, vapor check valves, or Stage I dry breaks that are inoperative or defective.

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  
QUSRA CORPORATION DBA  
LONE STAR SUPERETTE  
RN102827649

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1769-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 Qusra Corporation dba Lone Star Superette ("Qusra") 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 Qusra, appear before the Commission and together stipulate that:

1. Qusra owns and operates a retail gas service station located at 24652 Highway 124, Hamshire, Jefferson County, Texas (the "Station").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 382, and TCEQ rules.
3. The Commission and Qusra agree that the Commission has jurisdiction to enter this Agreed Order, and that Qusra is subject to the Commission's jurisdiction.
4. Qusra received notice of the violations alleged in Section II ("Allegations") on or about August 29, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Qusra of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of eleven thousand two hundred fifty dollars (\$11,250.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Qusra has paid four hundred dollars (\$400.00) of the administrative penalty. The remaining amount of ten thousand eight hundred fifty dollars (\$10,850.00) of the administrative penalty shall be payable in 35 monthly payments of three hundred ten dollars (\$310.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Qusra 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, Qusra's failure to meet the payment schedule of this Agreed Order constitutes the failure by Qusra to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Qusra have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Qusra has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

Qusra is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to verify proper operation of the Stage II equipment at least once every 12 months and failing to verify Vapor Space Manifolding and Dynamic Pressure Performance at least once every 36 months as documented on July 6, 2006.

2. 30 TEX. ADMIN. CODE § 37.815(a) and (b) by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs as documented on July 6, 2006.
3. 30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and (d)(1)(B)(ii) and TEX. WATER CODE § 26.3745(a) by failing to monitor the UST system for releases at least once per month and failing to reconcile inventory control records on a monthly basis with sufficient accuracy to detect a release which equals or exceeds the sum of 1% of the flow through plus 130 gallons. Specifically the Station was not submitting their inventory control records for monthly statistical inventory reconciliation as documented on July 6, 2006.
4. 30 TEX. ADMIN. CODE § 115.242(3) and (9) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to operate the Stage II system in accordance with the California Air Resources Board Executive Order, and failing to post operating instructions conspicuously on the front of each dispenser. Specifically, it was determined that the regular tank was not manifolded with the super tank and neither the drop tubes nor the #1 nozzle located on the southeastern dispenser were vapor tight as documented on July 6, 2006.

### III. DENIALS

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

### IV. ORDER

1. It is, therefore, ordered by the TCEQ that Qusra pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Qusra’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: Qusra Corporation dba Lone Star Superette, Docket No. 2006-1769-PST” 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. Qusra shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, Qusra shall begin maintaining all Stage II equipment and records in accordance with 30 TEX. ADMIN. CODE §§ 115.241 through 115.249.
  - b. Within 30 days after the effective date of this Agreed Order, Qusra shall;
    - i. Conspicuously post a legible and clear description of operation instructions on the front of each gasoline dispensing pump equipped with Stage II vapor recovery systems, in accordance with 30 TEX. ADMIN. CODE § 115.242;
    - ii. Conduct successful pressure decay, vapor space manifolding, and dynamic pressure performance testing for the State II vapor recovery system, in accordance with 30 TEX. ADMIN. CODE § 115.245;
    - iii. Submit documentation that demonstrates acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, in accordance with 30 TEX. ADMIN. CODE § 37.815 (a) and (b); and
    - iv. Install or implement a release detection system for the UST system and begin conducting effective manual or automatic inventory control procedures for all USTs, in accordance with 30 TEX. ADMIN. CODE § 334.50.
  - c. Within 45 days after the effective date of this Agreed Order, Qusra shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b.iv. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

including the possibility of fine and imprisonment for knowing violations.”

Qusra shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b.iv. to:

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

and

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

3. The provisions of this Agreed Order shall apply to and be binding upon Qusra. Qusra is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
4. If Qusra 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, Qusra's failure to comply is not a violation of this Agreed Order. Qusra shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Qusra shall notify the Executive Director within seven days after Qusra becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Qusra shall be made in writing to the Executive Director. Extensions are not effective until Qusra receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Qusra in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of

this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Qusra, or three days after the date on which the Commission mails notice of the Order to Qusra, 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

1/14/2008  
\_\_\_\_\_  
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 Qusra's failure to timely pay the penalty amount, may result in:

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

11/13/07  
\_\_\_\_\_  
Date

MAJED HASSAN  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
Qusra Corporation dba Lone Star Superette

PRESIDENT  
\_\_\_\_\_  
Title