EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-1321-PST-E **TCEQ ID:** RN101848489 **CASE NO.:** 26415

RESPONDENT NAME: Curtis Hamlin dba H & S Quik Stop

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: H & S Quik Stop, Highway 7 West, Crockett, Houston County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: __X__ **Yes** ___ **No**

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

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 April 7, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Shontay Wilcher, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-2136, Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Mr. Curtis Hamlin, Owner, H & S Quik Stop, Route 2, Box 53Z, Crockett, Texas 75835

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint _X_ Routine ___ Enforcement Follow-up ___ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** May 18, 2005 **Date of NOV/NOE Relating to this Case:** July 12, 2005 (NOE) **Background Facts:** This was a routine investigation. **WASTE** 1) Failed to inspect and test the cathodic protection system for operability and adequacy of protection within three to six months after installation and at a subsequent frequency of at least once every three years [30 TEX. ADMIN. CODE § 334.49(c)(4)(C) and TEX. WATER CODE § 26.3475(d)]. 2) Failed to monitor pressurized piping associated with the underground storage tank ("UST") system in a manner designed to detect releases from any portion of the piping system [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)]. 3) Failed to have the line leak detectors tested at least once per year for performance and operational reliability [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a)]. 4) Failed to reconcile inventory control records on a monthly basis [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1)]. 5) Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel [30 TEX. ADMIN. CODE § 334.48(c)].	**Total Assessed:** $6,750 **Total Deferred:** $1,350 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid (Due) to General Revenue:** $150 (Balance of $5,250 due in 35 monthly payments of $150 each) **Site Compliance History Classification** _X_ **High** ___ **Average** ___ **Poor** **Person Compliance History Classification** _X_ **High** ___ **Average** ___ **Poor** **Major Source:** ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility: a. Tested the cathodic protection system on May 31, 2005, and the system passed; b. Installed and tested a new line leak detector on June 1, 2005. The line leak detector passed; and c. Began conducting inventory control and submitted reconciled inventory control records on October 18, 2005.

Additional ID Nos.: 35942

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

TCEQ

DATES **Assigned** 18-Jul-2005
PCW 17-Aug-2005 **Screening** 11-Aug-2005 **EPA Due**

RESPONDENT/FACILITY INFORMATION

Respondent Curtis Hamlin dba H & S Quik Stop
Reg. Ent. Ref. No. RN101848489
Facility/Site Region 10-Beaumont **Major/Minor Source** Minor Source

CASE INFORMATION

Enf./Case ID No. 26419 **No. of Violations** 3
Docket No. 2005-1321-PST-E **Order Type** 1660
Media Program(s) Petroleum Storage Tank **Enf. Coordinator** Shontay Wilcher
Multi-Media **EC's Team** Enforcement Team 3
Admin. Penalty $ Limit Minimum $0 **Maximum** $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) ***Subtotal 1*** $7,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **-10%** Enhancement ***Subtotals 2, 3, & 7*** -$750

Notes: Ten percent reduction for High Performer Classification.

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 returned to compliance on 10/18/05.

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

**Capped at the Total EB $ Amount*

Total EB Amounts $5
Approx. Cost of Compliance $1,800

SUM OF SUBTOTALS 1-7 **Final Subtotal** $6,750

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 $6,750

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $6,750

DEFERRAL **20%** Reduction **Adjustment** -$1,350

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $5,400

Screening Date 11-Aug-2005 **Docket No.** 2005-1321-PST-E **PCW**

Respondent Curtis Hamlin dba H & S Quik Stop *Policy Revision 2 (September 2002)*

Case ID No. 26419 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101848489

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)*	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government *(number of judgements or consent decrees meeting criteria)*	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	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) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

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

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Ten percent reduction for High Performer Classification.

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

Screening Date 11-Aug-2005 **Docket No.** 2005-1321-PST-E **PCW**

Respondent Curtis Hamlin dba H & S Quik Stop *Policy Revision 2 (September 2002)*

Case ID No. 26419 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101848489

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code § 334.49(c)(4)(C)
Secondary Rule Cite(s)	Tex. Water Code § 26.3475(d)
Violation Description	Failed to inspect and test the cathodic protection system for operability and adequacy of protection within three to six months after installation and at a subsequent frequency of at least once every three years.

Base Penalty $10,000

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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to inspect and test the cathodic protection system 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 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 May 18, 2005 investigation date to May 31, 2005 compliance date.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $2,250

This violation Final Assessed Penalty (adjusted for limits) $2,250

Economic Benefit Worksheet

Respondent Curtis Hamlin dba H & S Quik Stop
Case ID No. 26419
Reg. Ent. Reference No. RN101848489
Media [Statute] Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
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)	$500	18-May-2005	31-May-2005	0.0	$1	n/a	$1

Notes for DELAYED costs: Estimated costs to inspect and test the cathodic protection system. The Date Required is the investigation date and 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: $1

Screening Date 11-Aug-2005 **Docket No.** 2005-1321-PST-E **PCW**

Respondent Curtis Hamlin dba H & S Quik Stop *Policy Revision 2 (September 2002)*

Case ID No. 26419 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101848489

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 2

Primary Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(2), 334.50(b)(2)(A)(i)(III), and 334.50(d)(1)(B)(ii)
Secondary Rule Cite(s)	Tex. Water Code § 26.3475(a) and (c)(1)
Violation Description	Failed to monitor pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system. Also, the Respondent failed to have the line leak detectors tested at least once per year for performance and operational reliability, and failed to reconcile inventory records on a monthly basis.

Base Penalty $10,000

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

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to monitor pressurized piping and to have line leak detectors tested at least once per year 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 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 May 18, 2005 investigation date to June 1, 2005 compliance date.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $2,250

This violation Final Assessed Penalty (adjusted for limits) $2,250

Economic Benefit Worksheet

Respondent Curtis Hamlin dba H & S Quik Stop
Case ID No. 26419
Reg. Ent. Reference No. RN101848489
Media [Statute] Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$1,200	18-May-2005	01-Jun-2005	0.0	$2	n/a	$2
Notes for DELAYED costs	Estimated cost to provide release detection for the UST system. The Date Required is the investigation date and 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 $1,200

TOTAL $2

Screening Date 11-Aug-2005 **Docket No.** 2005-1321-PST-E **PCW**

Respondent Curtis Hamlin dba H & S Quik Stop *Policy Revision 2 (September 2002)*

Case ID No. 26419 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101848489

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.48(c)

Secondary Rule Cite(s)

Violation Description Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel.

Base Penalty $10,000

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

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential	x		

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to conduct inventory control for all USTs could expose human health or the environmental receptors to pollutants which would exceed levels that are protective of human health or the environment.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended based on documentation of the violation during the May 18, 2005 investigation date to the August 11, 2005 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount $2

Statutory Limit Test

Violation Final Penalty Total $2,250

This violation Final Assessed Penalty (adjusted for limits) $2,250

Economic Benefit Worksheet

Respondent Curtis Hamlin dba H & S Quik Stop
Case ID No. 26419
Reg. Ent. Reference No. RN101848489
Media [Statute] Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$100	18-May-2005	18-Oct-2005	0.4	$2	n/a	$2
Notes for DELAYED costs	Estimated personnel costs for conducting inventory control for all USTs. Date Required is the date of the investigation and 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 $100

TOTAL $2

Compliance History

Customer/Respondent/Owner-Operator:	CN602301822	HAMLIN, CURTIS	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN101848489	H & S QUIK STOP	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	35942
Location:	HWY 7 WEST, CROCKETT, TX, 75835		Rating Date: September 01 05	
TCEQ Region:	REGION 10 - BEAUMONT		Repeat Violator: NO	
Date Compliance History Prepared:	09/23/05			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	September 16, 2000 to September 16, 2005			

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 07/12/05 (392822)

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

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
CURTIS HAMLIN DBA H & S QUIK	§	**TEXAS COMMISSION ON**
STOP	§	
RN101848489	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2005-1321-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Curtis Hamlin dba H & S Quik Stop ("Mr. Hamlin") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Hamlin appear before the Commission and together stipulate that:

1. Mr. Hamlin owns and operates a convenience store with retail sales of gasoline at Highway 7 West in Crockett, Houston County, Texas (the "Facility").

2. Mr. Hamlin's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.

3. The Commission and Mr. Hamlin agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Hamlin is subject to the Commission's jurisdiction.

4. Mr. Hamlin received notice of the violations alleged in Section II ("Allegations") on or about July 17, 2005.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Hamlin of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Six Thousand Seven Hundred Fifty Dollars ($6,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Hamlin has paid One Hundred Fifty Dollars ($150) of the administrative penalty and One Thousand Three Hundred Fifty Dollars ($1,350) is deferred contingent upon Mr. Hamlin's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Hamlin fails to timely and

satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Mr. Hamlin to pay all or part of the deferred penalty.

The remaining amount of Five Thousand Two Hundred Fifty Dollars ($5,250) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Fifty Dollars ($150) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Mr. Hamlin fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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 Mr. Hamlin to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Hamlin to timely and satisfactorily comply with all 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 Mr. Hamlin have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director recognizes that Mr. Hamlin has implemented the following corrective measures at the Facility:

   a. Tested the cathodic protection system on May 31, 2005 and the system passed;

   b. Installed and tested a new line leak detector on June 1, 2005. The line leak detector passed; and

   c. Began conducting inventory control and submitted reconciled inventory control records on October 18, 2005.

10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Hamlin has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Hamlin is alleged to have:

1. Failed to inspect and test the cathodic protection system for operability and adequacy of protection within three to six months after installation and at a subsequent frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(4)(C) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on May 18, 2005.

2. Failed to monitor pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on May 18, 2005.

3. Failed to have the line leak detectors tested at least once per year for performance and operational reliability, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on May 18, 2005.

4. Failed to reconcile inventory control records on a monthly basis, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on May 18, 2005.

5. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel, in violation of 30 TEX. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on May 18, 2005.

III. DENIALS

Mr. Hamlin generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Hamlin pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Mr. Hamlin'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 requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Curtis Hamlin dba H & S Quik Stop, Docket No. 2005-1321-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 Mr. Hamlin. Mr. Hamlin is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

3. If Mr. Hamlin 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, Mr. Hamlin's failure to comply is not a violation of this Agreed Order. Mr. Hamlin shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Hamlin shall notify the Executive Director within seven days after Mr. Hamlin 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 Mr. Hamlin shall be made in writing to the Executive Director. Extensions are not effective until Mr. Hamlin receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Hamlin 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.

6. 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.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Hamlin, or three days after the date on which the Commission mails notice of the Order to Mr. Hamlin, 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

Date 4/16/2008

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Curtis Hamlin
Signature

Date 12/21/07

CURTIS HAMLIN
Name (Printed or typed)
Authorized Representative of
Curtis Hamlin dba H & S Quik Stop

OWNER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.