

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-1476-PST-E TCEQ ID: RN101550713 CASE NO.: 26821
RESPONDENT NAME: PRINCE A, INC.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 6551 Grapevine Highway, North Richland Hills, Tarrant County</p> <p>TYPE OF OPERATION: Convenience store with retail 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 January 4, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Jacquelyn Boutwell, Litigation Division, MC 175, (512) 239-5846 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Deana Holland, Water Enforcement Section, MC 169, (512) 239- 2506 TCEQ Regional Contact: Mr. Sid Slocum, DFW Regional Office, MC R- 4, (817) 588-5901 Respondent: Ms. Laila Ali, Registered Agent and President, Prince A, Inc., 3611 Bonzer Street, North Richland Hills, Texas 76180 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: July 27, 2005</p> <p>Date of NOV Relating to this Case: August 20, 2005</p> <p>Background Facts: An EDPRP was filed on January 18, 2006. The Respondent signed an Agreed Order on January 15, 2008.</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 provide proper release detection for the UST system. Specifically, the Respondent did not put the ATG into test mode at least once per month. Also, the Respondent failed to perform an annual piping tightness test, and to test a line leak detector at least once per year for performance and operational reliability. In addition, the Respondent failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum on 1.0% of the total substance flow-through for the month plus 30 gallons [30 TEX. ADMIN. CODE § 334.50(b)(1)(A), (b)(2), (b)(2)(A)(i)(III) and (d)(1)B(ii) and TEX. WATER CODE § 26.3475(a) and (c)(1)].</p> <p>2. Failed to maintain Stage II records at the Facility and make them available for inspection by agency personnel. Specifically, Respondent failed to keep a copy of the CARB executive order at the Facility [30 TEX. ADMIN. CODE § 115.246(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3. Failed to verify proper operation of the Stage II equipment at least once every twelve months. Specifically, at the time of investigation the Respondent had failed to conduct the annual Stage II vapor recovery testing [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$5,400</p> <p>Total Deferred: \$0</p> <p>Total Paid/Due to General Revenue: \$325/\$5,075</p> <p>The Respondent has paid \$325 of the administrative penalty. The remaining amount of \$5,075 of the administrative penalty shall be payable in 35 monthly payments of \$145 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Action(s) Taken</p> <p>The Respondent has taken the following corrective actions:</p> <ol style="list-style-type: none"> Submitted documentation to the TCEQ indicating that the annual piping tightness test and line leak detector tests were conducted on August 22, 2005 and that the systems passed. Implemented a release detection method by activating the ATG into test mode and conducting reconciliation of detailed inventory control records on August 22, 2005. Submitted a current copy of the California Air Resource Board (CARB) Executive Order to the TCEQ on August 22, 2005. Conducted the annual Stage II vapor recovery testing on August 22, 2005.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	22-Aug-2005	Screening	30-Aug-2005	EPA Due	
	PCW	15-Dec-2005				

RESPONDENT/FACILITY INFORMATION			
Respondent	Prince A, Inc.		
Reg. Ent. Ref. No.	RN101550713		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	26821	No. of Violations	3
Docket No.	2005-1476-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Deana Holland
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:	\$6,000
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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	0% Enhancement	Subtotals 2, 3, & 7:	\$0
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Notes: No enhancement due to compliance history.

Culpability	No <input checked="" type="checkbox"/>	0% Enhancement	Subtotal 4:	\$0
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Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply	10% Reduction	Subtotal 5:	-\$600
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with a small x)

Notes: The respondent came into compliance on August 22, 2005.

Economic Benefit	0% Enhancement*	Subtotal 6:	\$0
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Total EB Amounts	\$533	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,100	

SUM OF SUBTOTALS 1-7	Final Subtotal:	\$5,400
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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	\$5,400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty:	\$5,400
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DEFERRAL		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: This is not an expedited case.

PAYABLE PENALTY	\$5,400
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Screening Date	30-Aug-2005	Docket No.	2005-1476-PST-E	PCW
Respondent	Prince A, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	26821	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101550713			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Deana Holland			

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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<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 (<i>number of events</i>)	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)

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

Adjustment Percentage (Subtotal 3)

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

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

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

Screening Date	30-Aug-2005	Docket No.	2005-1476-PST-E	PCW
Respondent	Prince A, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	26821	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101550713			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Deana Holland			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A), (b)(2), (b)(2)(A)(i)(III), and (d)(1)(B)(ii)			
Secondary Rule Cite(s)	Tex. Water Code § 26.3475(a) and (c)(1)			
Violation Description	Failure to provide proper release detection for the UST system. Specifically, the respondent did not put the ATG into test mode at least once per month. Also, the respondent failed to perform an annual piping tightness test, and to test a line leak detector at least once per year for performance and operational reliability. In addition, the respondent failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons.			
Base Penalty			\$10,000	

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="25%"/>

>> **Programmatic Matrix**

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

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One monthly event is recommended based on the Investigation date of July 27, 2005 and the compliance date of August 22, 2005.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$7"/>	Violation Final Penalty Total <input type="text" value="\$2,250"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,250"/>	

Economic Benefit Worksheet

Respondent: Prince A, Inc.
 Case ID No: 26821
 Reg. Ent. Reference No: RN101550713
 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	27-Jul-2005	22-Aug-2005	0.1	\$0	\$7	\$7
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to provide a method of release detection. The Date Required is the date of the investigation 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: n/a

Approx. Cost of Compliance: **\$1,500** **TOTAL** **\$7**

Screening Date	30-Aug-2005	Docket No.	2005-1476-PST-E	PCW
Respondent	Prince A, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	26821	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101550713			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Deana Holland			
Violation Number	<input type="text" value="2"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.246(1)"/>			
Secondary Rule Cite(s)	<input type="text" value="Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input type="text" value="Failure to maintain Stage II records at the station and make available for inspection by agency personnel. Specifically, the respondent did not keep a copy of the CARB executive order."/>			
Base Penalty	<input type="text" value="\$10,000"/>			

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$900"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$900"/>	

Economic Benefit Worksheet

Respondent: Prince A, Inc.
 Case ID No: 26821
 Reg. Ent. Reference No: RN101550713
 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	\$100	27-Jul-2005	22-Aug-2005	0.1	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain required Stage II records. The Date Required is the date of the investigation 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

n/a

Approx. Cost of Compliance **\$100**

TOTAL **\$0**

Screening Date	30-Aug-2005	Docket No.	2005-1476-PST-E	PCW
Respondent	Prince A, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	26821	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101550713			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Deana Holland			
Violation Number	3			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.245(2)			
Secondary Rule Cite(s)	Tex. Health and Safety Code § 382.085(b)			
Violation Description	Failure to verify proper operation of Stage II equipment at least once every twelve months. Specifically, at the time of the investigation the respondent had failed to conduct the annual Stage II vapor recovery testing.			
Base Penalty				\$10,000

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

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	
	semiannual	
	annual	X
single event		

Violation Base Penalty \$2,500

One annual event is recommended for the 12 month period preceding the investigation date of July 27, 2005.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$525	Violation Final Penalty Total \$2,250
This violation Final Assessed Penalty (adjusted for limits) \$2,250	

Economic Benefit Worksheet

Respondent: Prince A, Inc.
 Case ID No: 26821
 Reg. Ent. Reference No: RN101550713
 Media [Statute]: Petroleum Storage Tank
 Violation No: 3

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

n/a

Item Description	Cost	Date	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$500	27-Jul-2004	27-Jul-2005	1.0	\$25	\$500	\$525
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

Estimated cost to conduct the required annual Stage II vapor recovery testing. The Date Required is 12 months prior to the investigation date and the Final Date is the date of the investigation.

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

TOTAL \$525

Compliance History

Customer/Respondent/Owner-Operator: CN600818082 Prince A, Inc Classification: AVERAGE Rating: 3.010

Regulated Entity: RN101550713 PRINCE A, INC Classification: AVERAGE Site Rating: 3.01
BY DEFAULT

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 53688

Location: 6551 GRAPEVINE HWY, NORTH RICHLAND HILLS, TX, 76180 Rating Date: 9/1/05 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: September 12, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 23, 2000 to August 23, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History.
Name: Deana Holland Phone: (512)239-2504

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
6. Comments:

Components (Multimedia) for the Site :

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

N/A

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1 08/15/2005 (402562)

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

N/A

- F. Environmental audits.

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 PRINCE A, INC.;
RN101550713

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-1476-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 Prince A, Inc. ("Prince A") 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 Prince A, represented by Mr. D. Nicholas Acuff of the law firm of Acuff & Gamboa, L.L.P., appear before the Commission and together stipulate that:

1. Prince A owns and operates a convenience store with retail sales of gasoline located at 6551 Grapevine Highway, North Richland Hills, Tarrant County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TEX. HEALTH & SAFETY CODE ch. 382 and the TCEQ rules.
3. The Commission and Prince A agree that the Commission has jurisdiction to enter this Agreed Order, and that Prince A is subject to the Commission's jurisdiction.
4. Prince A received notice of the violations alleged in Section II ("Allegations") on or about August 20, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Prince A of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of five thousand four hundred dollars (\$5,400.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Prince A has paid three hundred twenty-five dollars (\$325.00) of the administrative penalty. The remaining amount of five thousand seventy-five dollars (\$5,075.00) of the administrative penalty shall be payable in 35 monthly payments of one hundred forty-five dollars (\$145.00) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Prince A 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 Prince A to meet the payment schedule of this Agreed Order constitutes the failure by Prince A 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 Prince A 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 Prince A has implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. Prince A submitted documentation to the TCEQ indicating that the annual piping tightness test and line leak detector tests were conducted on August 22, 2005, and that the systems passed.
 - b. Prince A implemented a release detection method by activating the ATG into test mode and conducting reconciliation of detailed inventory control records on August 22, 2005.
 - c. Prince A submitted a current copy of the California Air Resource Board ("CARB") Executive Order to the TCEQ on August 22, 2005.
 - d. Prince A conducted the annual Stage II vapor recovery testing on August 22, 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 Prince A 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 documented during an investigation on July 27, 2005, Prince A is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 334.50(b)(1)(A), (b)(2), (b)(2)(A)(i)(III) and (d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(a) and (c)(1) by failing to provide proper release detection for the UST system. Specifically, the respondent did not put the ATG into test mode at least once per month. Also, the respondent failed to perform an annual piping tightness test, and to test a line leak detector at least once per year for performance and operational reliability. In addition, the respondent failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum on 1.0% of the total substance flow-through for the month plus 130 gallons;
2. 30 TEX. ADMIN. CODE § 115.246(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain Stage II records at the Facility and make them available for inspection by agency personnel, as documented during an investigation conducted on July 27, 2005. Specifically, Prince A failed to keep a copy of the CARB executive order at the Facility; and
3. 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 twelve months. Specifically, at the time on investigation the respondent had failed to conduct the annual Stage II vapor recovery testing.

III. DENIALS

Prince A generally denies each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Prince A pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Prince A'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 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: Prince A, Inc., Docket No. 2005-1476-PST-E" to:

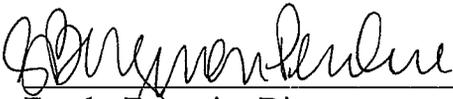
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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

2/21/08

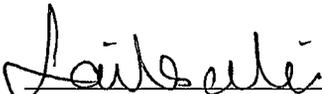
Date

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

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or 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 

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



Signature

1-15-08

Date

LAILA Ali

Name (Printed or typed)

President

Title

Authorized representative of
Prince A, Inc.