

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.: 2006-1928-PST-E TCEQ ID: RN102867678 CASE NO.: 31634**  
**RESPONDENT NAME: HAIDER A., INC. DBA STOP IN FOOD MART**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 8500 Old Galveston Road, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Convenience store with retail sales of gasoline</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.</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 <u>expired on</u> March 17, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney: Mr. Patrick Jackson, Litigation Division, MC 175, (512) 239-6501  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  TCEQ Enforcement Coordinator: Mr. Rajesh Acharya, Waste Enforcement Section, MC 128, (512) 239-0577  TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623  Respondent: Ms. Fatima Sadiq Lakhani, Registered Agent, Haider A., Inc. dba Stop in Food Mart, 8500 Old Galveston Road, Houston, Texas 77034  Respondent's Attorney: Not represented by counsel.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b>                      None</p> <p><b>Dates of Investigations Relating to this Case:</b>                      October 9, 2006</p> <p><b>Date of NOE Relating to this Case:</b>                      October 29, 2006</p> <p><b>Background Facts:</b>                      The EDPRP was filed on October 10, 2007. On December 4, 2007 an authorized representative of the Respondent signed an Agreed Order entering into an agreement with the Executive Director of the TCEQ to resolve this enforcement action.</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 inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly, and failed to inspect and test the cathodic protection system for operability and adequacy of protection at a frequency of at least once every three years [30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and (c)(4) and TEX. WATER CODE § 26.3475(d)].</p> <p>2. Failed to have a release detection method capable of detecting a release from any portion of the UST system which contained regulated substances and failed to provide proper release detection for the pressurized piping associated with the USTs, and failed to test the line leak detectors at least once per year for performance and operational reliability [30 TEX. ADMIN. CODE § 334.50(a)(1)(A), (b)(2), and (b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a) and (c)(1)].</p>	<p><b>Total Assessed:</b> \$4,500</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid/Due to General Revenue:</b>                      \$160/\$4,340</p> <p>The Respondent has paid \$160 of the administrative penalty. The remaining amount of \$4,340 of the administrative penalty shall be payable in 35 monthly payments of \$124 each.</p> <p><b>Site Compliance History Classification:</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input checked="" type="checkbox"/> High <input 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>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Within 30 days:</p> <p>a. Begin conducting bi-monthly inspection of the rectifier and other components of the cathodic protection system and ensure that the rectifier is functioning as designed and conduct triennial testing of the State II equipment; and</p> <p>b. Install and implement a release detection method for the USTs and the piping associated with the USTs and test the line leak detectors for performance and operational reliability.</p> <p>2. Within 45 days, submit written certification demonstrating compliance with Ordering Provision 1.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	30-Oct-2006			
	<b>PCW</b>	06-Sep-2007	<b>Screening</b>	06-Nov-2006	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	Haider A., Inc. dba Stop In Food Mart				
<b>Reg. Ent. Ref. No.</b>	RN102867678				
<b>Facility/Site Region</b>	12-Houston		<b>Major/Minor Source</b>	Minor Source	

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	31634		<b>No. of Violations</b>	2	
<b>Docket No.</b>	2006-1928-PST-E		<b>Order Type</b>	1660	
<b>Media Program(s)</b>	Petroleum Storage Tank		<b>Enf. Coordinator</b>	Rajesh Acharya	
<b>Multi-Media</b>			<b>EC's Team</b>	Enforcement Team 6	
<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** **\$5,000**

### 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** **-\$500**

**Notes** 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 does not meet the good faith criteria.

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

Total EB Amounts	\$2,263	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,500	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$4,500**

**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** **\$4,500**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$4,500**

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

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

**Notes** Deferral not offered for non-expedited settlement.

**PAYABLE PENALTY** **\$4,500**

**Screening Date** 06-Nov-2006 **Docket No.** 2006-1928-PST-E **PCW**  
**Respondent** Haider A., Inc. dba Stop In Food Mart *Policy Revision 2 (September 2002)*  
**Case ID No.** 31634 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN102867678  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Rajesh Acharya

**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		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**

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

**Screening Date** 06-Nov-2006

**Docket No.** 2006-1928-PST-E

**PCW**

**Respondent** Haider A., Inc. dba Stop In Food Mart

*Policy Revision 2 (September 2002)*

**Case ID No.** 31634

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN102867678

**Media [Statute]** Petroleum Storage Tank

**Enf. Coordinator** Rajesh Acharya

**Violation Number** 1

**Primary Rule Cite(s)** 30 Tex. Admin. Code § 334.49(c)(2)(C) and 334.49(c)(4)

**Secondary Rule Cite(s)** Tex. Water Code § 26.3475(d)

**Violation Description**  
Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly. Failed to inspect and test the cathodic protection system for operability and adequacy of protection at a frequency of at least once every three years.

**Base Penalty** \$10,000

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

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

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						Percent

**Matrix Notes**  
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	X
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$2,500

One monthly event is recommended from the investigation date of October 9, 2006 to the screening date of November 6, 2006.

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$1,167

**Violation Final Penalty Total** \$2,250

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

### Economic Benefit Worksheet

**Respondent** Halder A., Inc. dba Stop In Food Mart  
**Case ID No.** 31634  
**Reg. Ent. Reference No.** RN102867678  
**Media [Statute]** Petroleum Storage Tank  
**Violation No.** 1

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

Item Description	Item Cost No commas or \$	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)	\$500	09-Oct-2006	09-Jun-2007	0.7	\$17	n/a	\$17

Notes for DELAYED costs: Estimated cost to inspect the cathodic protection system. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	09-Oct-2003	09-Oct-2006	3.0	\$150	\$1,000	\$1,150

Notes for AVOIDED costs: Avoided cost for completing the triennial test. The date required is three years prior to the investigation date and the final date is the investigation date.

Approx. Cost of Compliance \$1,500

**TOTAL** \$1,167

Screening Date 06-Nov-2006

Docket No. 2006-1928-PST-E

PCW

Respondent Halder A., Inc. dba Stop In Food Mart

Policy Revision 2 (September 2002)

Case ID No. 31634

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102867678

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code § 334.50(a)(1)(A), 334.50(b)(2) and 334.50(b)(2)(A)(I)(III)

Secondary Rule Cite(s)

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

Violation Description

Failed to have a release detection method capable of detecting a release from any portion of the UST system which contained regulated substances. Failed to provide proper release detection for the pressurized piping associated with the USTs. Failed to test the line leak detectors at least once per year for performance and operational reliability.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Violation Base Penalty

One monthly event is recommended from the investigation date of October 9, 2006 to the screening date of November 6, 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:** Haider A., Inc. dba Stop In Food Mart  
**Case ID No.:** 31634  
**Reg. Ent. Reference No.:** RN102867678  
**Media [Statute]:** Petroleum Storage Tank  
**Violation No.:** 2

<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)	\$1,000	09-Oct-2006	09-Jun-2007	0.7	\$2	\$44	\$47
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 release detection for the USTs and the piping associated with the USTs. Date Required is the date of investigation. Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	09-Oct-2005	09-Oct-2006	1.0	\$50	\$1,000	\$1,050

Notes for AVOIDED costs: Estimated cost to test the line leak detectors. Date Required is one year prior to the investigation and final date is the investigation date.

Approx. Cost of Compliance \$2,000

**TOTAL** \$1,097

# Compliance History

Customer/Respondent/Owner-Operator:	CN603117490 Haider A., Inc.	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN102867678 STOP IN FOOD MART	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	5423
Location:	8500 GALVESTON RD, HOUSTON, TX, 77034	Rating Date: 9/1/2006	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	November 13, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 13, 2001 to November 13, 2006		

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

Name: Rajesh Acharya Phone: (512) 239-0577

### Site Compliance History Components

- |  |   |
|--|---|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes   |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | Yes   |
| 3. If Yes, who is the current owner?   | Haider A., Inc.   |
| 4. If Yes, who was/were the prior owner(s)?  | Ramzan Noorani<br>Khan, Mubarak Ali, Khan, Murbarak Ali & Khan, Nasir<br>08/05/2005<br>05/05/2005 |
| 5. When did the change(s) in ownership occur?  |   |

### 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 10/24/2006 (515634)
  - 2 01/06/2003 (20823)
- 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 ENFORCEMENT ACTION  
AGAINST HAIDER A., INC. DBA  
STOP IN FOOD MART;  
RN102867678**

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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2006-1928-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 Haider A., Inc. dba Stop In Food Mart ("Haider A., Inc." or "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Haider A., Inc., appear before the Commission and together stipulate that:

1. Haider A., Inc. owns and operates a convenience store with retail sales of gasoline located at 8500 Old Galveston Road, Houston, Harris 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 TCEQ rules.
3. The Commission and Haider A., Inc. agree that the Commission has jurisdiction to enter this Agreed Order, and that Haider A., Inc. is subject to the Commission's jurisdiction.
4. Haider A., Inc. received notice of the violations alleged in Section II ("Allegations") on or about October 29, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Haider A., Inc. of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of four thousand five hundred dollars (\$4,500.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Haider A., Inc. has paid one hundred sixty dollars (\$160.00) of the administrative penalty. The remaining amount of four thousand three hundred forty dollars (\$4,340.00) of the administrative penalty shall be payable in 35 monthly payments of one hundred twenty-four dollars (\$124.00) 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 Haider A., Inc. 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 Haider A., Inc. to meet the payment schedule of this Agreed Order constitutes the failure by Haider A., Inc. 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 Haider A., Inc. 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 Haider A., Inc. 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

Haider A., Inc. is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and (c)(4) and TEX. WATER CODE § 26.3475(d) by failing to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly, and by failing to inspect and test the cathodic protection system for operability and adequacy of protection

at a frequency of at least once every three years, as documented during an inspection conducted on October 9, 2006.

2. 30 TEX. ADMIN. CODE § 334.50(a)(1)(A), (b)(2), and (b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a) and (c)(1) by failing to have a release detection method capable of detecting a release from any portion of the UST system which contained regulated substances, by failing to provide proper release detection for the pressurized piping associated with the USTs, and by failing to test the line leak detectors at least once per year for performance and operational reliability, as documented during an inspection conducted on October 9, 2006.

### III. DENIALS

Haider A., Inc. generally denies each allegation in Section II ("Allegations").

### IV. ORDER

1. It is, therefore, ordered by the TCEQ that Haider A., Inc. pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Haider A., Inc.'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: Haider A., Inc. dba Stop In Food Mart, Docket No. 2006-1928-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. It is further ordered that Haider A., Inc. shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, Haider A., Inc. shall:
    - i. Begin conducting bi-monthly inspection of the rectifier and other components of the cathodic protection system and ensure that the rectifier is functioning as designed and conduct triennial testing of the Stage II equipment, in accordance with 30 TEX. ADMIN. CODE § 334.49; and

- ii. Install and implement a release detection method for the USTs and the piping associated with the USTs, and test the line leak detectors for performance and operational reliability, in accordance with 30 TEX. ADMIN. CODE § 334.50.
- b. Within 45 days after the effective date of this Agreed Order, Haider A., Inc. shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.ii. 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."

The certification shall be submitted to:

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

with a copy to:

Nicole Bealle, Waste Section Manager  
Houston Regional Office, MC R-12  
Texas Commission on Environmental Quality  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

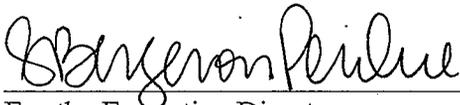
3. The provisions of this Agreed Order shall apply to and be binding upon Haider A., Inc. Haider A., Inc. is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If Haider A., Inc. 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, Haider A., Inc.'s failure to comply is not a violation of this Agreed Order. Haider A., Inc. shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Haider A., Inc. shall notify the Executive Director within seven days after Haider A., Inc. 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 Haider A., Inc. shall be made in writing to the Executive Director. Extensions are not effective until Haider A., Inc. 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 Haider A., Inc. 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 Haider A., Inc., or three days after the date on which the Commission mails notice of the Order to Haider A., Inc., 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

2/27/08

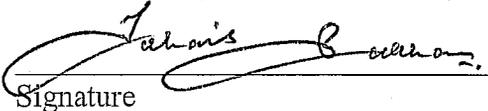
\_\_\_\_\_  
Date

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 law.

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

  
Signature

12-04-07  
Date

LOHATB LAKHANI  
Name (Printed or typed)  
Authorized representative of  
Haider A., Inc. dba Stop In Food Mart

VICE PRESIDENT  
Title