

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2008-1175-PST-E TCEQ ID: RN101569408 CASE NO.: 36158
RESPONDENT NAME: KABANI CORPORATION DBA AGHA CONVENIENCE STORE**

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 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: 204 Grapevine Highway, Hurst, Tarrant County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired November 2, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Steven Lopez, Waste Enforcement Section, MC 128, (512) 239-1896 TCEQ Regional Contact: Mr. Sam Barrett, Dallas/Fort Worth Regional Office, MC R-4, (817) 588-5903 Respondent: Mr. Abdul Kabani, President, KABANI Corporation, 400 N. Central Expressway, Suite 111, McKinney, Texas 75070 Respondent's Attorney: Ms. Meagan Hassan, Connor & Demond, PLLC, 701 Brazos, Suite 500, Austin, TX 78701</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 Complaint Relating to this Case: N/A</p> <p>Date of Investigation Relating to this Case: April 1, 2008</p> <p>Date of NOE Relating to this Case: June 16, 2008</p> <p>Background Facts: The EDPRP was filed December 2, 2008. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and a signed Agreed Order was received on August 7, 2009.</p> <p>Current Compliance Status: The Respondent has not yet certified compliance for violation nos. 3, 4, and 5. The Respondent's delivery certificate expires in July 2010.</p> <p>PST:</p> <ol style="list-style-type: none"> Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)]. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)]. Failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring), 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(b)(1)(A), (b)(2) and (b)(2)(A)(i)(III), and TEX. WATER CODE § 26.3475(a) and (c)(1)]. Failed to conduct effective manual or automatic inventory control procedures for the UST system [30 TEX. ADMIN. CODE § 334.48(c)]. 	<p>Total Assessed: \$10,662</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$302/\$10,360</p> <p>The Respondent paid \$302 of the administrative penalty. The remaining amount of \$10,360 shall be payable in 35 monthly payments of \$296 each.</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input checked="" type="checkbox"/> High <input 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 Actions Taken: The Executive Director recognizes that the Respondent implemented the following corrective measures:</p> <ol style="list-style-type: none"> Upgraded the Stage II equipment to ORVR compatible systems on May 7, 2008 (violation no. 6); Tested the Stage II Vapor Recovery equipment on May 7, 2008, with passing results (violation no. 7); and Obtained a TCEQ delivery certificate on April 2, 2008 (violation nos. 1 and 2). <p>Ordering Provisions: The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately, begin conducting proper inventory control procedures for all USTs at the Station (violation no. 4). Within 30 days: <ol style="list-style-type: none"> 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 (violation no. 3); and Begin maintaining all Stage II records at the Station (violation no. 5). Within 45 days, submit written certification demonstrating compliance.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to maintain Stage II records at the Station and make them immediately available for review upon request by agency personnel [30 TEX. ADMIN CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR) compatible systems, and failed to maintain the Stage II equipment in proper operating condition, as specified by the manufacturer and/or any California Air Resources Board Executive Order and free of defects that would impair the effectiveness of the system [30 TEX. ADMIN. CODE § 115.242(1)(C) and (3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>7. Failed to verify proper operation of the Stage II equipment at least once every 12 months [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	23-Jun-2008	Screening	30-Jun-2008	EPA Due	
	PCW	2-Jul-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	KABANI CORPORATION dba AGHA Convenience Store		
Reg. Ent. Ref. No.	RN101569408		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36158	No. of Violations	7
Docket No.	2008-1175-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Lopez
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$10,100

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History -10.0% Reduction Subtotals 2, 3, & 7 -\$1,010

Notes Reduction due to high performer classification.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$625

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$2,326
Approx. Cost of Compliance	\$7,250

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$8,465

OTHER FACTORS AS JUSTICE MAY REQUIRE 26.0% Adjustment \$2,197

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided cost of compliance associated with violation nos. 3 and 7.

Final Penalty Amount \$10,662

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,662

DEFERRAL 0.0% Reduction Adjustment \$0

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

Notes Deferral not offered for non-expedited settlement.

PAYABLE PENALTY \$10,662

Screening Date 30-Jun-2008

Docket No. 2008-1175-PST-E

PCW

Respondent KABANI CORPORATION dba AGHA Convenience Store

Policy Revision 2 (September 2002)

Case ID No. 36158

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101569408

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Steven Lopez

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	0	0%
	Other written NOV's	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 submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 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

Reduction due to high performer classification.

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

Screening Date 30-Jun-2008	Docket No. 2008-1175-PST-E	PCW			
Respondent KABANI CORPORATION dba AGHA Convenience Store	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 36158	<small>PCW Revision June 12, 2008</small>				
Reg. Ent. Reference No. RN101569408					
Media [Statute] Petroleum Storage Tank					
Enf. Coordinator Steven Lopez					
Violation Number <input type="text" value="1"/>					
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)"/>				
Violation Description	<input type="text" value="Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the prior UST delivery certificate expired on March 31, 2007."/>				
Base Penalty		<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
	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"/>	x	<input type="text"/>	<input type="text"/>	
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>				
Adjustment					<input type="text" value="\$9,000"/>
					<input type="text" value="\$1,000"/>
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		
		<input type="text" value="457"/>			
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>		
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	x			
<input type="text" value="One single event is recommended."/>					
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction		<input type="text" value="\$0"/>
		<input type="text"/>	Before NOV		<input type="text"/>
		<input type="text"/>	NOV to EDRP/Settlement Offer		<input type="text"/>
		N/A	x	<small>(mark with x)</small>	
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>				
Violation Subtotal					<input type="text" value="\$1,000"/>
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$9"/>	Violation Final Penalty Total		<input type="text" value="\$1,134"/>
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$1,134"/>

Economic Benefit Worksheet

Respondent: KABANI CORPORATION dba AGHA Convenience Store
Case ID No.: 36158
Reg. Ent. Reference No.: RN101569408
Media: 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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Mar-2007	1-Jan-2009	1.84	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to renew a delivery certificate by submitting a properly completed UST registration and self-certification form. The Date Required is 30 days prior to the expiration date of the delivery certificate. The Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$9

Screening Date 30-Jun-2008	Docket No. 2008-1175-PST-E	PCW		
Respondent KABANI CORPORATION dba AGHA Convenience Store	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36158	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN101569408				
Media [Statute] Petroleum Storage Tank				
Enf. Coordinator Steven Lopez				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 334.8(c)(5)(A)(I) and Tex. Water Code § 26.3467(a)"/>			
Violation Description	<input type="text" value="Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, one fuel delivery was accepted without a delivery certificate."/>			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				Percent <input type="text" value="5%"/>
>> Programmatic Matrix				
			Falsification	Major
			Moderate	Minor
			<input type="text"/>	<input type="text"/>
			<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>			
Adjustment				<input type="text" value="\$9,500"/>
				<input type="text" value="\$500"/>
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="1"/>		
<i>mark only one with an x</i>	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 <input type="text" value="\$500"/>
<input type="text" value="One single event is recommended for accepting one fuel delivery."/>				
Good Faith Efforts to Comply		0.0% Reduction		<input type="text" value="\$0"/>
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Violation Subtotal				<input type="text" value="\$500"/>
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="\$567"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$567"/>	

Economic Benefit Worksheet

Respondent: KABANI CORPORATION dba AGHA Convenience Store
Case ID No.: 36158
Reg. Ent. Reference No.: RN101569408
Media: 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
------------------	-----------	---------------	------------	------	----------------	---------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit included in Violation No. 1

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 30-Jun-2008	Docket No. 2008-1175-PST-E	PCW	
Respondent KABANI CORPORATION dba AGHA Convenience Store	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36158	<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN101569408			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Steven Lopez			
Violation Number 3			
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A), (b)(2) and (b)(2)(A)(i)(III) and Tex. Water Code § 26.3475(a) and (c)(1)		
Violation Description	Failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring). 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		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Release Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			25%
>> Programmatic Matrix			
Falsification			
Major			Moderate
Minor			
<input type="checkbox"/>			<input type="checkbox"/>
<input type="checkbox"/>			<input type="checkbox"/>
Percent			0%
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
			\$2,500
Violation Events			
Number of Violation Events		1	90
		Number of violation days	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
One quarterly event is recommended from the investigation date of April 1, 2008 to the screening date of June 30, 2008.			\$2,500
Good Faith Efforts to Comply			
0.0% Reduction		\$0	
		Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$2,500
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$1,153	Violation Final Penalty Total	\$2,834
This violation Final Assessed Penalty (adjusted for limits)			\$2,834

Economic Benefit Worksheet

Respondent KABANI CORPORATION dba AGHA Convenience Store

Case ID No. 36158

Reg. Ent. Reference No. RN101569408

Media 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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Apr-2008	1-Jan-2009	0.75	\$57	n/a	\$57

Notes for DELAYED costs

Estimated cost to provide release detection for 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	1-Apr-2007	1-Apr-2008	1.92	\$96	\$1,000	\$1,096
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct annual piping tightness and line leak detector tests. Date Required is one year prior to the investigation. Final Date is the investigation date.

Approx. Cost of Compliance

\$2,500

TOTAL

\$1,153

Screening Date 30-Jun-2008	Docket No. 2008-1175-PST-E	PCW	
Respondent KABANI CORPORATION dba AGHA Convenience Store	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 38158	<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN101569408			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Steven Lopez			
Violation Number 4			
Rule Cite(s)	30 Tex. Admin. Code § 334.48(c)		
Violation Description	Failed to conduct effective manual or automatic inventory control procedures for the UST system.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	x	Percent <input type="text" value="25%"/>
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
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	
			\$2,500
Violation Events			
Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="90"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>
	monthly	<input type="text"/>	
	quarterly	x	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
One quarterly event is recommended from the investigation date of April 1, 2008 to the screening date of June 30, 2008.			
Good Faith Efforts to Comply			\$0
	0.0% Reduction		
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$2,500
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$19"/>	Violation Final Penalty Total	<input type="text" value="\$2,834"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$2,834"/>

Economic Benefit Worksheet

Respondent KABANI CORPORATION dba AGHA Convenience Store

Case ID No. 36158

Reg. Ent. Reference No. RN101569408

Media Petroleum Storage Tank

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	1-Apr-2008	1-Jan-2009	0.75	\$19	n/a	\$19
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct proper inventory control procedures. The Date Required is the date of the investigation. The Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$19

Screening Date 30-Jun-2008	Docket No. 2008-1175-PST-E	PCW												
Respondent KABANI CORPORATION dba AGHA Convenience Store	<small>Policy Revision 2 (September 2002)</small>													
Case ID No. 36158	<small>PCW Revision June 12, 2008</small>													
Reg. Ent. Reference No. RN101569408														
Media [Statute] Petroleum Storage Tank														
Enf. Coordinator Steven Lopez														
Violation Number <input type="text" value="5"/>														
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.246(7)(A) and Tex. Health & Safety Code § 382.085(b)"/>													
Violation Description	<input type="text" value="Failed to maintain all the Stage II records at the Station and make them immediately available for review upon request by agency personnel."/>													
Base Penalty		<input type="text" value="\$10,000"/>												
>> Environmental, Property and Human Health Matrix														
OR	Harm													
	Release Major Moderate Minor													
	Actual <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Percent <input type="text" value="0%"/>												
Potential <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>														
>> Programmatic Matrix														
	Falsification Major Moderate Minor													
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text" value="x"/>	Percent <input type="text" value="1%"/>												
Matrix Notes	<input type="text" value="70% of the rule requirement was met."/>													
Adjustment		<input type="text" value="\$9,900"/>												
		<input type="text" value="\$100"/>												
Violation Events														
Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="90"/> Number of violation days												
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$100"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text" value="x"/>													
<input type="text" value="One single event is recommended based on documentation of the violation during the April 1, 2008 investigation."/>														
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction <input type="text" value="\$0"/>												
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>													
Extraordinary	<input type="text"/> <input type="text"/>													
Ordinary	<input type="text"/> <input type="text"/>													
N/A	<input type="text" value="x"/> (mark with x)													
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>													
Violation Subtotal		<input type="text" value="\$100"/>												
Economic Benefit (EB) for this violation														
Statutory Limit Test														
Estimated EB Amount	<input type="text" value="\$19"/>	Violation Final Penalty Total <input type="text" value="\$113"/>												
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$113"/>												

Economic Benefit Worksheet

Respondent KABANI CORPORATION dba AGHA Convenience Store

Case ID No. 36158

Reg. Ent. Reference No. RN101569408

Media Petroleum Storage Tank

Violation No. 5

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	1-Apr-2008	1-Jan-2009	0.75	\$19	n/a	\$19
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to establish a record keeping system. The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$19

Screening Date 30-Jun-2008	Docket No. 2008-1175-PST-E	PCW																				
Respondent KABANI CORPORATION dba AGHA Convenience Store	<i>Policy Revision 2 (September 2002)</i>																					
Case ID No. 36158	<i>PCW Revision June 12, 2008</i>																					
Reg. Ent. Reference No. RN101569408																						
Media [Statute] Petroleum Storage Tank																						
Enf. Coordinator Steven Lopez																						
Violation Number <input type="text" value="6"/>																						
Rule Cite(s)	30 Tex. Admin. Code § 115.242(1)(C) and (3)(A) and Tex. Health & Safety Code § 382.085(b)																					
Violation Description	Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems. Failed to maintain the Stage II equipment in proper operating condition, as specified by the manufacture and/or any applicable California Air Resources Board Executive Order and free of defects that would impair the effectiveness of the system. Specifically, the swivel adapters were not installed on the dry break or the fill ports.																					
Base Penalty		<input type="text" value="\$10,000"/>																				
>> Environmental, Property and Human Health Matrix																						
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <th>Release</th> <td></td> <td></td> <td></td> </tr> <tr> <th>Actual</th> <td></td> <td></td> <td></td> </tr> <tr> <th>Potential</th> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		Harm				Major	Moderate	Minor	Release				Actual				Potential		x		Percent <input type="text" value="10%"/>
		Harm																				
	Major	Moderate	Minor																			
Release																						
Actual																						
Potential		x																				
>> Programmatic Matrix																						
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <th>Falsification</th> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor	Falsification				Percent <input type="text" value="0%"/>												
	Major	Moderate	Minor																			
Falsification																						
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																					
Adjustment		<input type="text" value="\$9,000"/>																				
<input type="text" value="\$1,000"/>																						
Violation Events																						
	<input type="text" value="1"/>	<input type="text" value="90"/> Number of violation days																				
<i>mark only one with an x</i>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		monthly		quarterly	x	semiannual		annual		single event		Violation Base Penalty <input type="text" value="\$1,000"/>								
daily																						
monthly																						
quarterly	x																					
semiannual																						
annual																						
single event																						
One quarterly event is recommended from the investigation date of April 1, 2008 to the screening date of June 30, 2008.																						
Good Faith Efforts to Comply																						
	<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>																				
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Before NOV</th> <th>NOV to EDPRP/Settlement Offer</th> </tr> <tr> <th>Extraordinary</th> <td></td> <td></td> </tr> <tr> <th>Ordinary</th> <td></td> <td></td> </tr> <tr> <th>N/A</th> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary			Ordinary			N/A	x	(mark with x)									
	Before NOV	NOV to EDPRP/Settlement Offer																				
Extraordinary																						
Ordinary																						
N/A	x	(mark with x)																				
Notes	The Respondent does not meet the good faith criteria for this violation.																					
Violation Subtotal		<input type="text" value="\$1,000"/>																				
Economic Benefit (EB) for this violation																						
Statutory Limit Test																						
Estimated EB Amount	<input type="text" value="\$25"/>	Violation Final Penalty Total <input type="text" value="\$1,134"/>																				
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,134"/>																				

Economic Benefit Worksheet

Respondent KABANI CORPORATION dba AGHA Convenience Store
Case ID No. 36158
Reg. Ent. Reference No. RN101569408
Media Petroleum Storage Tank
Violation No. 6

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	\$2,500	1-Apr-2008	7-May-2008	0.10	\$1	\$16	\$17
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$150	1-Apr-2008	1-Jan-2009	0.75	\$0	\$8	\$8
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to upgrade gasoline pumps to the ORVR compatible system (\$2,500). The Date Required is the investigation date. The Final Date is the date of compliance. Estimated cost to install swivel adapters (\$150). The Date Required is the investigation date. The Final Date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,650

TOTAL

\$25

Screening Date 30-Jun-2008	Docket No. 2008-1175-PST-E	PCW
Respondent KABANI CORPORATION dba AGHA Convenience Store	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36158	<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN101569408		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Steven Lopez		
Violation Number 7		
Rule Cite(s)	30 Tex. Admin. Code § 115.245(2) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual testing had not been conducted.	
Base Penalty		\$10,000
>> Environmental, Property and Human Health Matrix		
OR	Harm	
	Release	Major Moderate Minor
	Actual	<input type="text"/>
	Potential	<input type="text" value="x"/>
Percent		<input type="text" value="25%"/>
>>Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="text"/>	<input type="text"/>
Percent		<input type="text" value="0%"/>
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
		\$2,500
Violation Events		
	<input type="text" value="1"/>	<input type="text" value="365"/> Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text" value="x"/>
	single event	<input type="text"/>
Violation Base Penalty		\$2,500
One annual event is recommended for the one-year period preceding the April 1, 2008 investigation.		
Good Faith Efforts to Comply		
25.0% Reduction		\$625
	Before NOV NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text" value="x"/>	<input type="text"/>
N/A	<small>(mark with x)</small>	
Notes	The Respondent came into compliance on May 7, 2008, prior to the June 16, 2008 NOE.	
Violation Subtotal		\$1,875
Economic Benefit (EB) for this violation		
Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$1,101"/>	Violation Final Penalty Total <input type="text" value="\$2,047"/>
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,047"/>

Economic Benefit Worksheet

Respondent KABANI CORPORATION dba AGHA Convenience Store

Case ID No. 36158

Reg. Ent. Reference No. RN101569408

Media Petroleum Storage Tank

Violation No. 7

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	1-Apr-2007	7-May-2008	2.02	\$101	\$1,000	\$1,101
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for annual testing of the Stage II equipment. The Date Required is one year prior to the investigation date. The Final Date is the compliance date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,101

Compliance History

Customer/Respondent/Owner-Operator:	CN602287500	KABANI CORPORATION	Classification: HIGH	Rating: 0.00
Regulated Entity:	RN101569408	AGHA Convenience Store	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	39380
Location:	204 GRAPEVINE HWY, HURST, TX, 76054		Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	June 25, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 25, 2003 to June 25, 2008			

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

Name: Steven Lopez Phone: 512-239-1896

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	08/21/2003	(143773)
2	09/22/2003	(249132)
3	01/07/2004	(259020)
4	06/16/2008	(640973)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
KABANI CORPORATION DBA
AGHA CONVENIENCE STORE;
RN101569408

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1175-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 KABANI Corporation dba AGHA Convenience Store ("KABANI") 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 KABANI represented by Meagan Hassan, Connor & Demond, PLLC, appear before the Commission and together stipulate that:

1. KABANI owns and operates a convenience store with retail sales of gasoline located at 204 Grapevine Highway, Hurst, Tarrant County, Texas (the "Station").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 382, and TCEQ rules.
3. The Commission and KABANI agree that the Commission has jurisdiction to enter this Agreed Order, and that KABANI is subject to the Commission's jurisdiction.
4. KABANI received notice of the violations on or about June 21, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by KABANI of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of ten thousand six hundred sixty-two dollars (\$10,662.00) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). KABANI paid three hundred two dollars (\$302.00) of the administrative penalty. The remaining amount of ten thousand three hundred sixty dollars (\$10,360.00) of the administrative penalty shall be payable in 35 monthly payments of two hundred ninety-six dollars (\$296.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If KABANI 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, KABANI's failure to meet the payment schedule of this Agreed Order constitutes the failure by KABANI 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 KABANI 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 KABANI implemented the following corrective measures at the Station:
 - a. Upgraded the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems on May 7, 2008;
 - b. Tested the Stage II Vapor Recovery equipment on May 7, 2008, with passing results; and
 - c. Obtained a TCEQ delivery certificate on April 2, 2008.
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 KABANI 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

1. During an investigation conducted on April 1, 2008, a TCEQ Dallas/Fort Worth Regional Office investigator documented that KABANI violated:
 - a. 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii) by failing to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date.
 - b. 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a) by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs.
 - c. 30 TEX. ADMIN CODE § 334.50(b)(1)(A), (b)(2) and (b)(2)(A)(i)(III), and TEX. WATER CODE § 26.3475(a) and (c)(1) by failing to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring), 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.
 - d. 30 TEX. ADMIN. CODE § 334.48(c) by failing to conduct effective manual or automatic inventory control procedures for the UST system.
 - e. 30 TEX. ADMIN CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain Stage II records at the Station and make them immediately available for review upon request by agency personnel.
 - f. 30 TEX. ADMIN. CODE § 115.242(1)(C) and (3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to upgrade the Stage II equipment to ORVR compatible systems, and by failing to maintain the Stage II equipment in proper operating condition, as specified by the manufacturer and/or any California Air Resources Board Executive Order and free of defects that would impair the effectiveness of the system.
 - g. 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to verify proper operation of the Stage II equipment at least once every 12 months.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that KABANI pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and KABANI'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: KABANI Corporation dba AGHA Convenience Store, Docket No. 2008-1175-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. KABANI shall undertake the following technical requirements:
 - a. Immediately upon the date of this Agreed Order, KABANI shall begin conducting proper inventory control procedures for all USTs at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.48.
 - b. Within 30 days after the effective date of this Agreed Order, KABANI shall:
 - i. 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;
 - ii. Begin maintaining all Stage II records at the Station, in accordance with 30 TEX. ADMIN. CODE § 115.246; and
 - c. Within 45 days after the effective date of this Agreed Order, KABANI 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 No. 2.a through 2.b.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:

Sam Barrett, Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon KABANI. KABANI is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
4. If KABANI 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, KABANI's failure to comply is not a violation of this Agreed Order. KABANI shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. KABANI shall notify the Executive Director within seven days after KABANI 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 KABANI shall be made in writing to the Executive Director. Extensions are not effective until KABANI receives

written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

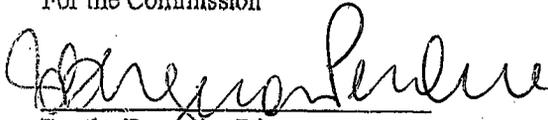
6. This Agreed Order, issued by the Commission, shall not be admissible against KABANI in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order 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 Agreed Order to KABANI, or three days after the date on which the Commission mails notice of this Agreed Order to KABANI, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

KABANI Corporation dba AGHA Convenience Store
TCEQ Docket No. 2008-1175-JST-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

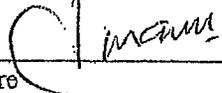
10/1/09
Date

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 KABANI's compliance history;
- * Greater scrutiny of any permit applications submitted by KABANI;
- * 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 KABANI;
- * Automatic referral to the Attorney General's Office of any future enforcement actions against KABANI; and
- * TCEQ seeking other relief as authorized by law.

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


Signature

8.7.2009
Date

ABOUL A. KABANI
Name (Printed or typed)
Authorized representative of
KABANI Corporation dba AGHA Convenience Store

PRESIDENT
Title