EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2 DOCKET NO.: 2008-1438-PST-E TCEQ ID: RN101794782 CASE NO.: 36493 RESPONDENT NAME: NEPTUNE INTERNATIONAL INC. and PARKVIEW PROPERTIES, INC. dba Sugar Land Food Mart

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Sugar Land Food Mart, 1720 Dulles Avenue, Sugar Land, Fort Bend County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: X Yes No

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

INTERESTED PARTIES: No one other than the ED and the Respondents has expressed an interest in this matter.

COMMENTS RECEIVED: The Texas Register comment period expired on February 16, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Elvia Maske, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-0789; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387

Respondent: Mr. Yusuffali L. Hamirani, President, NEPTUNE INTERNATIONAL INC., 1720 Dulles Avenue, Sugar Land, Texas 77478

Mr. Vallabh Patel, President, PARKVIEW PROPERTIES, INC., 3022 Newbrook Drive, #DRD, Pearland, Texas 77584 Respondent's Attorney: Not represented by counsel on this enforcement matter

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RESPONDENT NAME: NEPTUNE INTERNATIONAL INC. and PARKVIEW PROPERTIES, INC. dba Sugar Land Food Mart DOCKET NO.: 2008-1438-PST-E

VIOLATION SUMMARY CHAR	Г:	
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS
Type of Investigation: Complaint	Total Assessed: \$13,846	Ordering Provisions:
Routine Enforcement Follow-up	Total Deferred: \$2,769 X Expedited Settlement	The Order will require the Respondents to:
X Records Review	Financial Inability to Pay	a. Immediately upon the effective date of this Agreed Order, cease accepting fuel
Date(s) of Complaints Relating to this Case: None	SEP Conditional Offset: \$0	until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST
Date of Investigation Relating to this Case: July 18, 2008	Total Paid (Due) to General Revenue: \$332 (remaining \$10,745 due in 35 monthly	registration and self-certification form.
Date of NOV/NOE Relating to this Case: September 3, 2008 (NOE)	payments of \$307 each) CN601270804 and CN601678295	b. Within 30 days after the effective date of this Agreed Order:
Background Facts: This was a record	Site Compliance History Classification High X Average Poor	i. Post operating instructions on the front of each gasoline dispensing pump; and
review. WASTE	Person Compliance History Classification HighAveragePoor	ii. Conduct the required annual testing of the Stage II equipment.
1) Failure to renew a previously issued underground storage tank ("UST") delivery	Major Source: X Yes No	c. Within 45 days after the effective date of this Agreed Order, submit written
certificate by timely and proper submission of a completed UST registration and self-	Applicable Penalty Policy: September 2002	certification and include detailed supporting documentation including
certification form to the agency at least 30 days before the expiration date of the delivery certificate. Specifically, the		photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through b.ii.
delivery certificate expired on May 31, 2007 [30 Tex. ADMIN. CODE		
§ 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].		
2) Failure to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a		
regulated substance into the USTs. Specifically, 40 deliveries were received		
without a delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].	· · · · · ·	
3) Failure to post operating instructions		
conspicuously on the front of each gasoline dispensing pump equipped with Stage II equipment [30 TEX. ADMIN. CODE		
§ 115.242(9) and Tex. Health & Safety CODE § 382.085(b)].		
4) Failure to verify proper operation of the Stage II equipment at least once every 12		
nonths. Specifically, the Stage II annual esting had not been conducted [30 TEX.		
Admin. Code § 115.245(2) and Tex. Health & Safety Code § 382.085(b)].		Additional ID No(s).: 65914

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	• •	Penalty Calcula	ation Worksheet (PCW)	
Policy R	evision 2 (Sep	-		PCW Revision	June 12, 2008
TCEQ		·			
DATES	Assigned PCW		08 EPA Due		
RESPONDENT		INFORMATION	· · · · · · · · · · · · · · · · · · ·		
		NEPTUNE INTERNATIONAL INC. and	PARKVIEW PROPERTIES, INC	C dba Sugar Land Food Mart	1
Reg. En	t. Ref. No.	RN101794782			
		12-Houston	Major/Minor Source	Major	
CASE INFORM	ATION				
Enf./C	ase ID No.	36493	No. of Violations	4]
		2008-1438-PST-E	Order Type	1660	- -
Media P	rogram(s)	Petroleum Storage Tank	Government/Non-Profit	No	
M	ulti-Media		Enf. Coordinator		
Admin.	Penalty \$ I	Limit Minimum \$0 Maximum	EC's Team \$10,000	Enforcement Team 6]
		Penalty Cal	culation Section		
TOTAL DAG				• • • • • • • •	¢40.500
TOTAL BAS	E PENAL	TY (Sum of violation base pena	lities)	Subtotal 1	\$12,500
ADJUSTME	NTS (+/-)	TO SUBTOTAL 1			-
		ned by multiplying the Total Base Penalty (Subtotal	and a first second and a second se	· · · · · · · · · · · · · · · · · · ·	
Compl	iance Hist	ory 2.	.0% Enhancement Subt	otals 2, 3, & 7	\$250
	Notes	Enhancement due to one NOV	with dissimilar violation.		
Culmak			00/ -		¢0
Culpab	onity	<u>No 0.</u>	.0% Enhancement	Subtotal 4	\$0
	Notes	The Respondents do not meet	the culpability criteria.		
					6
Good I	aith Effor	t to Comply Total Adjustments		Subtotal 5	\$0
		- ಸರ್ವೇಷ ಕಾರ್ಯಕ್ರೆಯಲ್ಲಿ ಕೇರ್ಪಡಿಯಲ್ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯಿಂದ ಕಾರ್ಯಕ್ರಿಯಿಂದ ಕಾರ್ಯಕ್ರಿಯಿಂದ ಕಾರ್ಯಕ್ರಿಯಿಂ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯಲ್ಲಿ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕಾರ್ಯಕ್ರಿಯ ಕ	- Ser in 1979 - Sectoria Calendaria da Calendaria da Calendaria da Calendaria da Calendaria da Calendaria da Ca	Shili barkatan ma'ada i s	
Econo	mic Benefi	•	A9/	Subtotal 6	\$0
Econor	mic benen		.0% Enhancement* pped at the Total EB \$ Amount	Subtotal o	
	Approx.	Cost of Compliance \$1,300		· · · · · ·	4
			a and a second	an a	
SUM OF SU	BTOTAL	5 1-7		Final Subtotal	\$12,750
	TOPS	S JUSTICE MAY REQUIRE	8.6%	Advisor	\$1.096
		ubtotal by the indicated percentage.	0.070	Adjustment	\$1,030
]	
N	lotes	Recommended enhancement to c compliance associated wi	the Vielation No. 4		
		compliance associated wi			
	NT		Final Pe	nalty Amount	\$13,846
STATUTORY		DJUSTMENT	Final Asse	essed Penalty	\$13,846
			te defect beland in terres in the second second		
DEFERRAL			20.0% Reduction	Adjustment	-\$2,769
Reduces the Final A	ssessed Pen	alty by the indicted percentage. (Enter number only	/; e.g. 20 tor 20% reduction.)	1	TAK TAK
N	lotes	Deferral offered for expe	dited settlement		e train
i in				· · ·	
	1		· · · · · · ·	1	
PAYABLE P	ENALTY	$\label{eq:product} \left\{ \begin{array}{llllllllllllllllllllllllllllllllllll$			\$11,077
					· ·

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		ING Date 3-Sep-2008 Docket No. 2008-1438-PST-E	n-# n-	PC
		pondent NEPTUNE INTERNATIONAL INC. and PARKVIEW PRC	1	vision 2 (September 2 W Revision June 12, 2
n si s		e ID No. 36493		
Reg.		Statutel Petroleum Storage Tank	1	Sec. S. S.
s. 1		[otatute] rendedin otorage rank		
	Ent. Coo	rdinator Elvia Maske	n aras santa aras	11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
		Compliance History Worksheet	in the second	an an an an
		Site Enhancement (Subtotal 2)	n di Alexandre Chierre di Alexandre	n jalaka Astronomia
, E	Component		nter Number Here	Adjüst.
		Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
		Other written NOVs	1	2%
ſ		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	Ö	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	Ŭ, S O S	0%
	Judgments	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%
s A Alaman	·	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	Ô	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%
	Audits	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%
			e Enter Yes or No	· · · · ·
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
at e	Other	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%
Repea	at Violator (Su	Adjustment Po	ercentage (Sı	ıbtotal 2) 29
			roontara (P-	ubtotal 3) 09
	Nc	Adjustment Po	ercentage (St	
Comp	liance History	/ Person Classification (Subtotal 7)	en e	in attraction by
	Average P		ercentage (Si	ubtotal 7) 0%
Comp	liance History	/ Summary	and a second second	
	Compliance History	Enhancement due to one NOV with dissimilar violation.		
	Notes		the start of the s	and the second second second

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Screening Data Responden		PCW Revision 2 (September 2002)
Case ID No	. 36493 F	CW Revision June 12, 2008
Reg. Ent. Reference No		
Enf. Coordinato] Petroleum Storage Tank r Elvia Maske	
Violation Numbe		-
Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)	
Violation Descriptio	Failed to renew a previously issued UST delivery certificate by timely and proper submission of a completed UST registration and self-certification form to the agency at least 30 days before the expiration date of the delivery certificate. Specifically, the delivery certificate expired on May 31, 2007.	
	Base Penalty	/\$10,000
>> Environmental, Property a		
Releas	Harm e Major Moderate Minor	
OR Actua		
Potentia	Percent 0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor x Percent 25%	
generador (<u>L </u>	X Percent 25%	
Motrix]
Matrix Notes	100% of the rule requirement was not met.	
e ne constante de la constante	Adjustment \$7,500	<u>ח</u>
		\$2,500
		52
Violation Events		
Number of V	/iolation Events 1 461 Number of violation days	
	daily	
mark only one	quarterly Violation Base Penalty	/\$2,500
with an x	semiannual	
6	single event x	
й 		ח
	One single event is recommended.	
54 ANOLA 10		
Good Faith Efforts to Comply	0.0% Reduction	\$0
COOCH and Enores to Comply	Before NOV NOV to EDPRP/Settlement Offer	8
	Extraordinary	
	Ordinary N/A x (mark with x)	
er e		
V VICTOR IN THE REAL PROPERTY OF THE REAL PROPERTY	Notes The Respondents do not meet the good faith criteria for this violation.	
	Violation Subtota	I \$2,500
Economic Benefit (EB) for th	s violation Statutory Limit Test	
Estimat	ed EB Amount \$9 Violation Final Penalty Tota	1\$2,769
	This violation Final Assessed Penalty (adjusted for limits) \$2,769
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	RN101794782						
Reg. Ent. Reference No Media Violation No	a Petroleum Stor	age Tank			(Percent Interest	Years of Depreciation
	•					5.0	. 1
*	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	n No commas or \$	a a saña a c	$(a_{ij}^{*},a_{ij}^{*}) \in \mathbb{R}^{n}$	5.17.98		CARE E.C.	
Delayed Cost	5				· · · · · · · · · · ·		
Equipment	Section and the second	a state of the second state of the	ىرىيى قايىتە ۋەقەت بارتىرىمىيەن	, 0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		1	1	0.00	\$0	\$0	\$0
Engineering/construction			ويعتبدون والمردانية ال	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-May-2007	1-Feb-2009	1.76	\$9	n/a	\$9
Notes for DELAYED costs	1	and a state of the				he expected date of one-time avoided c	osts)
Avoided Cost	r			0.00	\$0	\$0	\$0
AVOIDED COST Disposal					\$0	\$0	\$0
				0.00			
Disposal Personnel Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Disposal Personnel				0.00	\$0 \$0	\$0	\$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00	\$0 \$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00	\$0 \$0 \$0	\$0 \$0	\$0 \$0

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	ate 3-Sep-2008 ent NEPTUNE INT	Docket No. 2008-1438-PST-E TERNATIONAL INC. and PARKVIEW PROPERTIES,	PCW Policy Revision 2 (September 2002)
Case ID I			PCW Revision June 12, 2008
Reg. Ent. Reference			
Enf. Coordina	Ite] Petroleum Stor	rage Tank	
Violation Num			
Rule Cit	e(s) 30 Tex	. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)
Violation Descrip		ake available to a common carrier a valid, current TCEQ delivery ce cepting delivery of a regulated substance into the USTs. Specifical deliveries were received without a delivery certificate.	
		Base	e Penalty\$10,000
>> Environmental, Property	/ and Human He	ealth Matrix	
	· · · · · · · · · · · · · · · · · · ·	Harm	
Rele OR Ac	ase Major tual	Moderate Minor	
Poter	ntial	Percent 0%	
>>Programmatic Matrix			
Falsificati	on Major	Moderate Minor	
	X	Percent 25%	
Matrix Notes		100% of the rule requirement was not met.	
		Adjustment	\$7,500
(20) - Alighte de Brancissers internet fin algementerskerst		HE SERE, CLUB, HERBEL SAUGELIN, COLOURS, SUBSETER HERBELE STUDIES, STATE SUBSETER HERBELE SUBSETER SUBSETER SUB	
			\$2,500
Violation Events	The address of the		
Number	of Violation Events	1 40 Number of violation days	5
	daily monthly		e Penalty \$2,500
mark only o with an x		Violation Base	
	annual		
	single event	X	×.
l l			
		One single event is recommended.	
			\$0
Good Faith Efforts to Comp	piy 🖉 👘	0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	
are e classe	Extraordinary		
	Ordinary		
	N/A	X (mark with x)	
	Notes	The Respondents do not meet the good faith criteria for this violation.	
		Violation	Subtotal \$2,500
Economic Benefit (EB) for I	this violation	Statutory Limit Tes	it
	nated EB Amount	\$0 Violation Final Pena	
ESUN	aleu ED Amount		· · · · · · · · · · · · · · · · · · ·
	an in the second second	This violation Final Assessed Penalty (adjusted f	or limits) \$2,769

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	36493						
Reg. Ent. Reference No. Media Violation No.	Petroleum Stor	age Tank				Percent Interest	Years of Depreciation
					· · · · · · ·	5.0	. 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$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 \$0
Remediation/Disposal			· · · · · · · · · · · · · · · · · · ·	0.00	\$0	n/a	\$0 \$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a. n/a	\$0 \$0
Notes for DELAYED costs	i i i i i i i i i i i i i i i i i i i	urgej -	Economic benefi	t include	d in Violation No.	1.	¹ ai
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before o	entering	item (except for	one-time avoided o	osts)
Disposal				0.00	\$0,,	\$0	\$0
Personnel			· · · · · · · · · · · · · · · · · · ·	0,00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
mapeenonneponngioamping				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
				0.00	\$0	\$0	\$0
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Supplies/equipment Financial Assurance [2]							
Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		J <u></u>]					

 $\frac{1}{2} = \frac{1}{2} \left(\frac{1}{2} + \frac{1}{2} \right) \left(\frac{1}{2} + \frac{1}{2} + \frac{1}{2} \right) \left(\frac{1}{2} + \frac{1}{2} + \frac{1}{2} \right) \left(\frac{1}{2} + \frac{1}{2} + \frac{1}{2} + \frac{1}{2} \right)$

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Screening Date 3-Sep-2008 Docket No. 2008-1438-PST-E Respondent NEPTUNE INTERNATIONAL INC. and PARKVIEW PROPERTIES, Policy Case ID No. 36493 Reg. Ent. Reference No. RN101794782 Media [Statute] Petroleum Storage Tank Enf. Coordinator Elvia Maske Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 115.242(9) and Tex. Health & Safety Code § 382.085(b) Violation Description Failed to post operating instructions conspicuously on the front of each gasoline dispensir pump equipped with Stage II equipment.	
Base Penal >> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual Potential x Percent 25%	ty\$10,000
>>Programmatic Matrix Falsification Major Moderate Minor Percent 0%	
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 violatio	n.
Violation Events Number of Violation Events 1 47 Number of Violation days	
mark only one with an x daily monthly utarterly semiannual annual single event	y\$2,500
One quarterly event is recommended based on documentation of the violation during the July 18, 2008 record review to the September 3, 2008 screening date.	
Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer Extraordinary	\$0
Notes The Respondents do not meet the good faith criteria for this violation.	
Violation Subtot Economic Benefit (EB) for this violation Statutory Limit Test	al \$2,500
Estimated EB Amount \$6 Violation Final Penalty Tota	al \$2,769
This violation Final Assessed Penalty (adjusted for limits	\$2,769

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Respondent	NEPTUNE INT	ERNATIONAL INC.	and PARKVIEW	PROPE	RTIES, INC. dba	Sugar Land Food M	art
Case ID No.						l de la set	
Reg. Ent. Reference No.	RN101794782						. :
Media	Petroleum Stor	age Tank			and the second	Percent Interest	Years of Depreciation
Violation No.	3				····· · · ·	5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		ango an sino si Alfondo an sino si	, , , , , , , , , , , , , , , , , , ,			
Delayed Costs					\$0	\$0	\$0
Equipment				0.00	\$0	\$0 \$0	\$0 \$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0
Other (as needed)			<u> </u>	0.00	\$0 \$0	\$0	\$0
Engineering/construction	·		a faith a	0.00	\$0	n/a	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System		<u> </u>		0.00	\$0	n/a	\$0
Training/Sampling Remediation/Disposal				0.00	\$0	n/a	\$0
Remediation/Disposal							\$0
Bermit Costo				0 0 00	1 50.	n/a	30
Permit Costs Other (as needed)	\$200 Estimated co	18-Jul-2008	1-Mar-2009 Instructions on t	0.00 0.62 he disper	\$0 \$6 nsers. Date Requ	n/a n/a ired is the investigat	\$6
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Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	ost to post operating	instructions on t Date is the esti	0.62 he dispermated date entering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$6 hsers. Date Requ ate of compliance. item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a ired is the investigat one-time avoided o \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$6 ion date. Final costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Page 1 of 2, 1/6/2009, H:\Agreed Orders\NeptuneInternationalIncandParkviewPropertiesInc\2008-1438-PST-E_PCW_NEPTUNE INTERNATIONAL INC and PARKVIEW PROPERTIES INC dba Sugar Land Food Marts Inc.xis

Screening Date Respondent Case ID No. Reg. Ent. Reference No. Media [Statute] Enf. Coordinator Violation Number Rule Cite(s) Violation Description	NEPTUNE INTERN 36493 RN101794782 Petroleum Storage T Elvia Maske 4 30 Tex. Admin Failed to verify prop	ATIONAL INC. and PARK Tank I. Code § 115.245(2) and T	ex. Health & Safety Code § 382.0 Il equipment at least once every esting had not been conducted.	PC 085(b) 12 months.	PCW vision 2 (September 2002) W Revision June 12, 2008
			Ba	se Penalty	\$10,000
>> Environmental, Property and Release OR Actual Potential	H	I Matrix arm derate Minor	Percent <u>50%</u>		
>>Programmatic Matrix Falsification	Major Moc	derate Minor	Percent 0%]	
			oollutants which would exceed lev otors as a result of the violation. Adjustment	els that are \$5,000	
C. C. D. R. S. 2001, R. LEWISCHWIGHT, MILLING PROPERTY INTERACTION AND AND A DESCRIPTION OF A DESCRIPTION				Г	\$5,000
				. 7	···
Violation Events Number of Vic	lation Events	1	365 Number of violation da	iys	•
rnark only one with an x	daily monthly quarterly semiannual annual	x	Violation Ba	se Penalty	\$5,000
	single event		1. A. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.		
One annual e	vent is recommende	d for the 12-month period	preceding the July 18, 2008 recor	d review.	
Good Faith Efforts to Comply	Befor Extraordinary	0.0% Reduction re NOV NOV to EDPRP/Settle	ement Offer	in de la compañía de Compañía de la compañía de la compañí	\$0
900000° *- Annual	Ordinary				
		x (mark with x)		n .	
	Notes		et the good faith criteria for this ation.		
- Permeter - Andreas			Violatio	on Subtotal	\$5,000
Economic Benefit (EB) for this	violation		Statutory Limit Te	est	
•	EB Amount	\$1,096	Violation Final Pe		\$5,538
Lounded				-	
e na kon u ponemi minimumi minipular ngono angga pana na minipular ngono ang pana na minipular na minipular ng ngono ngono ng		I DIS VIOLATION FI	nal Assessed Penalty (adjusted		\$5,538

Page 2 of 2, 1/6/2009, H:\Agreed Orders\NeptuneInternationalIncandParkviewPropertiesInc\2008-1438-PST-E_PCW_NEPTUNE INTERNATIONAL INC and PARKVIEW PROPERTIES INC dba Sugar Land Food Marts Inc.xls

n a sa s						Sugar Land Food M	art
		ERNATIONAL INC	and PARKVIEW	PROPE	RHES, INC. dba	Sugar Land Food M	art
Case ID No.					. 2	and the second se	
	Petroleum Stor	age Tank		· .		Percent Interest	Years of Depreciation
Violation No.	4			L.	na da Sulta.	5.0	pepreciation
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amou
Item Description	No commas or \$	n Brian An Galeria (Brian Angele)	an an Araba an Araba. An an Araba an Araba	n an Anna Anna Anna			
Delayed Costs		· · · · · · · · · · · · · · · · · · ·				<u> </u>	\$0
Equipment	<u></u>		and the second second	0.00	\$0 \$0	\$0 <u>.</u> \$0	\$0 \$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$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 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
01101 (20 1100001)		JI				(1) 正義成計	
		ÿ			+		
Notes for DELAYED costs						- 41	
				-			
Avoided Costs	ANN	NUALIZE [1] avoid	ed costs before o			one-time avoided o	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 \$1,096
ONE-TIME avoided costs [3]	\$1,000	18-Jul-2007	18-Jul-2008	1.92	\$96 \$0	\$1,000 \$0	\$1,090
Other (as needed)			L,		\$0	<u>.</u>	j
Notes for AVOIDED costs	Estimated co		operation of the Si gation date. The			te Required is one y view date.	ear prior to th
Approx. Cost of Compliance	[<u></u>	\$1,000			TOTAL		\$1.

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Sector Parts

Compliance History

Customer/Respondent/Owner-Operator:	CN601678295	PARKVIEW PROPERTI	,	Classification: AVERAGE	-			
Regulated Entity:	RN101794782	SUGAR LAND FOOD N	IART	Classification: AVERAGE	Site Rating: 0.75			
ID Number(s):		STORAGE TANK	REGISTR/	ATION	65914			
Location:	REGISTRATION . 1720 DULLES AVE, SUGAR LAND, TX, 77478 Rating Date: 9/1/2008 Repeat Violator: NO							
TCEQ Region:	REGION 12 - H	OUSTON						
Date Compliance History Prepared:	September 08, 2	2008						
Agency Decision Requiring Compliance Histor	y: Enforcement				, ,			
Compliance Period:	September 08, 2	2003 to September 08, 200	8					
TCEQ Staff Member to Contact for Additional Name: Elvia Maske		ling this Compliance Histor one: (512) 239-0789						
	Site Co	ompliance History Con	nponents					
1. Has the site been in existence and/or opera	tion for the full five	year compliance period?	Yes					
2. Has there been a (known) change in owners	ship of the site duri	ng the compliance period?	No					
3. If Yes, who is the current owner?								
4. if Yes, who was/were the prior owner(s)?								
5. When did the change(s) in ownership occu	r?							
Components (Multimedia) for the Site					••			
A. Final Enforcement Orders, court jud	gements, and cons	ent decrees of the state of	Texas and the	federal government.				
N/A								
B. Any criminal convictions of the state N/A	of Texas and the f	ederal government.						
C. Chronic excessive emissions events	.			·.				
N/A					· · · ·			
D. The approval dates of investigations N/A	. (CCEDS Inv. Trac	ck. No.)						
E. Written notices of violations (NOV).	(CCEDS Inv. Track	. No.)						
Date: 12/30/2005 (43206	51)							
Self Report? NO			sification: Mod	derate				
Description: 30 Tex. Ad	esting conducted at	pter C 115.246(5) 115.246 (5) - Failure to ma the facility according to 11		of the				
F. Environmental audits. N/A								
G. Type of environmental management	: systems (EMSs).							
N/A								
H. Voluntary on-site compliance assess	sment dates.							
N/A								
I. Participation in a voluntary pollution	reduction program.		* X					
N/A								
J. Early compliance.								
N/A								
Sites Outside of Texas								
N/A								

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Compliance History

Customer	/Respondent/Owner-Operator:	CN601270804	NEPTUNE INTERNATION	AL INC.	Classification: AVERAGE	Rating: 0.75
Regulated	d Entity:	RN101794782	SUGAR LAND FOOD MAP	RT	Classification: AVERAGE	Site Rating: 0.75
ID Numbe	er(s):	PETROLEUM ST REGISTRATION		REGISTRA	ΓΙΟΝ	65914
Location:		•	/E, SUGAR LAND, TX, 7747	8	Rating Date: 9/1/2008 Rep	eat Violator: NO
TCEQ Re	gion:	REGION 12 - HO	USTON			
Date Com	pliance History Prepared:	September 08, 20	008			
Agency D	ecision Requiring Compliance History:	Enforcement	•			
Compliand	ce Period:	September 08, 20	003 to September 08, 2008			
TCEQ Sta	aff Member to Contact for Additional In	formation Regardir	ng this Compliance History			
Name:	Elvia Maske	Pho	one: (512) 239-0789			
		Site Co	mpliance History Comp	onents		•
1. Has the	e site been in existence and/or operation	on for the full five y	ear compliance period?	Yes		
2. Has the	ere been a (known) change in ownersh	ip of the site during	g the compliance period?	No		
3. If Yes, v	who is the current owner?			•		
4. if Yes,	who was/were the prior owner(s)?					
5. When a	did the change(s) in ownership occur?			1		
Compon	nents (Multimedia) for the Site :				•.	
A.	Final Enforcement Orders, court judge	ements, and conse	nt decrees of the state of Te	xas and the fe	deral government.	
	N/A					
	Any criminal convictions of the state on N/A	f Texas and the fe	deral government.			
C.	Chronic excessive emissions events.			7		•
	N/A					
D.	The approval dates of investigations. N/A	(CCEDS Inv. Track	«. No.)		,	
E.	Written notices of violations (NOV). (C	CEDS Inv. Track.	No.)			
	Date: 12/30/2005 (432061)				
	Self Report? NO			cation: Mod	erate	
		pter 115, SubChap in. Code Section 1	ter C 115.246(5) 15.246 (5) - Failure to mainta	ain a record of	the	
	results of tes Requirement		he facility according to 115.2	245 (Testing		
F.	Environmental audits.					
	N/A					
G.	Type of environmental management s	systems (EMSs).				
	N/A					
н.	Voluntary on-site compliance assessr	nent dates.			· .	
	N/A					
١.	Participation in a voluntary pollution re	eduction program.				
	N/A					
J.	Early compliance.					
	Ñ/A					
	side of Texas					
	N/A					
· · · · ·						

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING NEPTUNE INTERNATIONAL INC. AND PARKVIEW PROPERTIES, INC. DBA SUGAR LAND FOOD MART RN101794782 **BEFORE THE**

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1438-PST-E

I. JURISDICTION AND STIPULATIONS

At its ________ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding NEPTUNE INTERNATIONAL INC. and PARKVIEW PROPERTIES, INC. dba Sugar Land Food Mart ("the Respondents") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents appear before the Commission and together stipulate that:

- 1. PARKVIEW PROPERTIES, INC. owns and NEPTUNE INTERNATIONAL INC. operates a convenience store with retail sales of gasoline at 1720 Dulles Avenue in Sugar Land, Fort Bend County, Texas (the "Station").
- 2. The Respondents' two underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and the Respondents agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondents are subject to the Commission's jurisdiction.
- 4. The Respondents received notice of the violations alleged in Section II ("Allegations") on or about September 8, 2008.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

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NEPTUNE INTERNATIONAL INC. and PARKVIEW PROPERTIES, INC. dba Sugar Land Food Mart DOCKET NO. 2008-1438-PST-E Page 2

6. An administrative penalty in the amount of Thirteen Thousand Eight Hundred Forty-Six Dollars (\$13,846) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondents have paid Three Hundred Thirty-Two Dollars (\$332) of the administrative penalty and Two Thousand Seven Hundred Sixty-Nine Dollars (\$2,769) is deferred contingent upon the Respondents' timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondents fail to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondents to pay all or part of the deferred penalty.

The remaining amount of Ten Thousand Seven Hundred Forty-Five Dollars (\$10,745) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Seven Dollars (\$307) 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 the Respondents fail to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondents to meet the payment schedule of this Agreed Order constitutes the failure by the Respondents to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondents 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 the Respondents have 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

As owner and operator of the Station, the Respondents are alleged to have:

1.

Failed to renew a previously issued UST delivery certificate by timely and proper submission of a completed UST registration and self-certification form to the agency at least 30 days before the expiration date of the delivery certificate, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii), as documented during a record review conducted on July 18, 2008. Specifically, the delivery certificate expired on May 31, 2007.

NEPTUNE INTERNATIONAL INC. and PARKVIEW PROPERTIES, INC. dba Sugar Land Food Mart DOCKET NO. 2008-1438-PST-E Page 3

- 2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during a record review conducted on July 18, 2008. Specifically, 40 deliveries were received without a delivery certificate.
- 3. Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with Stage II equipment, in violation of 30 TEX. ADMIN. CODE § 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 18, 2008.

4.

1.

b.

Failed to verify proper operation of the Stage II equipment at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on July 18, 2008. Specifically, the Stage II annual testing had not been conducted.

III. DENIALS

The Respondents generally deny each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

It is, therefore, ordered by the TCEQ that the Respondents pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondents' compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: NEPTUNE INTERNATIONAL INC. and PARKVIEW PROPERTIES, INC. dba Sugar Land Food Mart, Docket No. 2008-1438-PST-E" to:

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

- 2. The Respondents are jointly and severally liable for the violations documented in this Agreed Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Agreed Order.
- 3. It is further ordered that the Respondents shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form, in accordance with 30 TEX. ADMIN. CODE § 334.8;

Within 30 days after the effective date of this Agreed Order:

NEPTUNE INTERNATIONAL INC. and PARKVIEW PROPERTIES, INC. dba Sugar Land Food Mart DOCKET NO. 2008-1438-PST-E Page 4

- i. Post operating instructions on the front of each gasoline dispensing pump, in accordance with 30 TEX. ADMIN. CODE § 115.242; and
- ii. Conduct the required annual testing of the Stage II equipment, in accordance with 30 TEX. ADMIN. CODE § 115.245.
- Within 45 days after the effective date of this Agreed Order, 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. 3.a. through 3.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:

Manager, Waste Section Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon the Respondents. The Respondents are 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.
 - If the Respondents fail 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, the Respondents' failure to comply is not a violation of this Agreed Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. 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 the Respondents shall be

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NEPTUNE INTERNATIONAL INC. and PARKVIEW PROPERTIES, INC. dba Sugar Land Food Mart DOCKET NO. 2008-1438-PST-E Page 5

made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondents 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.

8. 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.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondents, or three days after the date on which the Commission mails notice of the Order to the Respondents, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

FAX ND. :2812911189

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FROM :L

Fax:5122394562

P. 08 Dec 10 2008 15:12

NEPTUNE INTERNATIONAL INC. and PARKVIEW PROPERTIES, INC. dbs Suger Land Food Mart DOCKET NO. 2008-1438-PST-E

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

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2009

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

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

A negative import on compliance history;

Greater scrutiny of any pendit applications submitted;

- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney false, or to a collection agency; Increased penalties in any fiture enforcement actions;

Automatic referral to the Attorney General's Office of any future enforcement actions; and TCEQ seeking other relief as authorized by law.

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

ami nu Signature

YUSUFFALI 1-HAMIRANI Neotune INT INC Name (Printed or typed)

Authorized Representative of NEPTUNE INTERNATIONAL, IN dba Sugar Land Food Mart

11 ABY

Name (Printed or typed) Authorized Representative of PARKVIEW PROPERTIES, INC dia Sugar Land Food Mart

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

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