

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-1256-PST-E TCEQ ID: RN102457785 CASE NO.: 36249
RESPONDENT NAME: KAZI BEGUM DBA QUICK STOP

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 12111 FM 3083, Conroe, Montgomery County.

TYPE OF OPERATION: Convenience store with retail sales of gasoline.

SMALL BUSINESS: Yes No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 20, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Tommy Tucker Henson II Litigation Division, MC 175, (512) 239-0946
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Steven Lopez, Waste Enforcement Section, MC 128, (512) 239-1896
TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623
Respondent: Ms. Kazi Begum, Operator, Quick Stop, 9177 Imogene Street, Houston, Texas 77071
Respondent's Attorney: Not represented by counsel on this enforcement matter.

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: None</p> <p>Date of Investigation Relating to this Case: June 11, 2008</p> <p>Date of NOV Relating to this Case: July 11, 2008</p> <p>Background Facts: The EDRP was filed December 3, 2008 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that the Respondent received notice of the EDRP. The Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>PST:</p> <ol style="list-style-type: none"> Failed to provide release detection by failing to record inventory volume measurement for regulated substance inputs, withdrawals and the amount still remaining in the tank each operating day [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475 (c)(1)]. Failed to maintain Stage II records at the Station and make them available upon request by agency personnel [30 TEX. ADMIN. CODE §§ 115.246(4) and 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(d)]. 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 applicable 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 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 	<p>Total Assessed: \$6,390</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 Due to General Revenue: \$6,390</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" 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>The Executive Director recognizes that the Respondent no longer operates the Station.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	14-Jul-2008	Screening	21-Jul-2008	EPA Due	
	PCW	16-Oct-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	Kazi Begum dba Quick Stop
Reg. Ent. Ref. No.	RN102457785
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36249	No. of Violations	3
Docket No.	2008-1256-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Lopez
Admin. Penalty \$ Limit Minimum	\$0	EC's Team	Enforcement Team 6
Maximum	\$10,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply Total Adjustments **Subtotal 5**

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	\$185	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$3,650	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 21-Jul-2008

Docket No. 2008-1256-PST-E

PCW

Respondent Kazi Begum dba Quick Stop

Policy Revision 2 (September 2002)

Case ID No. 36249

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102457785

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 NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
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	1	25%
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) 32%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one Default Order, one previous NOV with same or similar violations, one NOV for dissimilar violations and due to poor performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 42%

Screening Date 21-Jul-2008	Docket No. 2008-1256-PST-E	PCW	
Respondent Kazi Begum dba Quick Stop	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36249	<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN102457785			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Steven Lopez			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	<input style="width:100%;" type="text" value="30 Tex. Admin. Code § 334.50(d)(1)(B)(iii)(I) and Tex. Water Code § 26.3475(c)(1)"/>		
Violation Description	<input style="width:100%; height: 50px;" type="text" value="Failed to provide release detection by failing to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day."/>		
Base Penalty		<input style="width:100%;" type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>
			Percent <input style="width:100%;" type="text" value="25%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate
			Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>
			Percent <input style="width:100%;" type="text" value="0%"/>
Matrix Notes	<input style="width:100%; height: 30px;" type="text" value="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			<input style="width:100%;" type="text" value="\$7,500"/>
			<input style="width:100%;" type="text" value="\$2,500"/>
Violation Events			
	Number of Violation Events	<input style="width:100%;" type="text" value="1"/>	<input style="width:100%;" type="text" value="40"/> Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text" value="x"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
			Violation Base Penalty <input style="width:100%;" type="text" value="\$2,500"/>
<input style="width:100%; height: 30px;" type="text" value="One quarterly event is recommended from the investigation date of June 11, 2008 to the screening date of July 21, 2008."/>			
Good Faith Efforts to Comply			<input style="width:100%;" type="text" value="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	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>	
Notes	<input style="width:100%; height: 30px;" type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
Violation Subtotal			<input style="width:100%;" type="text" value="\$2,500"/>
Economic Benefit (EB) for this violation			Statutory Limit Test
	Estimated EB Amount	<input style="width:100%;" type="text" value="\$65"/>	Violation Final Penalty Total <input style="width:100%;" type="text" value="\$3,550"/>
This violation Final Assessed Penalty (adjusted for limits)			<input style="width:100%;" type="text" value="\$3,550"/>

Economic Benefit Worksheet

Respondent Kazi Begum dba Quick Stop
Case ID No. 36249
Reg. Ent. Reference No. RN102457785
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
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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)	\$1,500	11-Jun-2008	21-Apr-2009	0.86	\$65	n/a	\$65

Notes for DELAYED costs

Estimated cost to provide release detection to include volume measurement of inventory control records. 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

\$1,500

TOTAL

\$65

Screening Date 21-Jul-2008	Docket No. 2008-1256-PST-E	PCW	
Respondent Kazi Begum dba Quick Stop	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36249	<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN102457785			
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 § 115.246(4) and (6) and Tex. Health & Safety Code § 382.085(b)"/>		
Violation Description	<input type="text" value="Failed to maintain Stage II records at the Station and make them available for inspection upon request by agency personnel. Specifically, proof of attendance and completion of Stage II training for each employee and the results of the daily Stage II inspections were not available for review."/>		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual <input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential <input type="text"/>	<input type="text"/>	<input type="text"/>
			Percent <input type="text" value="0%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate Minor
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
			Percent <input type="text" value="10%"/>
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"/>	<input type="text" value="40"/>	Number of violation days
<i>mark only one with an x</i>	daily <input type="text"/>	monthly <input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>
	quarterly <input type="text"/>	semiannual <input type="text"/>	
	annual <input type="text"/>	single event <input checked="" type="checkbox"/>	
<input type="text" value="One single event is recommended."/>			
Good Faith Efforts to Comply		0.0% Reduction	<input type="text" value="\$0"/>
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<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="\$1,000"/>
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$22"/>	Violation Final Penalty Total	<input type="text" value="\$1,420"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$1,420"/>

Economic Benefit Worksheet

Respondent Kazi Begum dba Quick Stop
Case ID No. 36249
Reg. Ent. Reference No. RN102457785
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
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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	11-Jun-2008	21-Apr-2009	0.86	\$22	n/a	\$22
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 of maintaining Stage II recordkeeping 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

TOTAL

Screening Date 21-Jul-2008	Docket No. 2008-1256-PST-E	PCW		
Respondent Kazi Begum dba Quick Stop	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36249	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN102457785				
Media [Statute] Petroleum Storage Tank				
Enf. Coordinator Steven Lopez				
Violation Number <input type="text" value="3"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.242(1)(C), and (3)(A) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description	<input 1="" 2="" adapters="" air="" and="" any="" applicable="" as="" board="" break="" by="" california="" compatible="" compatible.="" condition,="" defects="" dispensers="" dry="" effectiveness="" equipment="" executive="" failed="" fill="" free="" ii="" impair="" in="" installed="" maintain="" manufacture="" not="" numbered="" of="" on="" operating="" or="" order="" orvr="" orvr")="" ports."="" proper="" resources="" specifically,="" specified="" stage="" swivel="" system.="" systems.="" that="" the="" to="" type="text" value="Failed to upgrade the Stage II equipment to onboard refueling vapor recovery (" were="" would=""/>			
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"/>	x	<input type="text"/>
				Percent <input type="text" value="10%"/>
>> 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 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				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="40"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<input type="text" value="One quarterly event is recommended from the investigation date of June 11, 2008 to the screening date of July 21, 2008."/>				
Good Faith Efforts to Comply		0.0% Reduction		\$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	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="\$1,000"/>
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$99"/>		Violation Final Penalty Total <input type="text" value="\$1,420"/>		
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$1,420"/>

Economic Benefit Worksheet

Respondent: Kazi Begum dba Quick Stop
Case ID No.: 36249
Reg. Ent. Reference No.: RN102457785
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
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No commas or \$

Delayed Costs

Equipment	\$1,500	11-Jun-2008	21-Apr-2009	0.86	\$4	\$86	\$90
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$150	11-Jun-2008	21-Apr-2009	0.86	\$0	\$9	\$9
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 the Stage II equipment to ORVR compatible systems (\$2,500). Date Required is the date of investigation. Final Date is the estimated 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

\$1,650

TOTAL

\$99

Compliance History

Customer/Respondent/Owner-Operator: CN603387358 Begum, Kazi Classification: POOR Rating: 59.25
Regulated Entity: RN102457785 Quick Stop Classification: POOR Site Rating: 59.25
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 38836
Location: 12111 FM 3083 RD, CONROE, TX, 77301 Rating Date: September 01 07 Repeat Violator: NO
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: August 02, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 02, 2003 to August 02, 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? Yes
3. If Yes, who is the current owner? Alefeya Enterprises, Inc.
4. If Yes, who was/were the prior owner(s)?
I. F. Business Inc.
S & S Quick Stop
5. When did the change(s) in ownership occur?
09/01/2005
08/28/2006

Components (Multimedia) for the Site :

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

Effective Date: 08/20/2006

ADMINORDER 2003-1154-PST-E

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)(1)(B)

Description: Failure to maintain inventory control records on the premises of the Facility and immediately accessible and available for inspection.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)

30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(ii)

Description: Failure to implement release detection sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons.

Classification: Moderate

Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)

30 TAC Chapter 37, SubChapter I 37.815(b)

Description: Failure to maintain the required financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of USTs.

- 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 02/23/2004 (282308)

2 01/06/2005 (292202)

3 08/31/2005 (379981)

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

Date: 02/23/2004 (282308)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 37, SubChapter I 37.815(a) 30 TAC Chapter 37, SubChapter I 37.815(b)		
Description:	Failure to provide acceptable financial assurance		
Date:	07/18/2005	(379981)	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.246(6)		
Description:	Failure to maintain a daily inspection log according to 115.244 (Inspection Requirements).		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.246(4)		
Description:	Failure to maintain proof of attendance and completion of training as specified in 115.248 (state approved Stage II training course) and documentation of all Stage II training for each employee.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.245(2)		
Description:	Failure to verify proper operation of the Stage II equipment at least once every twelve months or upon major system replacement or modification.		

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
KAZI BEGUM DBA QUICK STOP;
RN102457785

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2008-1256-PST-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Kazi Begum dba Quick Stop ("Ms. Begum").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Ms. Begum operated a convenience store with retail sales of gasoline located at 12111 FM 3083, Conroe, Montgomery County, Texas (the "Station").
2. The Station's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station's USTs contain a regulated substance as defined in the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an investigation conducted on June 11, 2008, a TCEQ Houston Regional Office investigator documented that Ms. Begum:
 - a. Failed to provide release detection by failing to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day.
 - b. Failed to maintain Stage II records at the Station and make them available upon request by agency personnel. Specifically, proof of attendance and completion of Stage II training for each employee and the results of the daily Stage II inspections were not available for review.

- c. Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems. Specifically, dispensers numbered 1 and 2 were not ORVR compatible. Also, failed to maintain the Stage II equipment in proper operating condition, as specified by the manufacturer 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 adaptors were not installed on the dry break or the fill ports.
4. Ms. Begum received notice of the violations on or about July 16, 2008.
5. The Executive Director recognizes that Ms. Begum no longer operates the Station as of November 14, 2008.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Kazi Begum dba Quick Stop" (the "EDPRP") in the TCEQ Chief Clerk's office on December 3, 2008.
7. By letter dated December 3, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Ms. Begum with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Ms. Begum received notice of the EDPRP.
8. More than 20 days have elapsed since Ms. Begum received notice of the EDPRP, provided by the Executive Director. Ms. Begum failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Ms. Begum is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Ms. Begum failed to provide release detection by failing to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1).

3. As evidenced by Finding of Fact No. 3.b., Ms. Begum failed to maintain Stage II records at the Station and make them available upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE §§ 115.246(4) and 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 3.c., Ms. Begum failed to upgrade the Stage II equipment to ORVR compatible systems and failed to maintain the Stage II equipment in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system, in violation of 30 TEX. ADMIN. CODE §§ 115.242(1)(C) and 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director timely served Ms. Begum with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
6. As evidenced by Finding of Fact No. 8, Ms. Begum failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Ms. Begum and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Ms. Begum for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of six thousand three hundred ninety dollars (\$6,390.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ORDERS that:

1. Ms. Begum is assessed an administrative penalty in the amount of six thousand three hundred ninety dollars (\$6,390.00) for violations of the Texas Water Code and Texas Health & Safety Code, and the rules of the TCEQ. The payment of this administrative penalty and Ms. Begum's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Kazi Begum dba Quick Stop; Docket No. 2008-1256-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. All relief not expressly granted in this Order is denied.
3. The provisions of this Order shall apply to and be binding upon Ms. Begum. If Ms. Begum fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Ms. Begum's failure to comply is not a violation of this Order. Ms. Begum shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ms. Begum shall notify the Executive Director within seven days after Ms. Begum becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Ms. Begum shall be made in writing to the Executive Director. Extensions are not effective until Ms. Begum receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Ms. Begum if the Executive Director determines that Ms. Begum has not complied with one or more of the terms or conditions in this Order.

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

7. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF TOMMY TUCKER HENSON II

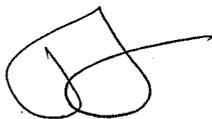
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Tommy Tucker Henson II. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Kazi Begum dba Quick Stop” (the “EDPRP”) was filed with the Office of the Chief Clerk on December 3, 2008.

The EDPRP was mailed to Ms. Begum at her last known address on December 3, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as “unclaimed.” The first class mail has not been returned, indicating that Ms. Begum received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

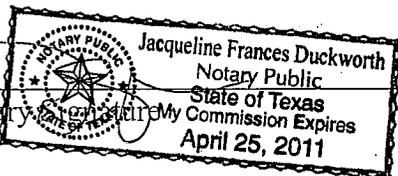
More than 20 days have elapsed since Ms. Begum received notice of the EDPRP. Ms. Begum failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”



Tommy Tucker Henson II, Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Tommy Tucker Henson II, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 10th day of February, A.D., 2009.


Notary _____