

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**      Page 1 of 4  
**DOCKET NO.:** 2008-1607-PST-E    **TCEQ ID:** RN101433712    **CASE NO.:** 36649  
**RESPONDENT NAME:** Mike Hweidi dba Hicks Country Store

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Hicks Country Store, 585 Randol Mill Avenue, Southlake, Tarrant County</p> <p><b>TYPE OF OPERATION:</b> Convenience store with retail sales of gasoline</p> <p><b>SMALL BUSINESS:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 23, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney/SEP Coordinator: None  TCEQ Enforcement Coordinator: Ms. Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  Respondent: Mr. Mike Hweidi, Owner, Hicks Country Store, 585 Randol Mill Avenue, Southlake, Texas 76092  Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 18, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> September 29, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WASTE</b></p> <p>1) Failure to maintain the required underground storage tank ("UST") records and make them immediately available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.10(b)].</p> <p>2) Failure to provide an amended UST registration to the agency for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not amended to reflect the owner's current mailing address, accurate tank capacity, Stage I and II information, and current method of release detection [30 TEX. ADMIN. CODE § 334.7(d)(3)].</p> <p>3) Failure to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>4) Failure to provide release detection for the piping associated with the USTs. Specifically, the monthly Statistical Inventory Reconciliation ("SIR") analysis was not being conducted [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].</p>	<p><b>Total Assessed:</b> \$16,858</p> <p><b>Total Deferred:</b> \$3,371  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$397 (remaining \$13,090 due in 35 monthly payments of \$374 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:</p> <p>a. On September 25, 2008, the TCEQ DFW Regional Office received documentation verifying that the UST records are being maintained at the Station;</p> <p>b. The TCEQ DFW Regional Office received documentation verifying that the registration has been amended to indicate the owner's current mailing address, accurate tank capacity, Stage I and II information, and current method of release detection as of October 15, 2008;</p> <p>c. The TCEQ DFW Regional Office received SIR reports verifying that all USTs are being monitored as of September 26, 2008;</p> <p>d. The TCEQ DFW Regional Office received documentation verifying that the Respondent successfully conducted the required piping tightness and line leak detector tests on September 25, 2008;</p> <p>e. Began recording inventory volume measurement and reconciliation of inventory control records and obtaining SIR analysis reports from the vendor within 15 calendar days on October 14, 2008;</p> <p>f. Began conducting proper inventory control procedures for all USTs at the Station on October 15, 2008;</p> <p>g. The TCEQ DFW Regional Office received verifying that the shear valves under dispenser nos. 6 and 7 have been properly anchored as of September 26, 2008;</p> <p>h. Began conducting daily and monthly inspections of the Stage II vapor recovery system as of October 9, 2008;</p> <p>i. The TCEQ DFW Regional Office</p>

<p>5) Failure to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detectors had not been performance tested annually [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a)].</p> <p>6) Failure to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>7) Failure 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)].</p> <p>8) Failure to obtain an SIR analysis report from the designated provider within 15 calendar days following the last day of the calendar month for which the analysis was performed [30 TEX. ADMIN. CODE § 334.50(d)(9)(A)(iii) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>9) Failure to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sales of petroleum substances used as motor fuel each operating day [30 TEX. ADMIN. CODE § 334.48(c)].</p> <p>10) Failure to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser. Specifically, the shear valves underneath dispenser nos. 6 and 7 were not anchored [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)].</p> <p>11) Failure to conduct monthly inspections of the Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.244(3) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>12) Failure to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current employee receives in-house Stage II vapor recovery training regarding the purpose and operation of the vapor recovery</p>		<p>received documentation verifying that the Station representative Stage II training has been completed and that each current employee received in-house Stage II vapor recovery awareness training on October 15, 2008;</p> <p>j. The TCEQ DFW Regional Office received documentation verifying that the Station is maintaining all Stage II records on-site including the applicable CARB Executive Order on September 26, 2008;</p> <p>k. The TCEQ DFW Regional Office received documentation verifying that the Respondent submitted Stage II test results to the agency on September 26, 2008; and</p> <p>l. The TCEQ DFW Regional Office received documentation verifying that the Stage II annual system compliance testing was successfully conducted on September 24, 2008.</p>
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<p>system. Specifically, Stage II training for the Station representative and the employees had not been completed [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>13) Failure to maintain Stage II records at the Station and make them immediately available for inspection upon request by agency personnel. Specifically, records not available for review included a copy of the applicable California Air Resources Board ("CARB") Executive Order [30 TEX. ADMIN. CODE § 115.246(1) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>14) Failure to submit the Stage II test results to the agency within 10 working days. Specifically, test results were not submitted to the agency within the required timeframe [30 TEX. ADMIN. CODE § 115.245(6) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>15) Failure to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual system compliance testing had not been conducted [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): PST No. 53151



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision June 17, 2008

TCEQ

<b>DATES</b>	<b>Assigned</b>	6-Oct-2008	<b>Screening</b>	7-Oct-2008	<b>EPA Due</b>	
	<b>PCW</b>	7-Oct-2008				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Mike Hweidi dba Hicks Country Store	
<b>Reg. Ent. Ref. No.</b>	RN101433712	
<b>Facility/Site Region</b>	4-Dallas/Fort Worth	<b>Major/Minor Source</b> Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	36649	<b>No. of Violations</b>	9
<b>Docket No.</b>	2008-1607-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Judy Kluge
		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$13,500
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	22.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$2,970
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<b>Notes</b>	Enhancement for one prior 1660 order and one prior NOV with dissimilar violations.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$2,175
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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<b>Total EB Amounts</b>	\$2,571	<b>*Capped at the Total EB \$ Amount</b>
<b>Approx. Cost of Compliance</b>	\$6,550	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$14,295
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	17.9%	<b>Adjustment</b>	\$2,563
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Recommended enhancement to capture the avoided cost of compliance associated with violation nos. 3, 6, and 9.
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<b>Final Penalty Amount</b>	\$16,858
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$16,858
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$3,371
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	Deferral offered for expedited settlement.
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<b>PAYABLE PENALTY</b>	\$13,487
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**Screening Date** 7-Oct-2008

**Docket No.** 2008-1607-PST-E

**PCW**

**Respondent** Mike Hweidi dba Hicks Country Store

Policy Revision 2 (September 2002)

**Case ID No.** 36649

PCW Revision June 17, 2008

**Reg. Ent. Reference No.** RN101433712

**Media [Statute]** Petroleum Storage Tank

**Enf. Coordinator** Judy Kluge

**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)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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)** 22%

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

No

**Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one prior 1660 order and one prior NOV with dissimilar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 22%

<b>Screening Date</b> 7-Oct-2008		<b>Docket No.</b> 2008-1607-PST-E		<b>PCW</b>
<b>Respondent</b> Mike Hweidi dba Hicks Country Store		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36649		<small>PCW Revision June 17, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101433712				
<b>Media [Statute]</b> Petroleum Storage Tank				
<b>Enf. Coordinator</b> Judy Kluge				
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.10(b)			
<b>Violation Description</b>	Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel.			
<b>Base Penalty</b>				\$10,000
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<b>Percent</b> <input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
Major      Moderate      Minor				
<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
				<b>Percent</b> <input type="text" value="10%"/>
<b>Matrix Notes</b>	100% of the rule requirement was not met.			
<b>Adjustment</b>				\$9,000
				\$1,000
<b>Violation Events</b>				
<b>Number of Violation Events</b> <input type="text" value="1"/>		<b>Number of violation days</b> <input type="text" value="7"/>		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
				<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
One single event is recommended based on documentation of the violation during the September 18, 2008 investigation.				
<b>Good Faith Efforts to Comply</b>				
		<input type="text" value="25.0%"/>	<b>Reduction</b> <input type="text" value="\$250"/>	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>		<input type="checkbox"/>	
Ordinary	<input checked="" type="checkbox"/>		<input type="checkbox"/>	
N/A	<input type="checkbox"/>		(mark with x)	
<b>Notes</b>	The Respondent came into compliance on September 25, 2008.			
<b>Violation Subtotal</b>				\$750
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b> <input type="text" value="\$0"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$1,144"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$1,144

## Economic Benefit Worksheet

**Respondent:** Mike Hweidi dba Hicks Country Store  
**Case ID No.:** 36649  
**Reg. Ent. Reference No.:** RN101433712  
**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	\$100	18-Sep-2008	25-Sep-2008	0.02	\$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 maintain all UST records. The date required is the investigation date and the final date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$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

\$0

<b>Screening Date</b> 7-Oct-2008	<b>Docket No.</b> 2008-1607-PST-E	<b>PCW</b>
<b>Respondent</b> Mike Hweidi dba Hicks Country Store	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 36649	<small>PCW Revision June 17, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN101433712		
<b>Media [Statute]</b> Petroleum Storage Tank		
<b>Enf. Coordinator</b> Judy Kluge		
<b>Violation Number</b> <input type="text" value="2"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.7(d)(3)	
<b>Violation Description</b>	Failed to provide an amended UST registration to the agency for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not amended to reflect the owner's current mailing address, accurate tank capacity, Stage I and II information, and current method of release detection.	
<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
OR	<b>Harm</b>	
	Major      Moderate      Minor	
<b>Actual</b>	<input type="text"/>	<input type="text"/>
<b>Potential</b>	<input type="text"/>	<input type="text"/>
	<b>Percent</b>	<input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	<b>Falsification</b>	
	Major      Moderate      Minor	
	<input type="text"/>	<input type="text"/>
	<input checked="" type="checkbox"/>	<input type="text"/>
	<b>Percent</b>	<input type="text" value="10%"/>
<b>Matrix Notes</b>	100% of the rule requirement was not met.	
<b>Adjustment</b>	<input type="text" value="\$9,000"/>	
<input type="text" value="\$1,000"/>		
<b>Violation Events</b>		
<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>
	<input type="text" value="19"/>	
<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"/>
single event	<input checked="" type="checkbox"/>	
<b>Violation Base Penalty</b>	<input type="text" value="\$1,000"/>	
One single event is recommended based on documentation of the violation during the September 18, 2008 investigation.		
<b>Good Faith Efforts to Comply</b>		
	<b>10.0%</b> Reduction	<input type="text" value="\$100"/>
	Before NOV      NOV to EDCRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>
N/A	(mark with x)	
<b>Notes</b>	The Respondent came into compliance on October 15, 2008.	
<b>Violation Subtotal</b>	<input type="text" value="\$900"/>	
<b>Economic Benefit (EB) for this violation</b>		
<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>
		<input type="text" value="\$1,321"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$1,321"/>

## Economic Benefit Worksheet

**Respondent** Mike Hweidi dba Hicks Country Store  
**Case ID No.** 36649  
**Reg. Ent. Reference No.** RN101433712  
**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
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	\$100	18-Sep-2008	15-Oct-2008	0.07	\$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

The delayed cost includes the estimated amount required to amend the UST registration. The date required is the investigation date and the final date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$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

\$0

<b>Screening Date</b> 7-Oct-2008		<b>Docket No.</b> 2008-1607-PST-E		<b>PCW</b>
<b>Respondent</b> Mike Hweidi dba Hicks Country Store		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36649		<small>PCW Revision June 17, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101433712				
<b>Media [Statute]</b> Petroleum Storage Tank				
<b>Enf. Coordinator</b> Judy Kluge				
<b>Violation Number</b>		<input type="text" value="3"/>		
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 334.50(b)(1)(A), (b)(2), (b)(2)(A)(i)(III), (d)(1)(B)(ii), (d)(1)(B)(iii)(I), and (d)(9)(A)(iii) and Tex. Water Code § 26.3475(a) and (c)(1)		
<b>Violation Description</b>		<p>Failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring). Failed to provide release detection for the piping associated with the USTs. Failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detectors had not been performance tested annually. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons. Failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day. Failed to obtain a statistical inventory control ("SIR") analysis report from the designated provider within 15 calendar days following the last day of the calendar month for which the analysis was performed.</p>		
<b>Base Penalty</b>				<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Percent</b>				<input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
<b>Major</b>				
<b>Moderate</b>				
<b>Minor</b>				
<b>Percent</b>				<input type="text" value="0%"/>
<b>Matrix Notes</b>	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.			
<b>Adjustment</b>				<input type="text" value="\$7,500"/>
				<input type="text" value="\$2,500"/>
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="19"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<b>Violation Base Penalty</b>				<input type="text" value="\$2,500"/>
<p>One monthly event is recommended based on documentation of the violation during the September 18, 2008 investigation to the October 7, 2008 screening date.</p>				
<b>Good Faith Efforts to Comply</b>				
		<b>10.0%</b>	<input type="text" value="\$250"/>	
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>			
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
<b>Notes</b>	The Respondent came into compliance on October 14, 2008.			
<b>Violation Subtotal</b>				<input type="text" value="\$2,250"/>
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>		<input type="text" value="\$1,100"/>	<b>Violation Final Penalty Total</b>	
		<input type="text" value="\$1,100"/>	<input type="text" value="\$3,302"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$3,302"/>

## Economic Benefit Worksheet

**Respondent** Mike Hweidi dba Hicks Country Store  
**Case ID No.** 36649  
**Reg. Ent. Reference No.** RN101433712  
**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
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
Monitoring & SIR analysis	\$1,500	18-Sep-2008	26-Sep-2008	0.02	\$2	n/a	\$2
Other (as needed)	\$500	18-Sep-2008	14-Oct-2008	0.07	\$2	n/a	\$2

**Notes for DELAYED costs**  
 The estimated cost of monitoring all USTs for releases using SIR as a release detection method. The date required is the investigation date and the final date is the compliance date. The estimated cost to record volume measurement and reconciliation of inventory control records, and to obtain SIR analysis records within 15 calendar days following the last day of the calendar month for which the analysis was performed. The date required is the investigation date and the final date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$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	18-Sep-2007	25-Sep-2008	1.94	\$97	\$1,000	\$1,097
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 Avoided costs for conducting annual line leak detector test. The date required is one year prior to the investigation date and the final date is the compliance date.

Approx. Cost of Compliance	\$3,000	<b>TOTAL</b>	\$1,100
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<b>Screening Date</b> 7-Oct-2008		<b>Docket No.</b> 2008-1607-PST-E		<b>PCW</b>
<b>Respondent</b> Mike Hweidi dba Hicks Country Store		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36649		<small>PCW Revision June 17, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101433712				
<b>Media [Statute]</b> Petroleum Storage Tank				
<b>Enf. Coordinator</b> Judy Kluge				
<b>Violation Number</b>		<input type="text" value="4"/>		
<b>Rule Cite(s)</b>		<input type="text" value="30 Tex. Admin. Code § 334.48(c)"/>		
<b>Violation Description</b>		<input type="text" value="Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sales of petroleum substances used as motor fuel."/>		
<b>Base Penalty</b>				<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Major	Moderate	Minor	
<b>Release</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>Potential</b>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
Major      Moderate      Minor				
<input type="text"/>				<b>Percent</b> <input type="text" value="0%"/>
<input type="text"/>				
<b>Matrix Notes</b>	<input 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."/>			
<b>Adjustment</b>				<input type="text" value="\$7,500"/>
				<input type="text" value="\$2,500"/>
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="19"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text" value="x"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<b>Violation Base Penalty</b>				<input type="text" value="\$2,500"/>
<input type="text" value="One monthly event is recommended based on documentation of the violation during the September 18, 2008 investigation to the October 7, 2008 screening date."/>				
<b>Good Faith Efforts to Comply</b>		<b>10.0% Reduction</b>		<input type="text" value="\$250"/>
		Before NOV	NOV to EDRP/Settlement Offer	
<b>Extraordinary</b>		<input type="text"/>	<input type="text"/>	
<b>Ordinary</b>		<input type="text"/>	<input type="text" value="x"/>	
<b>N/A</b>		<small>(mark with x)</small>		
<b>Notes</b>		<input type="text" value="The Respondent came into compliance on October 15, 2008."/>		
<b>Violation Subtotal</b>				<input type="text" value="\$2,250"/>
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$2"/>	<b>Violation Final Penalty Total</b>	
			<input type="text" value="\$3,302"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$3,302"/>

### Economic Benefit Worksheet

**Respondent** Mike Hweidi dba Hicks Country Store  
**Case ID No.** 36649  
**Reg. Ent. Reference No.** RN101433712  
**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	18-Sep-2008	15-Oct-2008	0.07	\$2	n/a	\$2
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 inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel. The date required is the date of the investigation and final date is the 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	<b>TOTAL</b>	\$2
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<b>Screening Date</b> 7-Oct-2008		<b>Docket No.</b> 2008-1607-PST-E		<b>PCW</b>	
<b>Respondent</b> Mike Hweidi dba Hicks Country Store				<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36649				<i>PCW Revision June 17, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN101433712					
<b>Media [Statute]</b> Petroleum Storage Tank					
<b>Enf. Coordinator</b> Judy Kluge					
<b>Violation Number</b>		<input type="text" value="5"/>			
<b>Rule Cite(s)</b>		<input type="text" value="30 Tex. Admin. Code § 334.45(c)(3)(A)"/>			
<b>Violation Description</b>		<input type="text" value="Failed to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser. Specifically, the shear valves underneath dispenser nos. 6 and 7 were not anchored."/>			
<b>Base Penalty</b>				<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	
				<b>Percent</b> <input type="text" value="10%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="0%"/>	
<b>Matrix Notes</b>	<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."/>				
<b>Adjustment</b>				<input type="text" value="\$9,000"/>	
				<input type="text" value="\$1,000"/>	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<input type="text" value="8"/>	<b>Number of violation days</b>	
<i>mark only one with an x</i>	daily	<input type="text"/>	<input type="text"/>		
	monthly	<input type="text"/>	<input type="text"/>		
	quarterly	<input type="text" value="x"/>	<input type="text"/>		
	semiannual	<input type="text"/>	<input type="text"/>		
	annual	<input type="text"/>	<input type="text"/>		
	single event	<input type="text"/>	<input type="text"/>		
				<b>Violation Base Penalty</b>	<input type="text" value="\$1,000"/>
<input type="text" value="One quarterly event is recommended based on documentation of the violation during the September 18, 2008 investigation to the September 26, 2008 compliance date."/>					
<b>Good Faith Efforts to Comply</b>		<b>25.0% Reduction</b>		<input type="text" value="\$250"/>	
		<b>Before NOV</b>	<b>NOV to EDRP/Settlement Offer</b>		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text" value="x"/>	<input type="text"/>			
N/A	<input type="text"/>	(mark with x)			
<b>Notes</b>	<input type="text" value="The Respondent came into compliance on September 26, 2008."/>				
<b>Violation Subtotal</b>				<input type="text" value="\$750"/>	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>		<input type="text" value="\$1"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$1,144"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$1,144"/>	

## Economic Benefit Worksheet

**Respondent** Mike Hweidi dba Hicks Country Store  
**Case ID No.** 36649  
**Reg. Ent. Reference No.** RN101433712  
**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				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)	\$500	18-Sep-2008	26-Sep-2008	0.02	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to anchor the shear valves. The date required is the investigation date and the final date is the date of compliance.

### Avoided Costs

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

Disposal				0.00	\$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	<b>TOTAL</b>	\$1
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<b>Screening Date</b> 7-Oct-2008	<b>Docket No.</b> 2008-1607-PST-E	<b>PCW</b>	
<b>Respondent</b> Mike Hweidi dba Hicks Country Store	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36649	<small>PCW Revision June 17, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101433712			
<b>Media [Statute]</b> Petroleum Storage Tank			
<b>Enf. Coordinator</b> Judy Kluge			
<b>Violation Number</b> <input type="text" value="6"/>			
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 115.244(3) and Tex. Health &amp; Safety Code § 382.085(b)"/>		
<b>Violation Description</b>	<input type="text" value="Failed to conduct monthly inspections of the Stage II vapor recovery system."/>		
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>
		<input checked="" type="checkbox"/>	
			<b>Percent</b> <input type="text" value="10%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
			<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	<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."/>		
<b>Adjustment</b>		<input type="text" value="\$9,000"/>	
		<input type="text" value="\$1,000"/>	
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>
		<input type="text" value="19"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
<input type="text" value="One quarterly event is recommended based on documentation of the violation during the September 18, 2008 investigation to the October 7, 2008 screening date."/>			
<b>Good Faith Efforts to Comply</b>		<b>10.0%</b> Reduction	<input type="text" value="\$100"/>
		Before NOV      NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>	
N/A	<small>(mark with x)</small>		
<b>Notes</b>	<input type="text" value="The Respondent came into compliance on October 9, 2008."/>		
<b>Violation Subtotal</b>		<input type="text" value="\$900"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="text" value="\$369"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$1,321"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$1,321"/>

## Economic Benefit Worksheet

**Respondent** Mike Hweidi dba Hicks Country Store  
**Case ID No.** 36649  
**Reg. Ent. Reference No.** RN101433712  
**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

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$350	18-Aug-2008	9-Oct-2008	1.06	\$19	\$350	\$369
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct monthly inspections of the Stage II system. The date required is one month prior to the investigation date and the final date is the compliance date.

Approx. Cost of Compliance	\$350	<b>TOTAL</b>	\$369
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<b>Screening Date</b> 7-Oct-2008	<b>Docket No.</b> 2008-1607-PST-E	<b>PCW</b>	
<b>Respondent</b> Mike Hweidi dba Hicks Country Store		<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 36649		<small>PCW Revision June 17, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN101433712			
<b>Media [Statute]</b> Petroleum Storage Tank			
<b>Enf. Coordinator</b> Judy Kluge			
<b>Violation Number</b> <input type="text" value="7"/>			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 115.248(1) and Tex. Health & Safety Code § 382.085(b)		
<b>Violation Description</b>	Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current employee receives in-house Stage II vapor recovery training regarding the purpose and operation of the vapor recovery system. Specifically, Stage II training for the Station representative and the employees had not been completed.		
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	Release	Harm	
		Major    Moderate    Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>
		x	
			<b>Percent</b> <input type="text" value="10%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
			<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	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.		
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>	
		<input type="text" value="\$1,000"/>	
<b>Violation Events</b>			
	<input type="text" value="1"/>	<input type="text" value="19"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
	monthly	<input type="text"/>	
	quarterly	x	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
One quarterly event is recommended based on documentation of the violation during the September 18, 2008 investigation to the October 7, 2008 screening date.			
<b>Good Faith Efforts to Comply</b>			
	<b>10.0%</b>	Reduction	<input type="text" value="\$100"/>
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	x	
N/A	(mark with x)		
<b>Notes</b>	The Respondent came into compliance on October 15, 2008.		
	<b>Violation Subtotal</b>	<input type="text" value="\$900"/>	
<b>Economic Benefit (EB) for this violation</b>			
<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>	<input type="text" value="\$2"/>		<b>Violation Final Penalty Total</b> <input type="text" value="\$1,321"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$1,321"/>

### Economic Benefit Worksheet

**Respondent** Mike Hweidi dba Hicks Country Store  
**Case ID No.** 36649  
**Reg. Ent. Reference No.** RN101433712  
**Media** Petroleum Storage Tank  
**Violation No.** 7

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$500	18-Sep-2008	15-Oct-2008	0.07	\$2	n/a	\$2
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 training a Stage II Station representative and in-house employee Stage II training. The date required is the investigation date and the final date is the date of compliance.

**Avoided Costs**

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

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

<b>Approx. Cost of Compliance</b>	\$500	<b>TOTAL</b>	\$2
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<b>Screening Date</b> 7-Oct-2008	<b>Docket No.</b> 2008-1607-PST-E	<b>PCW</b>
<b>Respondent</b> Mike Hweidi dba Hicks Country Store	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 36649	<small>PCW Revision June 17, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN101433712		
<b>Media [Statute]</b> Petroleum Storage Tank		
<b>Enf. Coordinator</b> Judy Kluge		
<b>Violation Number</b> <input type="text" value="8"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code §§ 115.246(1), 115.245(6) and Tex. Health &amp; Safety Code § 382.085(b)"/>	
<b>Violation Description</b>	<input 10="" agency="" also,="" carb")="" days.="" executive="" failed="" ii="" not="" order.="" required="" results="" specifically,="" stage="" submit="" submitted="" test="" the="" timeframe."="" to="" type="text" value="Failed to maintain Stage II records at the Station and make them immediately available for inspection upon request by agency personnel. Specifically, records not available for review included a copy of the applicable California Air Resources Board (" were="" within="" working=""/>	
<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
<b>OR</b>	<b>Harm</b>	
	Major      Moderate      Minor	
<b>Actual</b>	<input type="text"/>	<input type="text"/>
<b>Potential</b>	<input type="text"/>	<input type="text"/>
	<b>Percent</b>	<input type="text" value="0%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	<b>Falsification</b>	<b>Harm</b>
	Major      Moderate      Minor	
	<input type="text"/>	<input type="text" value="x"/>
	<input type="text"/>	<input type="text"/>
	<b>Percent</b>	<input type="text" value="10%"/>
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirement was not met."/>	
<b>Adjustment</b>	<input type="text" value="\$9,000"/>	
<input type="text" value="\$1,000"/>		
<b>Violation Events</b>		
	<input type="text" value="1"/>	<input type="text" value="8"/> 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"/>
	single event	<input type="text" value="x"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$1,000"/>
<input type="text" value="One single event is recommended based on documentation of the violation during the September 18, 2008 investigation."/>		
<b>Good Faith Efforts to Comply</b>		
	<input type="text" value="25.0%"/> Reduction	<input type="text" value="\$250"/>
	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	<input type="text"/>	<small>(mark with x)</small>
<b>Notes</b>	<input type="text" value="The Respondent came into compliance on September 26, 2008."/>	
<b>Violation Subtotal</b>	<input type="text" value="\$750"/>	
<b>Economic Benefit (EB) for this violation</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$1"/>	<b>Statutory Limit Test</b>
		<b>Violation Final Penalty Total</b> <input type="text" value="\$1,144"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$1,144"/>

## Economic Benefit Worksheet

**Respondent:** Mike Hweidi dba Hicks Country Store  
**Case ID No.:** 36649  
**Reg. Ent. Reference No.:** RN101433712  
**Media:** Petroleum Storage Tank  
**Violation No.:** 8

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	18-Sep-2008	26-Sep-2008	0.02	\$1	n/a	\$1
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 maintain Stage II records including the CARB Executive Order and Stage II test results at the Station. The date required is the investigation date and the final date is the date of compliance.

### Avoided Costs

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

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

\$1

<b>Screening Date</b> 7-Oct-2008		<b>Docket No.</b> 2008-1607-PST-E		<b>PCW</b>	
<b>Respondent</b> Mike Hweidi dba Hicks Country Store		<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 36649		<small>PCW Revision June 17, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN101433712					
<b>Media [Statute]</b> Petroleum Storage Tank					
<b>Enf. Coordinator</b> Judy Kluge					
<b>Violation Number</b> <input type="text" value="9"/>					
<b>Rule Cite(s)</b>		<input type="text" value="30 Tex. Admin. Code § 115.245(2) and Tex. Health &amp; Safety Code § 382.085(b)"/>			
<b>Violation Description</b>		<input type="text" value="Failed to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual system compliance testing had not been conducted."/>			
<b>Base Penalty</b>				<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Release</b>		<b>Harm</b>		
	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>					
		Moderate	Minor		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	<input 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."/>				
<b>Adjustment</b>				<input type="text" value="\$7,500"/>	
				<input type="text" value="\$2,500"/>	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>		
		<input type="text" value="365"/>			
<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"/>			
<input type="text" value="One annual event is recommended for the 12-month period preceding the September 18, 2008 investigation."/>					
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/>	<b>Reduction</b>	<input type="text" value="\$625"/>	
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>			
<b>Notes</b>	<input type="text" value="The Respondent came into compliance on September 24, 2008."/>				
<b>Violation Subtotal</b>				<input type="text" value="\$1,875"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		<input type="text" value="\$1,097"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$2,860"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$2,860"/>	

### Economic Benefit Worksheet

**Respondent** Mike Hweidi dba Hicks Country Store  
**Case ID No.** 36649  
**Reg. Ent. Reference No.** RN101433712  
**Media** Petroleum Storage Tank  
**Violation No.** 9

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	18-Sep-2007	24-Sep-2008	1.94	\$97	\$1,000	\$1,097
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost for annual testing to verify proper operation of the Stage II equipment. The date required is the one year prior to the investigation date and the final date is the compliance date.

Approx. Cost of Compliance \$1,000

**TOTAL** \$1,097

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600744445 HWEIDI, MIKE Classification: AVERAGE Rating: 12.00  
Regulated Entity: RN101433712 HICKS COUNTRY STORE Classification: AVERAGE Site Rating: 12.00  
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 53151  
REGISTRATION  
Location: 585 RANDOL MILL AVE, SOUTHLAKE, TX, 76092 Rating Date: 9/1/2008 Repeat Violator: NO  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: October 08, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: October 07, 2003 to October 07, 2008  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Judy Kluge Phone: 817-588-5825

## 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.

Effective Date: 09/21/2007  
Classification: Moderate

ADMINORDER 2006-0443-PST-E

Citation: 30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)

Description: Field Citation - Failure ensure that all tanks are monitored for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).

- 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	04/26/2006	(460474)
2	07/31/2006	(489297)
3	03/29/2007	(555340)
4	09/30/2008	(703670)

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

Date: 04/26/2006 (460553)  
Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.49(c)(4)

Description: Failure to perform an operability test on a cathodic protection system within 3 to 6 months after installation and at a subsequent frequency of at least once every 3 years.

- 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  
MIKE HWEIDI DBA HICKS  
COUNTRY STORE  
RN101433712

§  
§  
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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-1607-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 Mike Hweidi dba Hicks Country Store ("the Respondent") 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 Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a convenience store with retail sales of gasoline at 585 Randol Mill Avenue in Southlake, Tarrant County, Texas (the "Station").
2. The Respondent's four 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 Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 4, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Sixteen Thousand Eight Hundred Fifty-Eight Dollars (\$16,858) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Hundred Ninety-Seven Dollars (\$397) of the administrative penalty and Three Thousand Three Hundred Seventy-One Dollars (\$3,371) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Thirteen Thousand Ninety Dollars (\$13,090) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Seventy-Four Dollars (\$374) 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 Respondent fails 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 Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent 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 Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:
  - a. On September 25, 2008, the TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the UST records are being maintained at the Station;
  - b. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the registration has been amended to indicate the owner's current mailing address, accurate tank capacity, Stage I and II information, and current method of release detection as of October 15, 2008;
  - c. The TCEQ Dallas/Fort Worth Regional Office received Statistical Inventory Reconciliation ("SIR") reports verifying that all USTs are being monitored as of September 26, 2008;
  - d. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent successfully conducted the required piping tightness and line leak detector tests on September 25, 2008;
  - e. Began recording inventory volume measurement and reconciliation of inventory control records and obtaining SIR analysis reports from the vendor within 15 calendar days on October 14, 2008;

- f. Began conducting proper inventory control procedures for all USTs at the Station on October 15, 2008;
  - g. The TCEQ Dallas/Fort Worth Regional Office received verifying that the shear valves under dispenser nos. 6 and 7 have been properly anchored on September 26, 2008;
  - h. Began conducting daily and monthly inspections of the Stage II vapor recovery system as of October 9, 2008;
  - i. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Station representative Stage II training has been completed and that each current employee received in-house Stage II vapor recovery awareness training on October 15, 2008;
  - j. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Station is maintaining all Stage II records on-site including the applicable California Air Resources Board ("CARB") Executive Order as of September 26, 2008;
  - k. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Respondent submitted Stage II test results to the agency on September 26, 2008; and
  - l. The TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the Stage II annual system compliance testing was successfully conducted on September 24, 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
  11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Station, the Respondent is alleged to have:

1. Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b), as documented during an investigation conducted on September 18, 2008.
2. Failed to provide an amended UST registration to the agency for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or

- addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(3), as documented during an investigation conducted on September 18, 2008. Specifically, the registration was not amended to reflect the owner's current mailing address, accurate tank capacity, Stage I and II information, and current method of release detection.
3. Failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on September 18, 2008.
  4. Failed to provide release detection for the piping associated with the USTs, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on September 18, 2008. Specifically, the monthly SIR analysis was not being conducted.
  5. Failed to test the line leak detectors at least once per year for performance and operational reliability, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on September 18, 2008. Specifically, the line leak detectors had not been performance tested annually.
  6. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on September 18, 2008.
  7. Failed 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), as documented during an investigation conducted on September 18, 2008.
  8. Failed to obtain an SIR analysis report from the designated provider within 15 calendar days following the last day of the calendar month for which the analysis was performed, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(9)(A)(iii) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on September 18, 2008.
  9. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sales of petroleum substances used as motor fuel each operating day, in violation of 30 TEX. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on September 18, 2008.
  10. Failed to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser, in violation of 30 TEX. ADMIN. CODE § 334.45(c)(3)(A), as documented during an investigation conducted on September 18, 2008. Specifically, the shear valves underneath dispenser nos. 6 and 7 were not anchored.

11. Failed to conduct monthly inspections of the Stage II vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.244(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 18, 2008.
12. Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current employee receives in-house Stage II vapor recovery training regarding the purpose and operation of the vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 18, 2008. Specifically, Stage II training for the Station representative and the employees had not been completed.
13. Failed to maintain Stage II records at the Station and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 115.246(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 18, 2008. Specifically, records not available for review included a copy of the applicable CARB Executive Order.
14. Failed to submit the Stage II test results to the agency within 10 working days, in violation of 30 TEX. ADMIN. CODE § 115.245(6) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 18, 2008. Specifically, test results were not submitted to the agency within the required timeframe.
15. 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 an investigation conducted on September 18, 2008. Specifically, the Stage II annual system compliance testing had not been conducted.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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 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: Mike Hweidi dba Hicks Country Store, Docket No. 2008-1607-PST-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.
3. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
6. 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.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Mike Hweidi dba Hicks Country Store  
DOCKET NO. 2008-1607-PS-E  
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Szalvay  
For the Executive Director

3/24/2009  
Date

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 further acknowledge that the TCEQ, 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 impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- 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.

Mike M. Hweidi  
Signature

03-11-09  
Date

Mike Hweidi  
Name (Printed or typed)  
Authorized Representative of  
Mike Hweidi dba Hicks Country Store

OWN-R  
Title

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.

