

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-1390-PST-E TCEQ ID: RN102264132 CASE NO.: 36460**  
**RESPONDENT NAME: YUNUSALI BADARPURA DBA SUPER CORNER**

<b>ORDER TYPE:</b>		
<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	

<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

**SITE WHERE VIOLATION(S) OCCURRED:** 5212 North Highway 146, Baytown, Chambers 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 May 4, 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:** Ms. Judy Kluge, Waste Enforcement Section, MC R-4, (817) 588-5825

**TCEQ Regional Contact:** Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623

**Respondent:** Mr. Yunusali Badarpura, Owner Super Corner, 13602 Heron Field Court, Houston, Texas 77059

**Respondent's Attorney:** Not represented by counsel on this enforcement matter.

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> July 1, 2008</p> <p><b>Date of NOE Relating to this Case:</b> August 15, 2008</p> <p><b>Background Facts:</b> The EDPRP was filed on January 22, 2009 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on January 24, 2009, as evidenced by the signature on the card. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p><b>Current Compliance Status:</b> The Respondent is not yet in compliance.</p> <p><b>PST:</b></p> <ol style="list-style-type: none"> <li>Failed to maintain Stage II records at the Station and make them immediately available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § § 115.246(1), 115.246(4) and 115.246(6) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>Failed to verify proper operation of the Stage II vapor space manifold and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> </ol>	<p><b>Total Assessed:</b> \$17,893</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Due to General Revenue:</b> \$17,893</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><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> <ol style="list-style-type: none"> <li>As of July 7, 2008, the TCEQ Houston Regional Office received documentation verifying that all Stage II records, including daily inspections, a copy of the CARB Executive Order, and completion of Stage II training for all employees, are being maintained at the Station.</li> <li>Began maintaining all UST records on July 7, 2008;</li> <li>The TCEQ Houston Regional Office received documentation verifying implementation of a release detection method for all USTs on July 7, 2008;</li> <li>The TCEQ Houston Regional Office received documentation verifying that Mr. Badarpura began conducting monthly reconciliation of the inventory control records and recording inventory volume measurements as of July 7, 2008; and</li> <li>The TCEQ Houston Regional Office received verification that Mr. Badarpura began conducting proper inventory control procedures for all USTs at the Station as of July 7, 2008.</li> </ol> <p><b>Ordering Provision(s):</b></p> <p>The Respondent's UST delivery certificate is revoked immediately.</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Within 30 days:             <ol style="list-style-type: none"> <li>Conduct the required triennial testing of the Stage II equipment;</li> <li>Begin maintaining the Stage II vapor recovery system, install an approved onboard refueling vapor recovery and conduct successful Stage II recovery test;</li> <li>Begin conducting bimonthly inspections of the impressed current cathodic protection system and conduct required triennial testing of the corrosion protection system; and</li> </ol> </li> </ol>

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>3. Failed to upgrade the Stage II equipment to ORVR compatible systems and failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order, and free of defects that would impair the effectiveness of the system including, but not limited to absence or disconnection of any component that is a part of the approved system [30 TEX. ADMIN. CODE §§ 115.242(1)(C) and 115.242(3) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>4. Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.10(b)].</p> <p>5. Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are functioning as designed and failed to have cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years [30 TEX. ADMIN. CODE §§ 334.49(c)(2)(C) and 334.49(c)(4) and TEX WATER CODE § 26.3475(d)].</p> <p>6. 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, 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, and failed 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(b)(1)(A), 334.50(b)(2), 334.50(b)(2)(A)(i)(III), 334.50(d)(1)(B)(ii) and 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE §§ 26.3475(a) and 26.3475(c)(1)].</p> <p>7. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel [30 TEX. ADMIN. CODE § 334.48(c)].</p>		<p>d. Conduct the required annual piping tightness and line leak detector tests.</p> <p>2. Within 45 days, submit written certification demonstrating compliance.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

<b>DATES</b>	Assigned	25-Aug-2008	Screening	27-Aug-2008	EPA Due	
	PCW	13-Jan-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Yunusali Badarpura dba Super Corner
Reg. Ent. Ref. No.	RN102264132
Facility/Site Region	12-Houston
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36460	No. of Violations	7
Docket No.	2008-1390-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Judy Kluge
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

**Culpability**   **Subtotal 4**

Notes

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

**Economic Benefit**  **Subtotal 6**

Total EB Amounts	\$3,737	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$8,700	

**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 indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

**PAYABLE PENALTY**

**Screening Date** 27-Aug-2008

**Docket No.** 2008-1390-PST-E

**PCW**

**Respondent** Yunusali Badarpura dba Super Corner

Policy Revision 2 (September 2002)

**Case ID No.** 36460

PCW Revision June 12, 2008

**Reg. Ent. Reference No.** RN102264132

**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)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 10%

>> **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 two prior NOVs with same or similar violations.

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

<b>Screening Date</b> 27-Aug-2008		<b>Docket No.</b> 2008-1390-PST-E		<b>PCW</b>	
<b>Respondent</b> Yunusali Badarpura dba Super Corner		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 36460		<i>PCW Revision June 12, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN102264132					
<b>Media [Statute]</b> Petroleum Storage Tank					
<b>Enf. Coordinator</b> Judy Kluge					
<b>Violation Number</b>		<input type="text" value="1"/>			
<b>Rule Cite(s)</b>		30 Tex. Admin. Code § 115.246(1), (4), and (6) and Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>		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 California Air Resources Board ("CARB") Executive Order, proof of attendance and completion of the Stage II training course including documentation of all Stage II training for each employee, and daily inspection logs.			
<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>	
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="0%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
		<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<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="6"/>			
<i>mark only one with an x</i>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="checkbox"/>			
				<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>	
One single event is recommended based on documentation of the violation during the July 1, 2008 investigation.					
<b>Good Faith Efforts to Comply</b>		<b>0.0% Reduction</b>		<input type="text" value="\$0"/>	
		Before NOV	NOV to EDPRP/Settlement Offer		
<b>Extraordinary</b>		<input type="text"/>	<input type="text"/>		
<b>Ordinary</b>		<input type="text"/>	<input type="text"/>		
<b>N/A</b>		<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>		The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				<input type="text" value="\$1,000"/>	
<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="\$1,376"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$1,376"/>	

## Economic Benefit Worksheet

**Respondent** Yunusali Badarpura dba Super Corner  
**Case ID No.** 36460  
**Reg. Ent. Reference No.** RN102264132  
**Media** Petroleum Storage Tank  
**Violation No.** 1

<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**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	1-Jul-2008	7-Jul-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 Stage II records at the Station. The date required is the investigation date and the final date is the compliance date.

**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**

<b>Approx. Cost of Compliance</b>	\$500	<b>TOTAL</b>	\$0
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<b>Screening Date</b> 27-Aug-2008	<b>Docket No.</b> 2008-1390-PST-E	<b>PCW</b>												
<b>Respondent</b> Yunusali Badarpura dba Super Corner	<i>Policy Revision 2 (September 2002)</i>													
<b>Case ID No.</b> 36460	<i>PCW Revision June 12, 2008</i>													
<b>Reg. Ent. Reference No.</b> RN102264132														
<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>	<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 vapor space manifold and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first. Specifically, the Stage II triennial system test had not been conducted."/>													
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>												
<b>&gt;&gt; Environmental, Property and Human Health Matrix:</b>														
OR	<b>Harm</b>													
	Release    Major    Moderate    Minor													
	Actual	<input type="text"/>												
	Potential	<input type="text" value="x"/>												
	<b>Percent</b>	<input type="text" value="25%"/>												
<b>&gt;&gt; Programmatic Matrix:</b>														
	Falsification    Major    Moderate    Minor													
	<input type="text"/>	<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="1090"/>													
<i>mark only one with an x</i>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	<b>Violation Base Penalty</b>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text" value="x"/>													
		<input type="text" value="\$2,500"/>												
<input type="text" value="One single event is recommended for the three-year period preceding the July 1, 2008 investigation."/>														
<b>Good Faith Efforts to Comply</b>														
	<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>												
	Before NOV    NOV to EDPRP/Settlement Offer													
Extraordinary	<input type="text"/>													
Ordinary	<input type="text"/>													
N/A	<input type="text" value="x"/> (mark with x)													
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>													
<b>Violation Subtotal</b>		<input type="text" value="\$2,500"/>												
<b>Economic Benefit (EB) for this violation</b>														
<b>Statutory Limit Test</b>														
<b>Estimated EB Amount</b>	<input type="text" value="\$1,196"/>	<b>Violation Final Penalty Total</b>												
		<input type="text" value="\$3,441"/>												
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$3,441"/>												

## Economic Benefit Worksheet

**Respondent** Yunusali Badarpura dba Super Corner  
**Case ID No.** 36460  
**Reg. Ent. Reference No.** RN102264132  
**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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	1-Jul-2005	1-Jul-2008	3.92	\$196	\$1,000	\$1,196
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost for triennial testing of the Stage II equipment. The date required is three years prior to the investigation date and the final date is the investigation date.

Approx. Cost of Compliance \$1,000

**TOTAL** \$1,196

<b>Screening Date</b> 27-Aug-2008	<b>Docket No.</b> 2008-1390-PST-E	<b>PCW</b>																
<b>Respondent</b> Yunusali Badarpura dba Super Corner		<small>Policy Revision 2 (September 2002)</small>																
<b>Case ID No.</b> 36460		<small>PCW Revision June 12, 2008</small>																
<b>Reg. Ent. Reference No.</b> RN102264132																		
<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 § 115.242(1)(C) and (3) and Tex. Health & Safety Code § 382.085(b)																	
<b>Violation Description</b>	Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems. Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order, and free of defects that would impair the effectiveness of the system including, but not limited to absence or disconnection of any component that is a part of the approved system. Specifically, the Stage I dry break on the regular unleaded UST was damaged.																	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																		
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td><b>Release</b></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> </tr> </table>		Harm			<b>Release</b>	Major	Moderate	Minor	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%"/>
	Harm																	
<b>Release</b>	Major	Moderate	Minor															
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>															
Potential	<input type="text"/>	x	<input type="text"/>															
<b>&gt;&gt; Programmatic Matrix</b>																		
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Falsification	Major	Moderate	Minor		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>						
	Falsification	Major	Moderate	Minor														
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>														
<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>																		
	<b>Number of Violation Events</b> <input type="text" value="1"/>	<input type="text" value="57"/> <b>Number of violation days</b>																
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>				
daily	<input type="text"/>																	
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 July 1, 2008 investigation to the August 27, 2008 screening date.																	
<b>Good Faith Efforts to Comply</b>																		
	<b>0.0% Reduction</b>	<input type="text" value="\$0"/>																
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Before NOV</th> <th>NOV to EDPRP/Settlement Offer</th> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	x	(mark with x)					
	Before NOV	NOV to EDPRP/Settlement Offer																
Extraordinary	<input type="text"/>	<input type="text"/>																
Ordinary	<input type="text"/>	<input type="text"/>																
N/A	x	(mark with x)																
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																	
	<b>Violation Subtotal</b>	<input type="text" value="\$1,000"/>																
<b>Economic Benefit (EB) for this violation</b>																		
	<b>Statutory Limit Test</b>																	
<b>Estimated EB Amount</b>	<input type="text" value="\$142"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$1,376"/>																
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,376"/>																	

## Economic Benefit Worksheet

**Respondent** Yunusali Badarpura dba Super Corner  
**Case ID No.** 36480  
**Reg. Ent. Reference No.** RN102264132  
**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	\$3,000	1-Jul-2008	4-Mar-2009	0.67	\$7	\$135	\$142
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**  
 Estimated cost to upgrade the Stage II equipment to ORVR compatible systems and replace the Stage I dry break on the regular unleaded UST. The date required is the investigation date and the final date is the expected compliance date.

**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 \$3,000

**TOTAL** \$142

<b>Screening Date</b> 27-Aug-2008	<b>Docket No.</b> 2008-1390-PST-E	<b>PCW</b>
<b>Respondent</b> Yunusali Badarpura dba Super Corner		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 36460		<i>PCW Revision June 12, 2008</i>
<b>Reg. Ent. Reference No.</b> RN102264132		
<b>Media [Statute]</b> Petroleum Storage Tank		
<b>Enf. Coordinator</b> Judy Kluge		
<b>Violation Number</b> 4		
<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="text"/>
	Potential	<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" value="x"/>
	<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
		<b>\$1,000</b>
<b>Violation Events</b>		
<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="6"/> <b>Number of violation days</b>
<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text" value="x"/>
	<b>Violation Base Penalty</b>	\$1,000
One single event is recommended based on documentation of the violation during the July 1, 2008 investigation.		
<b>Good Faith Efforts to Comply</b>		
	<b>0.0% Reduction</b>	<b>\$0</b>
	Before NOV    NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
	<b>Violation Subtotal</b>	\$1,000
<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="\$1,376"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,376"/>

## Economic Benefit Worksheet

**Respondent** Yunusali Badarpura dba Super Corner  
**Case ID No.** 36460  
**Reg. Ent. Reference No.** RN102264132  
**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	\$100	1-Jul-2008	7-Jul-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> 27-Aug-2008	<b>Docket No.</b> 2008-1390-PST-E	<b>PCW</b>		
<b>Respondent</b> Yunusali Badarpura dba Super Corner	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 36460	<i>PCW Revision June 12, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN102264132				
<b>Media [Statute]</b> Petroleum Storage Tank				
<b>Enf. Coordinator</b> Judy Kluge				
<b>Violation Number</b> 5				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.49(c)(2)(C) and (c)(4) and Tex. Water Code § 26.3475(d)			
<b>Violation Description</b>	Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are functioning as designed. Specifically, bimonthly inspections of the cathodic protection system were not being conducted. Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the triennial test had not been conducted.			
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	25%	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	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>		\$7,500		
			\$2,500	
<b>Violation Events</b>				
<b>Number of Violation Events</b>		1	57	
		<b>Number of violation days</b>		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b>	
	monthly	<input type="checkbox"/>		
	quarterly	<input checked="" type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
single event	<input type="checkbox"/>	\$2,500		
One quarterly event is recommended based on the documentation of the violation during the July 1, 2008 investigation to the August 27, 2008 screening date.				
<b>Good Faith Efforts to Comply</b>		0.0% Reduction	\$0	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>		\$2,500		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	\$1,301	<b>Violation Final Penalty Total</b>	\$3,441	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>		
		\$3,441		

## Economic Benefit Worksheet

**Respondent:** Yunusali Badarpura dba Super Corner  
**Case ID No.:** 36460  
**Reg. Ent. Reference No.:** RN102264132  
**Media:** Petroleum Storage Tank  
**Violation No.:** 5

<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**

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

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	1-Jul-2005	1-Jul-2008	3.92	\$196	\$1,000	\$1,196
Bimonthly Inspections	\$100	1-May-2008	1-Jul-2008	1.08	\$5	\$100	\$105

Notes for AVOIDED costs

Avoided cost for conducting bimonthly inspections and completing the triennial testing. The dates required are 60 days before the investigation and three years before the investigation respectively and the final date is the investigation date.

Approx. Cost of Compliance

\$1,100

**TOTAL**

\$1,301

<b>Screening Date</b> 27-Aug-2008	<b>Docket No.</b> 2008-1390-PST-E	<b>PCW</b>	
<b>Respondent</b> Yunusali Badarpura dba Super Corner	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 36460	<small>PCW Revision June 12, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN102264132			
<b>Media [Statute]</b> Petroleum Storage Tank			
<b>Enf. Coordinator</b> Judy Kluge			
<b>Violation Number</b> 6			
<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), and (d)(1)(B)(iii)(I) and Tex. Water Code § 26.3475(a) and (c)(1)		
<b>Violation Description</b>	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.		
<b>Base Penalty</b>		\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Harm</b>		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	x	<input type="checkbox"/>	<input type="checkbox"/>
<b>Percent</b>			25%
<b>&gt;&gt; Programmatic Matrix</b>			
<b>Falsification</b>			
Major      Moderate      Minor			
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
<b>Percent</b>			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>			\$7,500
			\$2,500
<b>Violation Events</b>			
Number of Violation Events <input type="text" value="1"/>		57 Number of violation days	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>
	monthly	<input type="checkbox"/>	
	quarterly	x	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
One quarterly event is recommended based on the documentation of the violation during the July 1, 2008 investigation to the August 27, 2008 screening date.			
<b>Good Faith Efforts to Comply</b>			\$0
0.0% Reduction			
Before NOV      NOV to EDPRP/Settlement Offer			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	x	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
<b>Violation Subtotal</b>			\$2,500
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$1,097"/>		Violation Final Penalty Total <input type="text" value="\$3,441"/>	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$3,441"/>

## Economic Benefit Worksheet

**Respondent:** Yunusali Badarpura dba Super Corner  
**Case ID No.:** 36460  
**Reg. Ent. Reference No.:** RN102264132  
**Media:** Petroleum Storage Tank  
**Violation No.:** 6

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Jul-2008	7-Jul-2008	0.02	\$1	n/a	\$1

**Notes for DELAYED costs**  
 The estimated cost of monitoring all USTs for releases to include reconciliation of inventory control records and recording inventory volume measurements. 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	1-Jul-2007	1-Jul-2008	1.92	\$96	\$1,000	\$1,096
Other (as needed)				0.00	\$0	\$0	\$0

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

<b>Approx. Cost of Compliance</b>	\$2,500	<b>TOTAL</b>	\$1,097
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<b>Screening Date</b> 27-Aug-2008		<b>Docket No.</b> 2008-1390-PST-E		<b>PCW</b>	
<b>Respondent</b> Yunusali Badarpura dba Super Corner			<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 36460			<i>PCW Revision June 12, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN102264132					
<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>		<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 sale 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>				
	<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>		<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>					
		<input type="text" value="1"/>	<input type="text" value="6"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>			
	monthly	<input checked="" type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input type="checkbox"/>			
				<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 July 1, 2008 investigation to the July 7, 2008 compliance date."/>					
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/>	<b>Reduction</b>		<input type="text" value="\$0"/>
		Before NOV	NOV to EDRP/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)		
<b>Notes</b>		<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
<b>Violation Subtotal</b>				<input type="text" value="\$2,500"/>	
<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="\$3,441"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$3,441"/>	

## Economic Benefit Worksheet

**Respondent** Yunusali Badarpura dba Super Corner  
**Case ID No.** 36460  
**Reg. Ent. Reference No.** RN102264132  
**Media** Petroleum Storage Tank  
**Violation No.** 7

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

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

**Item Description** No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	1-Jul-2008	7-Jul-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 conduct inventory control for the 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**

<b>Approx. Cost of Compliance</b>	\$500	<b>TOTAL</b>	\$0
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# Compliance History

Customer/Respondent/Owner-Operator:	CN603386103 Yunusali Badapura	Classification: AVERAGE	Rating: 3.0
Regulated Entity:	RN102264132 Super Corner	Classification: AVERAGE	Site Rating: 3.0
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	41315
Location:	5212 N HIGHWAY 146, BAYTOWN, TX, 77520		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	August 27, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 27, 2003 to August 27, 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.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 05/27/2004 | (273151) |
| 2 | 08/12/2004 | (282139) |
| 3 | 10/13/2004 | (335108) |
| 4 | 10/19/2004 | (337219) |
| 5 | 08/15/2008 | (685123) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |   |          |                       |
|--------------|---|----------|-----------------------|
| Date:        | 05/27/2004  | (273151) |                       |
| Self Report? | NO  |          | Classification: Minor |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.246(5)   |          |                       |
| Description: | Failure to maintain a record of the results of testing conducted at the facility according to 115.245 (Testing Requirements).   |          |                       |
| Self Report? | NO  |          | Classification: Minor |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.242(3)   |          |                       |
| Description: | Failure to maintain all components of the Stage II Vapor Recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system.              |          |                       |
| Self Report? | NO  |          | Classification: Minor |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.242(3)(A)  |          |                       |
| Description: | Failure to provide and maintain the Stage II Vapor Recovery system in proper operating condition, as specified by the California Air Resources Board (CARB) Executive Order, including the absence or disconnection of any component that is a part of the approved system. |          |                       |

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. The verification shall include all functional tests that were required for the initial system test, which must be performed at least once every 36 months.

Date: 08/12/2004 (282139)

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)  
 Description: Failure to maintain a record of the results of testing conducted at the facility according to 115.245 (Testing Requirements).

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)  
 Description: Failure to maintain all components of the Stage II Vapor Recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)  
 Description: Failure to provide and maintain the Stage II Vapor Recovery system in proper operating condition, as specified by the California Air Resources Board (CARB) Executive Order, including the absence or disconnection of any component that is a part of the approved system.

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. The verification shall include all functional tests that were required for the initial system test, which must be performed at least once every 36 months.

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  
YUNUSALI BADARPURA DBA  
SUPER CORNER;  
RN102264132

§  
§  
§  
§  
§  
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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT ORDER**  
**DOCKET NO. 2008-1390-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 and revocation of the respondent's delivery certificate. The respondent made the subject of this Order is Yunusali Badarpura dba Super Corner ("Mr. Badarpura").

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

**FINDINGS OF FACT**

1. Mr. Badarpura owns and operates a convenience store with retail sales of gasoline located at 5212 North Highway 146 in Baytown, Chambers County, Texas (the "Station").
2. Mr. Badarpura's five underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Mr. Badarpura'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 July 1, 2008, a TCEQ Houston Regional Office investigator documented that Mr. Badarpura:
  - a. 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 California Air Resources Board ("CARB") Executive Order, proof of attendance and completion of the Stage II training course including documentation of all Stage II training for each employee, and daily inspection logs.

- b. Failed to verify proper operation of the Stage II vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first. Specifically, the Stage II triennial system test had not been conducted.
  - c. Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems, and failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order, and free of defects that would impair the effectiveness of the system including, but not limited to, absence or disconnection of any component that is a part of the approved system. Specifically, the Stage I dry break on the unleaded UST was damaged.
  - d. Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel.
  - e. Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are functioning as designed, specifically, bimonthly inspections of the cathodic protection system were not being conducted, and failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years, specifically, the triennial test had not been conducted.
  - f. 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; and failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day.
  - g. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel.
4. Mr. Badarpura received notice of the violations on or about August 20, 2008.

5. The Executive Director recognizes that Mr. Badarpura has implemented the following corrective measures at the facility:
  - a. As of July 7, 2008, the TCEQ Houston Regional Office received documentation verifying that all Stage II records, including daily inspections, a copy of the CARB Executive Order, and completion of Stage II training for all employees, are being maintained at the Station.
  - b. Began maintaining all UST records on July 7, 2008;
  - c. The TCEQ Houston Regional Office received documentation verifying implementation of a release detection method for all USTs on July 7, 2008;
  - d. The TCEQ Houston Regional Office received documentation verifying that Mr. Badarpura began conducting monthly reconciliation of the inventory control records and recording inventory volume measurements as of July 7, 2008; and
  - e. The TCEQ Houston Regional Office received verification that Mr. Badarpura began conducting proper inventory control procedures for all USTs at the Station as of July 7, 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 Yunusali Badarpura dba Super Corner" (the "EDPRP") in the TCEQ Chief Clerk's office on January 22, 2009.
7. By letter dated January 22, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Badarpura with notice of the EDPRP. According to the return receipt "green card," Mr. Badarpura received notice of the EDPRP on January 24, 2009, as evidenced by the signature on the card.
8. More than 20 days have elapsed since Mr. Badarpura received notice of the EDPRP, provided by the Executive Director. Mr. Badarpura 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, Mr. Badarpura 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., Mr. Badarpura 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), 115.246(4) and 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 3.b., Mr. Badarpura failed to verify proper operation of the Stage II vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 3.c., Mr. Badarpura failed to upgrade the Stage II equipment to ORVR compatible systems and failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order, and free of defects that would impair the effectiveness of the system including, but not limited to, absence or disconnection of any component that is a part of the approved system, in violation of 30 TEX. ADMIN. CODE §§ 115.242(1)(C) and 115.242(3) and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Finding of Fact No. 3.d., Mr. Badarpura 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).
6. As evidenced by Finding of Fact No. 3.e., Mr. Badarpura failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are functioning as designed and failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE §§ 334.49(c)(2)(C) and 334.49(c)(4) and TEX. WATER CODE § 26.3475(d).
7. As evidenced by Finding of Fact No. 3.f., Mr. Badarpura 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, 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, and 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(b)(1)(A), 334.50(b)(2), 334.50(b)(2)(A)(i)(III),

334.50(d)(1)(B)(ii) and 334.50(d)(1)(B)(iii)(I), and TEX. WATER CODE §§ 26.3475(a) and 26.3475(c)(1).

8. As evidenced by Finding of Fact No. 3.g., Mr. Badarpura failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel, in violation of 30 TEX. ADMIN. CODE § 334.48(c).
9. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director timely served Mr. Badarpura with proper notice of the EDRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
10. As evidenced by Finding of Fact No. 8, Mr. Badarpura failed to file a timely answer to the EDRP, 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 Mr. Badarpura and assess the penalty recommended by the Executive Director.
11. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Badarpura 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.
12. An administrative penalty in the amount of seventeen thousand eight hundred ninety-three dollars (\$17,893.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
13. 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.
14. Pursuant to 30 TEX. ADMIN. CODE § 334.8(c)(6), the Commission has authority to revoke Mr. Badarpura's UST delivery certificate if the Commission finds that good cause exists.
15. Good cause for revocation of Mr. Badarpura's UST delivery certificate exists as justified by Findings of Fact Nos. 2, 3, 5, 6, 7 and 8, and Conclusions of Law Nos. 2 through 10.

### ORDERING PROVISIONS

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

1. Mr. Badarpura is assessed an administrative penalty in the amount of seventeen thousand eight hundred ninety-three dollars (\$17,893.00) for violations of the Texas Water Code and the Texas Health & Safety Code, and the rules of the TCEQ. The payment of this administrative penalty and Mr. Badarpura'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: Yunusali Badarpura dba Super Corner; Docket No. 2008-1390-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. Mr. Badarpura's UST delivery certificate is revoked immediately upon the effective date of this Order. Mr. Badarpura may submit an application for a new delivery certificate only after Mr. Badarpura has complied with all of the requirements of this Order.
3. Within 10 days after the effective date of this Order, Mr. Badarpura shall send its UST delivery certificate to:

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

4. Mr. Badarpura shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, Mr. Badarpura shall:
    - i. Conduct the required triennial testing of the Stage II equipment, in accordance with 30 TEX. ADMIN. CODE § 115.245;
    - ii. Begin maintaining the Stage II vapor recovery system in proper operating condition including, but not limited to, installing an approved ORVR compatible Stage II vapor recovery system and conducting successful Stage II

vapor recovery tests after completing the ORVR upgrade and replacing the Stage I dry break on the regular unleaded UST, in accordance with 30 TEX. ADMIN. CODE § 115.242;

- iii. Begin conducting bimonthly inspections of the impressed current cathodic protection system to ensure that the rectifier and other system components are functioning as designed and conduct the required triennial testing of the corrosion protection system, in accordance with 30 TEX. ADMIN. CODE § 334.49; and
  - iv. Conduct the required annual piping tightness and line leak detector tests, in accordance with 30 TEX. ADMIN. CODE § 334.50.
- b. Within 45 days after the effective date of this Order, Mr. Badarpura shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 4.a.i., 4.a.ii., 4.a.iii. and 4.a.iv. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Mr. Badarpura shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 4.a.i., 4.a.ii., 4.a.iii. and 4.a.iv to:

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

with a copy to:

Nicole Bealle, Waste Section Manager  
Texas Commission on Environmental Quality  
Houston Regional Office  
5425 Polk Ave., Ste. H  
Houston, TX 77023-1452

5. All relief not expressly granted in this Order is denied.
6. The provisions of this Order shall apply to and be binding upon Mr. Badarpura. Mr. Badarpura is ordered to give notice of this Order to personnel who maintain day-to-day control over the Station operations referenced in this Order.
7. If Mr. Badarpura 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, Mr. Badarpura's failure to comply is not a violation of this Order. Mr. Badarpura shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Badarpura shall notify the Executive Director within seven days after Mr. Badarpura becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. 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 Mr. Badarpura shall be made in writing to the Executive Director. Extensions are not effective until Mr. Badarpura receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
9. 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 Mr. Badarpura if the Executive Director determines that Mr. Badarpura has not complied with one or more of the terms or conditions in this Order.
10. 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.
11. 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

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For the Commission

**AFFIDAVIT OF TOMMY TUCKER HENSON II**

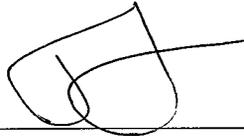
STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“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 Yunusali Badarpura dba Super Corner” (the “EDPRP”) was filed with the Office of the Chief Clerk on January 22, 2009.

The EDPRP was mailed to Mr. Badarpura at his last known address on January 22, 2009, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Mr. Badarpura received notice of the EDPRP on January 24, 2009, as evidenced by the signature on the card.

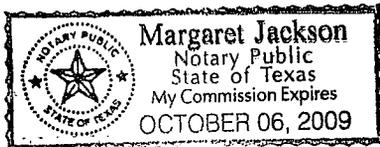
More than 20 days have elapsed since Mr. Badarpura received notice of the EDPRP. Mr. Badarpura failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.”



\_\_\_\_\_  
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 24 day of February, A.D., 2009.



  
\_\_\_\_\_  
Notary Signature