

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0258-PST-E TCEQ ID: RN102043932 CASE NO.: 35368

RESPONDENT NAME: LEOPOLDO E. GALINDO DBA LEO'S TIRE SERVICE AKA CRANE TEXACO

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

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

SITE WHERE VIOLATION(S) OCCURRED: 332 South Gaston Street, Crane, Crane County

TYPE OF OPERATION: Tire service

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 May 4, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Peipey Tang, Litigation Division, MC 175, (512) 239-0654
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. John Shelton, Waste Enforcement Section, MC 128, (512) 239-2563

TCEQ Regional Contact: Mr. Michael Edmiston, Midland Regional Office, MC R-7, (432) 570-1359

Respondent: Mr. Leopoldo E. Galindo, Owner, Leo's Tire Service aka Crane Texaco, 332 South Gaston Street, Crane, Texas 79731

Respondent's Attorney: Mr. James McDonald, Crane County Attorney, 508 S. Alford Street, Crane, Texas 79731

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: October 18, 2006 and January 30, 2008</p> <p>Date of NOE Relating to this Case: January 30, 2008</p> <p>Background Facts: The EDRP was filed on September 16, 2008. The EDFARP was filed on January 16, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the Respondent signed the agreed order on February 3, 2009.</p> <p>Current Compliance Status: The Respondent is not yet in compliance. The Respondent does not have a delivery certificate.</p> <p>PST: Failed to permanently remove from service no later than sixty (60) days after the prescribed implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements [30 TEX. ADMIN. CODE § 334.47(a)(2)].</p>	<p>Total Assessed: \$2,625</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$2,625</p> <p>The Respondent paid the administrative penalty in full.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. Within 30 days, permanently remove the UST system from service. 2. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision No. 1.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

TCEQ

DATES	Assigned	4-Feb-2008	Screening	8-Feb-2008	EPA Due	
	PCW	12-Jan-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Leopoldo E. Galindo dba Leo's Tire Service aka Crane Texaco		
Reg. Ent. Ref. No.	RN102043932		
Facility/Site Region	7-Midland	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	35368	No. of Violations	1	
Docket No.	2008-0258-PST-E	Order Type	1660	
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	John Shelton	
Multi-Media		EC's Team	Enforcement Team 7	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$2,500
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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.

Compliance History	5% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$125
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Notes: The Respondent received one NOV with same or similar violations.

Culpability	No	0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	<i>Subtotal 5</i>	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

	0% Enhancement*	<i>Subtotal 6</i>	\$0
Total EB Amounts	\$650	*Capped at the Total EB \$ Amount	
Approx. Cost of Compliance	\$6,750		

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$2,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<i>Final Penalty Amount</i>	\$2,625
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$2,625
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DEFERRAL		Reduction	<i>Adjustment</i>	
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY		\$2,625
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Screening Date 8-Feb-2008

Docket No. 2008-0258-PST-E

PCW

Respondent Leopoldo E. Galindo dba Leo's Tire Service aka Crane T

Policy Revision 2 (September 2002)

Case ID No. 35368

PCW Revision January 29, 2008

Reg. Ent. Reference No. RN102043932

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Shelton

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	1	5%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> **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

The Respondent received one NOV with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 8-Feb-2008	Docket No. 2008-0258-PST-E	PCW
Respondent Leopoldo E. Galindo dba Leo's Tire Service aka Crane Texaco	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35368	<i>PCW Revision January 29, 2008</i>	
Reg. Ent. Reference No. RN102043932		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator John Shelton		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 334.47(a)(2)	
Violation Description	Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements.	
Base Penalty		\$10,000

>> **Environmental, Property and Human Health Matrix**

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	x	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="25%"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment					\$7,500

\$2,500

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="9"/>	Number of violation days
mark only one with an x daily <input type="text"/> monthly <input checked="" type="text" value="x"/> quarterly <input type="text"/> semiannual <input type="text"/> annual <input type="text"/> single event <input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>	

One monthly event is recommended based on documentation of the violation during the January 30, 2008 investigation to the February 8, 2008 screening date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$650"/>	Violation Final Penalty Total <input type="text" value="\$2,625"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,625"/>	

Economic Benefit Worksheet

Respondent: Leopoldo E. Galindo dba Leo's Tire Service aka Crane Texaco

Case ID No.: 35368

Reg. Ent. Reference No.: RN102043932

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$6,750	1-Nov-2006	4-Oct-2008	1.9	\$650	n/a	\$650

Notes for DELAYED costs

Estimated cost to permanently remove three USTs with combined capacity of 9,000 gallons at \$0.75 per gallon. The Date Required is the date when the Respondent purchased the system and the Final Date is the estimated 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				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$6,750

TOTAL

\$650

Compliance History

Customer/Respondent/Owner-Operator: CN603117482 GALINDO, LEOPOLDO E Classification: AVERAGE Rating: 1.50
Regulated Entity: RN102043932 LEO'S TIRE SERVICE Classification: AVERAGE Site Rating: 1.50
ID Number(s):
Location: 322 S GASTON ST, CRANE, TX, 79731 Rating Date: September 01 07 Repeat Violator: NO
TCEQ Region: REGION 07 - MIDLAND
Date Compliance History Prepared: February 04, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: February 04, 2003 to February 04, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: John Shelton Phone: (512) 239-2563

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Leopoldo E. Galindo
4. If Yes, who was/were the prior owner(s)? McLain Truck Service, Inc.
5. When did the change(s) in ownership occur? 11/01/2006

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 11/14/2006 (519561)
2 01/30/2008 (616523)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 11/14/2006 (519561)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.47(a)(2)
Description: The steel underground storage tank (UST) system has not met the technical standard requirements for corrosion protection and subsequently the UST system has not been permanently removed from service
 - 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
AGAINST LEOPOLDO E. GALINDO
DBA LEO'S TIRE SERVICE AKA
CRANE TEXACO;
RN102043932

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0258-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Leopoldo E. Galindo dba Leo's Tire Service aka Crane Texaco ("Galindo") under the authority of TEX. WATER CODE chs. 7 and 26 and 30 TEX. ADMIN. CODE chs. 70 and 334. The Executive Director of the TCEQ, represented by the Litigation Division, and Galindo, represented by James McDonald, Crane County Attorney, appear before the Commission and together stipulate that:

1. Galindo owns and operates a tire service located at 332 South Gaston Street, Crane, Crane County, Texas (the "Facility"). Galindo's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Galindo's USTs contain a regulated petroleum substance as defined in the rules of the Commission.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Galindo agree that the Commission has jurisdiction to enter this Agreed Order, and that Galindo is subject to the Commission's jurisdiction.
4. Galindo received notice of the violations alleged in Section II ("Allegations") on or about November 19, 2006 and February 4, 2008.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Galindo of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of two thousand six hundred twenty-five dollars (\$2,625.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Galindo has paid two thousand six hundred twenty-five dollars (\$2,625.00) of the administrative penalty.
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 Galindo have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Galindo has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

Galindo is alleged to have violated 30 TEX. ADMIN. CODE § 334.47(a)(2) by failing to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, as documented on October 18, 2006 and January 30, 2008.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Galindo pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Galindo's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Leopoldo E. Galindo dba Leo's Tire Service aka Crane Texaco, Docket No. 2008-0258-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. Galindo shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Galindo shall permanently remove the UST system from service, in accordance with 30 TEX ADMIN. CODE § 334.55; and
 - b. Within 45 days after the effective date of this Agreed Order, Galindo shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

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."

- c. Galindo shall submit copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and

Michael Edmiston, Waste Section Manager
Texas Commission on Environmental Quality
Midland Regional Office
3300 N. A St., Bldg. 4-107
Midland, TX 79705-5451

3. The provisions of this Agreed Order shall apply to and be binding upon Galindo. Galindo is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If Galindo 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, Galindo's failure to comply is not a violation of this Agreed Order. Galindo shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Galindo shall notify the Executive Director within seven days after Galindo becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Galindo shall be made in writing to the Executive Director. Extensions are not effective until Galindo receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Galindo in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

7. This 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.

8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Galindo, or three days after the date on which the Commission mails notice of the Order to Galindo, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Leopoldo E. Galindo dba Leo's Tire Service aka Crane Texaco
TCEQ Docket No. 2008-0258-PST-E
Page 6

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/17/2009

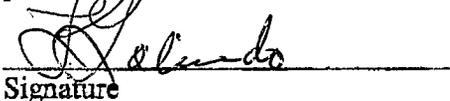
Date

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

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

- A negative impact on Galindo's compliance history;
- Greater scrutiny of any permit applications submitted by Galindo;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against Galindo;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Galindo; and
- TCEQ seeking other relief as authorized by law.

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



Signature

2-3-09

Date

LEOPOLDO GALINDO

Name (Printed or typed)

Owner

Title

Authorized representative of
Leopoldo E. Galindo dba Leo's Tire Service aka Crane Texaco