

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0578-PST-E **TCEQ ID:** RN101570570 **CASE NO.:** 37507
RESPONDENT NAME: NEW K & T QUICK STOP, INC. dba K & H Food Store

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 AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: K & H Food Store, 809 West Northside Drive, Fort Worth, Tarrant County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on March 31, 2009, alleging that the owner has been pumping water out of the tanks onto the parking lot and street after it rains. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 31, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Ms. Cari-Michel La Caille, Enforcement Division, MC 219; (512) 239-1387 Respondent: Mr. Mohammad M. Yousuf, President, NEW K & T QUICK STOP, INC., 809 West Northside Drive, Fort Worth, Texas 76164 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: March 31, 2009</p> <p>Date of Investigation Relating to this Case: March 31, 2009</p> <p>Date of NOV/NOE Relating to this Case: April 16, 2009 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WASTE</p> <p>1) Failure to ensure that a cathodic protection system is designed, installed, operated, and maintained in a manner that will ensure that corrosion protection will be continuously provided to all metal components of the underground storage tank ("UST") system. Specifically, the rectifier amperage reading was at zero, indicating that the corrosion protection was not being properly operated and maintained [30 TEX. ADMIN. CODE § 334.49(a)(2) and TEX. WATER CODE § 26.3475(d)].</p> <p>2) Failure 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 [30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and TEX. WATER CODE § 26.3475(d)].</p> <p>3) Failure to perform an operability test on a cathodic protection system within 3 to 6 months after installation and at a subsequent frequency of at least once every three years. Specifically, the triennial test had not been conducted [30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d)].</p>	<p>Total Assessed: \$10,416</p> <p>Total Deferred: \$2,083 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$248 (remaining \$8,085 due in 35 monthly payments of \$231 each)</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Installed cathodic protection system parts to ensure the system continuously provided corrosion protection to all metal parts of the UST system on May 5, 2009;</p> <p>b. Began conducting bimonthly inspections of the rectifier and other system components on May 5, 2009;</p> <p>c. Conducted the triennial testing of the cathodic protection system with passing results on May 5, 2009; and</p> <p>d. Began conducting inventory control procedures for all USTs at the Facility on May 1, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement a release detection method for the USTs and the piping associated with the USTs, and begin recording inventory volume measurement and reconciliation of inventory control record; and</p> <p>ii. Conduct a suspected release investigation and take appropriate corrective measures.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. and a.ii.</p>

<p>4) Failure to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, the supreme unleaded, diesel, and kerosene USTs were not being monitored for releases and the automatic tank gauge was not being put into test mode monthly [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>5) Failure to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>6) Failure to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>7) Failure 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>8) Failure to conduct UST system tests to determine whether a leak exists in that portion of the tank that routinely contains product, the attached delivery piping, or both, within 30 days of discovery of a suspected release. Specifically, during the investigation, it was determined that the Facility's automatic tank gauge had indicated several leak alarms for the regular unleaded tank in addition to release detection not being conducted for the remaining three USTs [30 TEX. ADMIN. CODE § 334.74(1)].</p>		
---	--	--

Additional ID No(s): PST No. 65698



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Apr-2009	Screening	22-Apr-2009	EPA Due	
	PCW	22-Jun-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	NEW K & T QUICK STOP, INC. dba K & H Food Store		
Reg. Ent. Ref. No.	RN101570570		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	37507	No. of Violations	4
Docket No.	2009-0578-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Judy Kluge
Admin. Penalty \$ Limit Minimum	\$0	EC's Team	Enforcement Team 6
Maximum	\$10,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$10,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 6.0% Enhancement Subtotals 2, 3, & 7 \$600

Notes: Enhancement for three prior dissimilar NOV's in the past five years.

Culpability No 0.0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$500

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$529
 Approx. Cost of Compliance \$5,775
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$10,100

OTHER FACTORS AS JUSTICE MAY REQUIRE 3.1% Adjustment \$316

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with violation no. 1.

Final Penalty Amount \$10,416

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$10,416

DEFERRAL 20.0% Reduction Adjustment -\$2,083

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY \$8,333

Screening Date 22-Apr-2009

Docket No. 2009-0578-PST-E

PCW

Respondent NEW K & T QUICK STOP, INC. dba K & H Food Store

Policy Revision 2 (September 2002)

Case ID No. 37507

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101570570

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	3	6%
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%
Please Enter Yes or No			
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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

Enhancement for three prior dissimilar NOVs in the past five years.

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

Screening Date 22-Apr-2009	Docket No. 2009-0578-PST-E	PCW	
Respondent NEW K & T QUICK STOP, INC. dba K & H Food Store	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37507	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN101570570			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Judy Kluge			
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 334.49(a)(2), (c)(2)(C), and (c)(4) and Tex. Water Code § 26.3475(d)		
Violation Description	Failed to ensure that a cathodic protection system is designed, installed, operated, and maintained in a manner that will ensure that corrosion protection will be continuously provided to all metal components of the UST system. Specifically, the rectifier amperage reading was at zero, indicating that the corrosion protection was not being properly operated and maintained. 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. Also, failed to perform an operability test on a cathodic protection system within 3 to 6 months after installation and at a subsequent frequency of at least once every three years. Specifically, the triennial test had not been conducted.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	x	<input type="checkbox"/>	<input type="checkbox"/>
OR	Percent		25%
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Percent		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		1	22
		Number of violation days	
daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>
monthly	x	quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>
single event	<input type="checkbox"/>		
<small>mark only one with an x</small>	Violation Base Penalty		\$2,500
One monthly event is recommended based on the documentation of the violation during the March 31, 2009, investigation to the April 22, 2009, screening date.			
Good Faith Efforts to Comply		10.0% Reduction	
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="checkbox"/>	Ordinary	x
N/A	<input type="checkbox"/>	<small>(mark with x)</small>	
Notes	The Respondent came into compliance on May 5, 2009, prior to the Agreed Order mailed on May 12, 2009.		
Violation Subtotal		\$2,250	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		Violation Final Penalty Total	
\$318		\$2,475	
This violation Final Assessed Penalty (adjusted for limits)		\$2,475	

Economic Benefit Worksheet

Respondent NEW K & T QUICK STOP, INC. dba K & H Food Store
Case ID No. 37507
Reg. Ent. Reference No. RN101570570
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	31-Mar-2009	5-May-2009	0.10	\$2	n/a	\$2

Notes for DELAYED costs: Estimated cost to provide cathodic protection to all underground metal components of the UST system. The date required is the date of the investigation 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]	\$175	31-Mar-2006	5-May-2009	4.02	\$35	\$175	\$210
Other (as needed)	\$100	31-Jan-2009	5-May-2009	1.18	\$6	\$100	\$106

Notes for AVOIDED costs: Actual 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 dates are the compliance dates.

Approx. Cost of Compliance \$775 TOTAL \$318

Screening Date 22-Apr-2009	Docket No. 2009-0578-PST-E	PCW		
Respondent NEW K & T QUICK STOP, INC. dba K & H Food Store		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37507		<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101570570				
Media [Statute] Petroleum Storage Tank				
Enf. Coordinator Judy Kluge				
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A), (d)(1)(B)(ii), and (d)(1)(B)(iii)(I) and Tex. Water Code § 26.3475(c)(1)			
Violation Description	<p>Failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, the supreme unleaded, diesel, and kerosene USTs were not being monitored for releases and the automatic tank gauge was not being put into test mode monthly.</p> <p>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. Also, failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day.</p>			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	x	<input type="checkbox"/>	<input type="checkbox"/>
Percent		25%		
>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Percent		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		1	22	
		Number of violation days		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	x		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
Violation Base Penalty		\$2,500		
One monthly event is recommended based on documentation of the violation during the March 31, 2009, investigation to the April 22, 2009, screening date.				
Good Faith Efforts to Comply		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)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$2,500		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$55	Violation Final Penalty Total	\$2,733	
		This violation Final Assessed Penalty (adjusted for limits)		
		\$2,733		

Economic Benefit Worksheet

Respondent NEW K & T QUICK STOP, INC. dba K & H Food Store
Case ID No. 37507
Reg. Ent. Reference No. RN101570570
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)	\$1,500	31-Mar-2009	23-Dec-2009	0.73	\$55	n/a	\$55

Notes for DELAYED costs
 The estimated cost of monitoring all USTs for releases, including recording daily inventory volume measurement, and monthly reconciliation of inventory control records. The date required is the investigation date and the final date is the expected date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,500	TOTAL	\$55
----------------------------	---------	-------	------

Screening Date 22-Apr-2009	Docket No. 2009-0578-PST-E	PCW		
Respondent NEW K & T QUICK STOP, INC. dba K & H Food Store		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37507		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN101570570				
Media [Statute] Petroleum Storage Tank				
Enf. Coordinator Judy Kluge				
Violation Number	<input type="text" value="3"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 334.48(c)"/>			
Violation Description	<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."/>			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
Harm				
Release	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
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	<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."/>			
Adjustment			<input type="text" value="\$7,500"/>	
			<input type="text" value="\$2,500"/>	
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="22"/> Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text" value="x"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<input type="text" value="One monthly event is recommended based on documentation of the violation during the March 31, 2009, investigation to the April 22, 2009, screening date."/>				
Good Faith Efforts to Comply		<input type="text" value="10.0%"/> Reduction	<input type="text" value="\$250"/>	
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text" value="x"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes	<input type="text" value="The Respondent came into compliance on May 1, 2009, prior to the Agreed Order mailed on May 12, 2009."/>			
Violation Subtotal			<input type="text" value="\$2,250"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$2"/>	Violation Final Penalty Total <input type="text" value="\$2,475"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$2,475"/>	

Economic Benefit Worksheet

Respondent NEW K & T QUICK STOP, INC. dba K & H Food Store
Case ID No. 37507
Reg. Ent. Reference No. RN101570570
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	31-Mar-2009	1-May-2009	0.08	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel. The date required is the date of the investigation and final date is the date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$500	TOTAL	\$2
----------------------------	-------	-------	-----

Screening Date 22-Apr-2009	Docket No. 2009-0578-PST-E	PCW																			
Respondent NEW K & T QUICK STOP, INC. dba K & H Food Store	<small>Policy Revision 2 (September 2002)</small>																				
Case ID No. 37507	<small>PCW Revision October 30, 2008</small>																				
Reg. Ent. Reference No. RN101570570																					
Media [Statute] Petroleum Storage Tank																					
Enf. Coordinator Judy Kluge																					
Violation Number	4																				
Rule Cite(s)	30 Tex. Admin. Code § 334.74(1)																				
Violation Description	Failed to conduct UST system tests to determine whether a leak exists in that portion of the tank that routinely contains product, the attached delivery piping, or both, within 30 days of discovery of a suspected release. Specifically, during the investigation, it was determined that the Facility's automatic tank gauge had indicated several leak alarms for the regular unleaded tank in addition to release detection not being conducted for the remaining three USTs.																				
Base Penalty	\$10,000																				
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td>Release</td> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;">Percent 25%</td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual				Percent 25%	Potential	x			
	Harm																				
Release	Major	Moderate	Minor																		
Actual				Percent 25%																	
Potential	x																				
>> Programmatic Matrix																					
	<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> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">Percent 0%</td> </tr> </table>		Falsification	Major	Moderate	Minor							Percent 0%								
	Falsification	Major	Moderate	Minor																	
					Percent 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	1	Number of violation days	22																	
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty	\$2,500				
daily																					
weekly																					
monthly	x																				
quarterly																					
semiannual																					
annual																					
single event																					
One monthly event is recommended from the March 31, 2009, investigation to the April 22, 2009, screening date.																					
Good Faith Efforts to Comply				\$0																	
	0.0% Reduction																				
	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 for this violation.																				
Violation Subtotal				\$2,500																	
Economic Benefit (EB) for this violation				Statutory Limit Test																	
Estimated EB Amount	\$154			Violation Final Penalty Total	\$2,733																
This violation Final Assessed Penalty (adjusted for limits)				\$2,733																	

Economic Benefit Worksheet

Respondent NEW K & T QUICK STOP, INC. dba K & H Food Store
Case ID No. 37507
Reg. Ent. Reference No. RN101570570
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	\$3,000	31-Mar-2009	23-Dec-2009	0.73	\$7	\$146	\$154
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 conduct an investigation within 30 days after the discovery of a suspected release. 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

\$154

Compliance History Report

Customer/Respondent/Owner-Operator: CN603364431 NEW K & T QUICK STOP, INC. Classification: AVERAGE Rating: 1.40
Regulated Entity: RN101570570 K & H FOOD STORE Classification: AVERAGE Site Rating: 1.40
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 65698
Location: 809 W NORTHSIDE DR, FORT WORTH, TX, 76164
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: April 20, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: April 20, 2004 to April 20, 2009
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/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? NEW K & T QUICK STOP, INC.
4. If Yes, who was/were the prior owner(s)/operator(s)? Michael Dinh Jr.
5. When did the change(s) in owner or operator occur? 06/02/2008
6. Rating Date: 9/1/2008 Repeat Violator: NO

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	11/12/2004	(335133)
2	05/23/2007	(558304)
3	07/06/2007	(564370)
4	06/27/2008	(656966)

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

Date: 11/12/2004 (335133)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)

Description: 30 TAC 115.245(2) Failure to verify proper operation of the Stage II equipment at least once every 12 months as required except for functional tests TXP-101 and TXP-103 which are required every 36 months.

Date: 05/23/2007 (558304)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)

Description: Failure to conduct a full system test (annual and triennial) within 30 days of major modification of the vapor recovery system.

Date: 06/27/2008 (656966)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)

Description: Failure to maintain the Facility Rep. Cert. and employee training records on-site.

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
NEW K & T QUICK STOP, INC. DBA
K & H FOOD STORE
RN101570570

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-0578-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding NEW K & T QUICK STOP, INC. dba K & H Food Store ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a convenience store with retail sales of gasoline at 809 West Northside Drive in Fort Worth, Tarrant County, Texas (the "Facility").
2. The Respondent's four underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about April 21, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Four Hundred Sixteen Dollars (\$10,416) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Forty-Eight Dollars (\$248) of the

administrative penalty and Two Thousand Eighty-Three Dollars (\$2,083) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Eight Thousand Eighty-Five Dollars (\$8,085) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Thirty-One Dollars (\$231) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Installed cathodic protection system parts to ensure the system continuously provided corrosion protection to all metal parts of the UST system on May 5, 2009;
 - b. Began conducting bimonthly inspections of the rectifier and other system components on May 5, 2009;
 - c. Conducted the triennial testing of the cathodic protection system with passing results on May 5, 2009; and
 - d. Begin conducting inventory control procedures for all USTs at the Facility on May 1, 2009.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to ensure that a cathodic protection system is designed, installed, operated, and maintained in a manner that will ensure that corrosion protection will be continuously provided to all metal components of the UST system, in violation of 30 TEX. ADMIN. CODE § 334.49(a)(2) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on March 31, 2009. Specifically, the rectifier amperage reading was at zero, indicating that the corrosion protection was not being properly operated and maintained.
2. 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, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on March 31, 2009. Specifically, bimonthly inspections of the cathodic protection system were not being conducted.
3. Failed to perform an operability test on a cathodic protection system within 3 to 6 months after installation and at a subsequent frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on March 31, 2009. Specifically, the triennial test had not been conducted.
4. Failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on March 31, 2009. Specifically, the supreme unleaded, diesel, and kerosene USTs were not being monitored for releases and the automatic tank gauge was not being put into test mode monthly.
5. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on March 31, 2009.
6. Failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on March 31, 2009.
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, in violation of 30 TEX. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on March 31, 2009.

8. Failed to conduct UST system tests to determine whether a leak exists in that portion of the tank that routinely contains product, the attached delivery piping, or both, within 30 days of discovery of a suspected release, in violation of 30 TEX. ADMIN. CODE § 334.74(1), as documented during an investigation conducted on March 31, 2009. Specifically, during the investigation, it was determined that the Facility's automatic tank gauge had indicated several leak alarms for the regular unleaded tank in addition to release detection not being conducted for the remaining three USTs.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: NEW K & T QUICK STOP, INC. dba K & H Food Store, Docket No. 2009-0578-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement a release detection method for the USTs and the piping associated with the USTs, and begin recording inventory volume measurement and reconciliation of inventory control records, in accordance with 30 TEX. ADMIN. CODE § 334.50; and
 - ii. Conduct a suspected release investigation and take appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. and 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted

by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sullivan
For the Executive Director

8/6/2009
Date

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

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

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

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

Mohammad M. Yousuf
Signature

6/28/09
Date

MOHAMMAD M. YOUSUF
Name (Printed or typed)
Authorized Representative of
NEW K & T QUICK STOP, INC. dba K & H Food Store

PRESIDENT
Title

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

