

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-0946-PST-E **TCEQ ID:** RN101433647 **CASE NO.:** 37840
RESPONDENT NAME: Zia Wahab dba C 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: C Store, 2970 Roy Orr Boulevard, Grand Prairie, Dallas 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 23, 2009, alleging a leaking gasoline tank at the facility due to water and sediment found in the car's gas tank after the complainant had refueled at the facility. 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 December 7, 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-04, (817) 588-5825; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Zia Wahab, Manager/Operator, C Store, 2970 Roy Orr Boulevard, Grand Prairie, Texas 75050 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 23, 2009</p> <p>Date of Investigation Relating to this Case: April 22, 2009</p> <p>Date of NOV/NOE Relating to this Case: June 15, 2009 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WASTE</p> <p>1) Failure to ensure that all underground storage tanks ("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 automatic tank gauge ("ATG") was not being put into test mode monthly for the two regular unleaded USTs [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>2) 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. Specifically, monthly reconciliation had not been completed for the months of January 2009 through March 2009 [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>3) Failure to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST according to the UST registration and self-certification form [30 TEX. ADMIN. CODE § 334.8(c)(5)(C)].</p>	<p>Total Assessed: \$21,424</p> <p>Total Deferred: \$4,284 <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: \$584 (remaining \$16,556 due in 34 monthly payments of \$475 each and one final payment of \$406)</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 checked="" type="checkbox"/> Yes <input 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 Station:</p> <p>a. Submitted documentation to the Dallas/Fort Worth Regional Office verifying that the monthly reconciliation for all USTs at the Station for the months of January 2009, February 2009, March 2009 and April 2009 has been completed as of May 7, 2009;</p> <p>b. Properly marked the USTs according to the UST registration and self-certification form on June 26, 2009;</p> <p>c. Began conducting bimonthly inspections of all overfill devices associated with the UST system including clearing the spill buckets of water and debris on June 26, 2009;</p> <p>d. Installed shear valves at the base of each dispenser on June 19, 2009;</p> <p>e. Began maintaining all Stage II records at the Station on May 1, 2009; and</p> <p>f. Began conducting monthly inspections of the Stage II vapor recovery system 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 all USTs including placing the ATG into test mode monthly; and</p> <p>ii. Ensure that corrosion protection is in place for all components of the underground UST system.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including</p>

<p>4) Failure to inspect all sumps including the dispenser sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid tight. Specifically, all spill buckets contained water and debris [30 TEX. ADMIN. CODE § 334.42(i)].</p> <p>5) Failure to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser. Specifically, the shear valves were not properly anchored under dispensers nos. 1, 2, 3, and 4 [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)].</p> <p>6) Failure to provide corrosion protection to all underground components of an UST system which is designed or used to convey, contain, or store regulated substances. Specifically, the regular and super gasoline submersible turbine pumps were not isolated from water and soil [30 TEX. ADMIN. CODE § 334.49(b)(2) and TEX. WATER CODE § 26.3475(d)].</p> <p>7) Failure to maintain Stage II records at the Station and make them immediately available for inspection upon request by agency personnel. Specifically, a copy of the applicable California Air Resources Board Executive Order and Stage II training documentation was not available for review [30 TEX. ADMIN. CODE § 115.246(1) and (4) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8) Failure to conduct monthly inspections of the Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.244(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		<p>photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. and a.ii.</p>
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Additional ID No(s): PST No. 51521



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	22-Jun-2009	Screening	24-Jun-2009	EPA Due	
	PCW	25-Jun-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Zia Wahab dba C Store		
Reg. Ent. Ref. No.	RN101433647		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	37840	No. of Violations	7
Docket No.	2009-0946-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 Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts
Approx. Cost of Compliance *Capped at the Total EB \$ Amount

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 24-Jun-2009

Docket No. 2009-0946-PST-E

PCW

Respondent Zia Wahab dba C Store

Policy Revision 2 (September 2002)

Case ID No. 37840

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101433647

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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) 2%

>> **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

Adjustment due to one prior NOV for dissimilar violations.

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

Screening Date 24-Jun-2009	Docket No. 2009-0946-PST-E	PCW	
Respondent Zia Wahab dba C Store	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37840	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101433647			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Judy Kluge			
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A) and (d)(1)(B)(ii) and Tex. Water Code § 26.3475(c)(1)		
Violation Description	Failed to ensure that all underground storage tanks ("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 automatic tank gauge ("ATG") was not being put into test mode monthly for the two regular unleaded USTs. Also, 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. Specifically, monthly reconciliation had not been completed for the months of January 2009 through March 2009.		
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent		50%	
>> 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		\$5,000	
		\$5,000	
Violation Events			
Number of Violation Events	1	Number of violation days	63
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
Violation Base Penalty		\$5,000	
One quarterly event is recommended based on documentation of the violation during the April 22, 2009, investigation to the June 24, 2009, screening date.			
Good Faith Efforts to Comply			
0.0% Reduction		\$0	
Before NOV NOV to EDRP/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)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$5,000	
Economic Benefit (EB) for this violation			
Estimated EB Amount		\$20	
Statutory Limit Test			
Violation Final Penalty Total		\$5,215	
This violation Final Assessed Penalty (adjusted for limits)		\$5,215	

Economic Benefit Worksheet

Respondent Zia Wahab dba C Store
Case ID No. 37840
Reg. Ent. Reference No. RN101433647
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
IC Reconciliation	\$500	22-Apr-2009	7-May-2009	0.04	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
ATG Monthly Test Mode	\$500	22-Apr-2009	26-Jan-2010	0.76	\$19	n/a	\$19

Notes for DELAYED costs

The estimated cost for putting the ATG into test mode monthly and monthly reconciliation of inventory control records. The dates required are the compliance date and the expected date of compliance respectively.

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

\$1,000

TOTAL

\$20

Screening Date 24-Jun-2009	Docket No. 2008-0946-PST-E																				
Respondent Zia Wahab dba C Store	PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small>																				
Case ID No. 37840																					
Reg. Ent. Reference No. RN101433647																					
Media [Statute] Petroleum Storage Tank																					
Enf. Coordinator Judy Kluge																					
Violation Number 2																					
Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(5)(C)																				
Violation Description	Failed to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST according to the UST registration and self-certification form.																				
Base Penalty	\$10,000																				
>> Environmental, Property and Human Health Matrix																					
Harm																					
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%;"></td> <td style="width:25%; text-align: center;">Major</td> <td style="width:25%; text-align: center;">Moderate</td> <td style="width:25%; text-align: center;">Minor</td> <td style="width:20%;"></td> </tr> <tr> <td style="text-align: center;">Release</td> <td></td> <td></td> <td></td> <td style="text-align: center;">Percent</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td style="text-align: center;">0%</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Major	Moderate	Minor		Release				Percent	Actual				0%	Potential				
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	Major	Moderate	Minor																		
Actual	x			Percent																	
Potential				25%																	
Matrix Notes	100% of the rule requirement was not met.																				
Adjustment	\$7,500																				
Penalty	\$2,500																				
Violation Events																					
Number of Violation Events	1																				
Number of violation days	63																				
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:20%;">daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></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 style="text-align: center;">x</td></tr> </table>	daily		weekly		monthly		quarterly		semiannual		annual		single event	x						
daily																					
weekly																					
monthly																					
quarterly																					
semiannual																					
annual																					
single event	x																				
Violation Base Penalty	\$2,500																				
One single event is recommended based on documentation of the violation during the April 22, 2009, investigation.																					
Good Faith Efforts to Comply																					
10.0% Reduction	\$250																				
<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>																				
Extraordinary																					
Ordinary	x																				
N/A	(mark with x)																				
Notes	The Respondent came into compliance on June 26, 2009 after the NOE dated June 15, 2009.																				
Violation Subtotal	\$2,250																				
Economic Benefit (EB) for this violation																					
Statutory Limit Test																					
Estimated EB Amount	\$1																				
Violation Final Penalty Total	\$2,352																				
This violation Final Assessed Penalty (adjusted for limits)	\$2,352																				

Economic Benefit Worksheet

Respondent Zia Wahab dba C Store
Case ID No. 37840
Reg. Ent. Reference No. RN101433647
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
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	\$0
Buildings			0.00	\$0	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0	\$0
Land			0.00	\$0	n/a	n/a	\$0
Record Keeping System			0.00	\$0	n/a	n/a	\$0
Training/Sampling			0.00	\$0	n/a	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	n/a	\$0
Permit Costs			0.00	\$0	n/a	n/a	\$0
Other (as needed)	\$100	22-Apr-2009	26-Jun-2009	0.18	\$1	n/a	\$1

Notes for DELAYED costs

The estimated cost includes the amount required to permanently affix a metal label to each UST fill tube. 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	\$0
Personnel			0.00	\$0	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$1

Economic Benefit Worksheet

Respondent Zia Wahab dba C Store
Case ID No. 37840
Reg. Ent. Reference No. RN101433647
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
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			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]			0.00	\$0	\$0	\$0
Other (as needed)	\$100	21-Feb-2009	28-Jun-2009	1.26	\$6	\$106

Notes for AVOIDED costs

Estimated avoided cost to conduct bimonthly inspections of the sumps, manways, overfill containers or catchment basins. The date required is 60 days before the investigation and the final date is the compliance date.

Approx. Cost of Compliance

\$100

TOTAL

\$106

Screening Date 24-Jun-2009	Docket No. 2009-0946-PST-E																								
Respondent Zia Wahab dba C Store	PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2009</small>																								
Case ID No. 37840																									
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Violation Number 4																									
Rule Cite(s)	30 Tex. Admin. Code § 334.45(c)(3)(A)																								
Violation Description	Failed to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser. Specifically, the shear valves were not properly anchored under dispensers nos. 1, 2, 3, and 4.																								
Base Penalty	\$10,000																								
>> Environmental, Property and Human Health Matrix																									
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td style="text-align: center;">x</td> <td></td> <td style="text-align: right;">Percent 25%</td> </tr> </table>			Harm					Release	Major	Moderate	Minor		Actual						Potential			x		Percent 25%
		Harm																							
	Release	Major	Moderate	Minor																					
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Potential			x		Percent 25%																				
>> Programmatic Matrix																									
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <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 significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																								
Adjustment	\$7,500																								
\$2,500																									
Violation Events																									
Number of Violation Events	1																								
	63 Number of violation days																								
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</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		quarterly	x	semiannual		annual		single event											
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Good Faith Efforts to Comply	10.0% Reduction																								
	<small>Before NOV NOV to EDRP/Settlement Offer</small>																								
Extraordinary																									
Ordinary	x																								
N/A	<small>(mark with x)</small>																								
Notes	The Respondent came into compliance on June 19, 2009, after the NOE dated June 15, 2009.																								
Violation Subtotal	\$2,250																								
Economic Benefit (EB) for this violation	Statutory Limit Test																								
Estimated EB Amount	\$6																								
Violation Final Penalty Total	\$2,352																								
This violation Final Assessed Penalty (adjusted for limits)																									
\$2,352																									

Economic Benefit Worksheet

Respondent Zia Wahab dba C Store
Case ID No. 37840
Reg. Ent. Reference No. RN101433647
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$500	22-Apr-2009	19-Jun-2009	0.18	\$0	\$5	\$6
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 anchor the shear valves. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$500	TOTAL	\$6
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<p>Screening Date 24-Jun-2009</p> <p>Respondent Zia Wahab dba C Store</p> <p>Case ID No. 37840</p> <p>Reg. Ent. Reference No. RN101433647</p> <p>Media [Statute] Petroleum Storage Tank</p> <p>Enf. Coordinator Judy Kluge</p> <p>Violation Number <input type="text" value="5"/></p> <p>Rule Cite(s)</p>	<p>Docket No. 2009-0946-PST-E</p> <p style="text-align: right;">PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small></p>																						
<p>Violation Description</p> <div style="border: 1px solid black; padding: 5px;"> <p>30 Tex. Admin. Code § 334.49(b)(2) and Tex. Water Code § 26.3475(d)</p> <p>Failed to provide corrosion protection to all underground components of an UST system which is designed or used to convey, contain, or store regulated substances. Specifically, the regular and super gasoline submersible turbine pumps were not isolated from water and soil.</p> </div>																							
<p>Base Penalty <input type="text" value="\$10,000"/></p>																							
<p>>> Environmental, Property and Human Health Matrix</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td rowspan="2" style="vertical-align: middle;">OR</td> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;">Percent <input type="text" value="50%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>				Harm						Major	Moderate	Minor		OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="50%"/>	Potential	x	<input type="text"/>	<input type="text"/>
		Harm																					
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		Major	Moderate	Minor																			
		<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																		
<p>Violation Events</p> <p>Number of Violation Events <input type="text" value="1"/> <input type="text" value="63"/> Number of violation days</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td rowspan="6" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td style="text-align: center;">daily</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;">x</td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td><input type="text"/></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">single event</td> <td><input type="text"/></td> </tr> </table> <p style="text-align: right;">Violation Base Penalty <input type="text" value="\$5,000"/></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>One quarterly event is recommended based on documentation of the violation during the April 22, 2009, investigation to the June 24, 2009, screening date.</p> </div>		<i>mark only one with an x</i>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>			single event	<input type="text"/>					
<i>mark only one with an x</i>	daily		<input type="text"/>																				
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	monthly		<input type="text"/>																				
	quarterly		x																				
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<p>Good Faith Efforts to Comply</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="2"></td> <td style="text-align: center;">0.0% Reduction</td> <td></td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;"><small>Before NOV</small></td> <td style="text-align: center;"><small>NOV to EDRP/Settlement Offer</small></td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> <td></td> </tr> </table> <p>Notes</p> <div style="border: 1px solid black; padding: 5px;"> <p>The Respondent does not meet the good faith criteria for this violation.</p> </div> <p style="text-align: right;">Violation Subtotal <input type="text" value="\$5,000"/></p>				0.0% Reduction				<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>	Extraordinary	<input type="text"/>	<input type="text"/>		Ordinary	<input type="text"/>	<input type="text"/>		N/A	x	(mark with x)			
		0.0% Reduction																					
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Extraordinary	<input type="text"/>	<input type="text"/>																					
Ordinary	<input type="text"/>	<input type="text"/>																					
N/A	x	(mark with x)																					
<p>Economic Benefit (EB) for this violation</p> <p>Estimated EB Amount <input type="text" value="\$80"/></p>		<p>Statutory Limit Test</p> <p>Violation Final Penalty Total <input type="text" value="\$5,215"/></p> <p>This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,215"/></p>																					

Economic Benefit Worksheet

Respondent Zia Wahab dba C Store
Case ID No. 37840
Reg. Ent. Reference No. RN101433647
Media Petroleum Storage Tank
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,500	22-Apr-2009	26-Jan-2010	0.76	\$4	\$76	\$80
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 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 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

\$80

<p>Screening Date 24-Jun-2009</p> <p>Respondent Zia Wahab dba C Store</p> <p>Case ID No. 37840</p> <p>Reg. Ent. Reference No. RN101433647</p> <p>Media [Statute] Petroleum Storage Tank</p> <p>Enf. Coordinator Judy Kluge</p> <p>Violation Number <input type="text" value="6"/></p> <p>Rule Cite(s) 30 Tex. Admin. Code § 115.246(1) and (4) and Tex. Health & Safety Code § 382.085(b)</p> <p>Violation Description Failed to maintain Stage II records at the Station and make them immediately available for inspection upon request by agency personnel. Specifically, a copy of the applicable California Air Resources Board ("CARB") Executive Order and Stage II training documentation was not available for review.</p>	<p>Docket No. 2009-0946-PST-E</p> <p style="text-align: right;">PCW <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2008</small></p>																												
Base Penalty <input type="text" value="\$10,000"/>																													
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		Harm																											
		Major	Moderate	Minor																									
OR	Release	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																								
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	Falsification	X	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>																								
Matrix Notes	<input style="width: 100%; height: 20px;" type="text" value="100% of the rule requirement was not met."/>																												
Adjustment <input type="text" value="\$7,500"/>																													
<input type="text" value="\$2,500"/>																													
Violation Events																													
<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="width: 100px;"><input type="text" value="1"/></td> <td style="width: 100px;"><input type="text" value="63"/></td> <td>Number of violation days</td> </tr> </table>		<input type="text" value="1"/>	<input type="text" value="63"/>	Number of violation days																									
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daily	<input type="text"/>																												
weekly	<input type="text"/>																												
monthly	<input type="text"/>																												
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Good Faith Efforts to Comply																													
<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="width: 100px;"><input type="text" value="25.0%"/></td> <td>Reduction</td> </tr> <tr> <td style="text-align: center;">Before NOV</td> <td>NOV to EDRP/Settlement Offer</td> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td style="text-align: center;">X</td> </tr> <tr> <td>N/A</td> <td>(mark with x)</td> </tr> </table>		<input type="text" value="25.0%"/>	Reduction	Before NOV	NOV to EDRP/Settlement Offer	Extraordinary	<input type="text"/>	Ordinary	X	N/A	(mark with x)																		
<input type="text" value="25.0%"/>	Reduction																												
Before NOV	NOV to EDRP/Settlement Offer																												
Extraordinary	<input type="text"/>																												
Ordinary	X																												
N/A	(mark with x)																												
Notes	<input style="width: 100%; height: 20px;" type="text" value="The Respondent came into compliance on May 1, 2009, before the NOE dated June 15, 2009."/>																												
Violation Subtotal <input type="text" value="\$1,875"/>																													
Economic Benefit (EB) for this violation																													
Estimated EB Amount <input type="text" value="\$1"/>	Statutory Limit Test																												
Violation Final Penalty Total <input type="text" value="\$1,969"/>																													
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,969"/>																													

Economic Benefit Worksheet

Respondent Zia Wahab dba C Store
Case ID No. 37840
Reg. Ent. Reference No. RN101433647
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	22-Apr-2009	1-May-2009	0.02	\$1	n/a	\$1
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain Stage II records at the Station. The date required is the investigation date and the final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$1

Screening Date 24-Jun-2009	Docket No. 2009-0946-PST-E	PCW
Respondent Zia Wahab dba C Store		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 37840		<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN101433647		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Judy Kluge		
Violation Number	7	
Rule Cite(s)	30 Tex. Admin. Code § 115.244(3) and Tex. Health & Safety Code § 382.085(b)	
Violation Description	Failed to conduct monthly inspections of the Stage II vapor recovery system.	
	Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix		
	Harm	
	Release	Major Moderate Minor
OR	Actual	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Potential	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
	Percent	25%
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Percent	0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
	Adjustment	\$7,500
		\$2,500
Violation Events		
	1	63
		Number of violation days
<small>mark only one with an x</small>	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>
	Violation Base Penalty	\$2,500
	One quarterly event is recommended based on documentation of the violation during the April 22, 2009, investigation to the June 24, 2009, screening date.	
Good Faith Efforts to Comply		
	25.0% Reduction	\$625
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	<input type="checkbox"/>
	(mark with x)	
Notes	The Respondent came into compliance on May 1, 2009, prior to the NOE dated June 15, 2009.	
	Violation Subtotal	\$1,875
Economic Benefit (EB) for this violation		
	Estimated EB Amount	\$368
Statutory Limit Test		
	Violation Final Penalty Total	\$1,969
	This violation Final Assessed Penalty (adjusted for limits)	\$1,969

Economic Benefit Worksheet

Respondent Zia Wahab dba C Store
Case ID No. 37840
Reg. Ent. Reference No. RN101433647
Media Petroleum Storage Tank
Violation No. 7

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$350	22-Mar-2009	1-May-2009	1.03	\$18	\$350	\$368
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance \$350

TOTAL \$368

Compliance History Report

Customer/Respondent/Owner-Operator: CN603499625 Zia Wahab Classification: AVERAGE Rating: 0.5
Regulated Entity: RN101433647 C Store Classification: AVERAGE Site Rating: 0.5
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 51521
Location: 2970 Roy Orr Blvd, Grand Prairie, TX, 75050
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: June 24, 2009
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: June 24, 2004 to June 24, 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? Zia Wahab
4. If Yes, who was/were the prior owner(s)/operator(s)? Rafil, Inc.
5. When did the change(s) in owner or operator occur? 01/07/2008
6. Rating Date: 9/1/2008 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, 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 02/23/2006 (452753)
2 08/15/2009 (741240)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
Date: 02/23/2006 (452753)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.245(6)
Description: Failure to submit the results of all tests required by this section to the appropriate regional office and any local air pollution control program with jurisdiction within ten working days of the completion of the test(s) using the format specified in the TCEQ Vapor Recovery Test Procedures Handbook (RG-399, November 2
- 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
ZIA WAHAB DBA C STORE
RN101433647**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0946-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 Zia Wahab dba C Store ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent operates a convenience store with retail sales of gasoline at 2970 Roy Orr Boulevard in Grand Prairie, Dallas County, Texas (the "Station").
2. The Respondent's four underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 20, 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 Twenty-One Thousand Four Hundred Twenty-Four Dollars (\$21,424) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Hundred Eighty-Four Dollars (\$584) of the

administrative penalty and Four Thousand Two Hundred Eighty-Four Dollars (\$4,284) 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 Sixteen Thousand Five Hundred Fifty-Six Dollars (\$16,556) of the administrative penalty shall be payable in 34 monthly payments of Four Hundred Seventy-Five Dollars (\$475) each with one final payment of Four Hundred Six Dollars (\$406). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:
 - a. Submitted documentation to the Dallas/Fort Worth Regional Office verifying that the monthly reconciliation for all USTs at the Station for the months of January 2009, February 2009, March 2009 and April 2009 has been completed as of May 7, 2009;
 - b. Properly marked the USTs according to the UST registration and self-certification form on June 26, 2009;
 - c. Began conducting bimonthly inspections of all overfill devices associated with the UST system including clearing the spill buckets of water and debris on June 26, 2009;
 - d. Installed shear valves at the base of each dispenser on June 19, 2009;
 - e. Began maintaining all Stage II records at the Station on May 1, 2009; and
 - f. Began conducting monthly inspections of the Stage II vapor recovery system 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 operator of the Station, the Respondent is alleged to have:

1. 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 April 22, 2009. Specifically, the automatic tank gauge ("ATG") was not being put into test mode monthly for the two regular unleaded USTs.
2. 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 April 22, 2009. Specifically, monthly reconciliation had not been completed for the months of January 2009 through March 2009.
3. Failed to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST according to the UST registration and self-certification form, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(C), as documented during an investigation conducted on April 22, 2009.
4. Failed to inspect all sumps including the dispenser sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid tight, in violation of 30 TEX. ADMIN. CODE § 334.42(i), as documented during an investigation conducted on April 22, 2009. Specifically, all spill buckets contained water and debris.
5. Failed to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser, in violation of 30 TEX. ADMIN. CODE § 334.45(c)(3)(A), as documented during an investigation conducted on April 22, 2009. Specifically, the shear valves were not properly anchored under dispensers nos. 1, 2, 3, and 4.
6. Failed to provide corrosion protection to all underground components of an UST system which is designed or used to convey, contain, or store regulated substances, in violation of 30 TEX. ADMIN. CODE § 334.49(b)(2) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on April 22, 2009. Specifically, the regular and super gasoline submersible turbine pumps were not isolated from water and soil.

7. Failed to maintain Stage II records at the Station and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 115.246(1) and (4) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 22, 2009. Specifically, a copy of the applicable California Air Resources Board Executive Order and Stage II training documentation was not available for review.
8. Failed to conduct monthly inspections of the Stage II vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.244(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on April 22, 2009.

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: Zia Wahab dba C Store, Docket No. 2009-0946-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 all USTs including placing the ATG into test mode monthly, in accordance with 30 TEX. ADMIN. CODE § 334.50; and
 - ii. Ensure that corrosion protection is in place for all components of the underground UST system, in accordance with 30 TEX. ADMIN. CODE § 334.49.
 - 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 76118-6950

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 Station 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.

10/12/2009 17:07

Received:
971--731-8687

Oct 12 2009 05:03pm
FEDEX OFFICE 0758

PAGE 02

Zia Wahab dba C Store
DOCKET NO. 2009-0946-PST-E
Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 12/11/2009

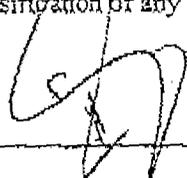
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for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

Signature



Date

09.26.09

Name (Printed or typed)
Authorized Representative of
Zia Wahab dba C Store

Zia Wahab

Title

Manager

Instruction: 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.

