

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2008-0094-PST-E TCEQ ID: RN101534790 and RN101539963 CASE NO.: 11519
RESPONDENT NAME: INARA CONVENIENCE INC. DBA ROSEDALE TEXACO AND
DBA FLIP IN MARKET**

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

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

SITE WHERE VIOLATIONS OCCURRED: 6101 East Rosedale Street, Forth Worth, Tarrant County (the "Facility")
5860 South Dick Price Road, Kennedale, Tarrant County (the "Station")

TYPE OF OPERATION: Convenience stores with retail sales of gasoline

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.

INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on November 23, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

TCEQ Enforcement Coordinator: Ms. Elvia Maske, Waste Enforcement Section, MC 149, (512) 239-0789

TCEQ Regional Contact: Mr. Sam Barrett, Dallas/Fort Worth Regional Office, MC R-4, (817) 588-5903

Respondent: Mr. Shehzad Dhanani, Vice President, Inara Convenience, Inc., 1833 Pelican, Azle, Texas 76020

Respondent's Attorney: Mr. John L. Gamboa, Acuff & Gamboa, L.L.C., 2501 Parkview Drive, Suite 504, Fort Worth, Texas 76102

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: October 12 -15, 2007 and October 18, 2007</p> <p>Date of NOE Relating to this Case: November 6, 2007</p> <p>Background Facts: The EDPRP was filed on February 22, 2008. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on October 5, 2009. A revised agreed order was signed on February 10, 2010.</p> <p>Current Compliance Status: Respondent has not yet submitted documentation certifying compliance.</p> <p>PST:</p> <ol style="list-style-type: none"> Failed to prevent an unauthorized discharge of gasoline fuel at the Facility [30 TEX. ADMIN. CODE § 334.48(a)]. Failed to maintain Stage II records on-site at the Station during ordinarily manned business hours and make them immediately available for review by agency personnel [30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to maintain the Stage II vapor recovery system at the Station in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system [30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 	<p>Total Assessed: \$ 23,450</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$2,000/\$21,450</p> <p>The Respondent paid \$2,000 of the administrative penalty. The remaining amount of \$21,450 shall be payable in eleven monthly payments of \$1,950 each.</p> <p>Site Compliance History Classification (Rosedale Facility): <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Site Compliance History Classification (Flip In Station): <input checked="" type="checkbox"/> High <input 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 Sources: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Absence of management practices designed to ensure compliance.</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements at the Facility:</p> <ol style="list-style-type: none"> Within 60 days, perform a Release Investigation and/or a site assessment, as applicable. If corrective action is necessary, comply with applicable requirements of 30 TEX. ADMIN. CODE Chapter 334 and associated TCEQ guidance documents. Within 75 days, submit written certification to demonstrate compliance with Ordering Provision No. 1. <p>The Respondent shall undertake the following technical requirements at the Station:</p> <ol style="list-style-type: none"> Immediately: <ol style="list-style-type: none"> Begin conducting effective manual or automatic inventory control procedures; and Begin maintaining Stage II records. Within 30 days: <ol style="list-style-type: none"> Begin maintaining the Stage II vapor recovery system in proper operating condition including, but not limited to, the installation of Stage I adaptors and posting operating instructions on the front of each dispenser; Repair or replace the submersible turbine pump to prevent leaking gasoline vapors; Install and implement a corrosion protection method for all underground metal components of the UST system; Install and implement a release detection method for all USTs; Submit an amended UST registration form to indicate the current release detection method for the UST system; and Appropriately mark the top of each fill tube or nonremovable point in the immediate area of the fill tube of each UST. Within 45 days, submit written certification to demonstrate compliance with Ordering Provision Nos. 3.a. through 4.f.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to comply with emission control requirements by failing to keep the Stage I vapor recovery system at the Station vapor-tight [30 TEX. ADMIN. CODE § 115.222(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to provide corrosion protection to all underground metal components of an UST system which is used to convey or contain regulated substances at the Station [30 TEX. ADMIN. CODE § 334.49(a)(4)].</p> <p>7. Failed to ensure that all tanks at the Station are monitored for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>8. Failed to conduct inventory control at the Station for all USTs involved in the retail sale of petroleum substances used as a motor fuel each operating day [30 TEX. ADMIN. CODE § 334.48(c)].</p> <p>9. Failed to provide amended registration for any change or additional information regarding USTs at the Station within 30 days from the date of the occurrence of the change or addition [30 TEX. ADMIN. CODE § 334.7(d)(3)].</p> <p>10. Failed to ensure that all USTs are properly identified as listed on the Station's UST registration and self-certification form by legible tag, label or marking that 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 [30 TEX. ADMIN. CODE § 334.8(c)(5)(C)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	10-Dec-2007	Screening	14-Dec-2007	EPA Due	
	PCW	2-Oct-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Inara Convenience Inc. dba Rosedale Texaco		
Reg. Ent. Ref. No.	RN101534790		
Facility/Site Region	4 - Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	11519	No. of Violations	1
Docket No.	2008-0094-PST-E	Order Type	Findings
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Elvia Maske
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	46% Enhancement	Subtotals 2, 3, & 7	\$3,450
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Notes: Enhancement for three Notices of Violation with dissimilar violations and two 1660 Agreed Orders.

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

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

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

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$501	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$10,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$10,950
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$10,950
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,950
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$10,950
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Screening Date 14-Dec-2007 **Docket No.** 2008-0094-PST-E
Respondent Inara Convenience Inc. dba Rosedale Texaco
Case ID No. 11519
Reg. Ent. Reference No. RN101534790
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Elvia Maske

PCW

Policy Revision 2 (September 2002)
 PCW Revision November 6, 2007

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 46%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three Notices of Violation with dissimilar violations and two 1660 Agreed Orders.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 46%

Screening Date 14-Dec-2007

Docket No. 2008-0094-PST-E

PCW

Respondent Inara Convenience Inc. dba Rosedale Texaco

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101534790

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Elvia Maske

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 334.48(a)

Violation Description Failed to prevent an unauthorized discharge of gasoline fuel. Specifically, gasoline was observed in the turbine sumps and the dispenser sumps.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to significant amounts of pollutants which do 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 3 Number of violation days 64

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$7,500

Three monthly events are recommended from the release discovery date of October 12, 2007 to the December 14, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$501

Violation Final Penalty Total \$10,950

This violation Final Assessed Penalty (adjusted for limits) \$10,950

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Rosedale Texaco

Case ID No. 11519

Reg. Ent. Reference No. RN101534790

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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$10,000	12-Oct-2007	12-Oct-2008	1.0	\$501	n/a	\$501
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to make repairs to the UST system, mitigate explosive hazards, and properly dispose of contaminants. The date required is the date the release was discovered. The final date is the expected compliance date.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$10,000

TOTAL \$501

Compliance History

CH - 1

Customer/Respondent/Owner-Operator:	CN600805808	Inara Convenience Inc.	Classification: AVERAGE	Rating: 6.28
Regulated Entity:	RN101534790	ROSEDALE TEXACO	Classification: AVERAGE	Site Rating: 12.56
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		5590	
Location:	6101 E ROSEDALE ST, FORT WORTH, TX, 76112		Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	December 01, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 01, 2002 to December 01, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Shontay Wilcher Phone: (512) 239-2136

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 07/30/2004 ADMINORDER 2003-1588-PST-E
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.48(c)
30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(ii)
Description: Failed to conduct effective manual or automatic inventory control procedures for the UST systems.

Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a)
2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.50(b)
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
30 TAC Chapter 334, SubChapter C 334.50(b)(2)
30 TAC Chapter 334, SubChapter C 334.50(b)(2)(A)(i)(III)
Description: Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).

Effective Date: 11/09/2007 ADMINORDER 2005-0372-PST-E
Classification: Moderate
Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)
30 TAC Chapter 37, SubChapter I 37.815(b)
Description: Failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/20/2003	(35339)
2	06/24/2003	(277436)
3	06/28/2004	(273217)
4	09/28/2004	(285817)
5	02/17/2005	(351077)
6	03/03/2005	(372564)

7 09/16/2005 (398024)
8 01/02/2006 (449707)
9 11/02/2007 (597875)

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

Date: 06/24/2003 (277436)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)
30 TAC Chapter 37, SubChapter I 37.815(b)
Description: Failure to provide acceptable financial assurance.
Date: 06/28/2004 (273217)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)
Description: Failure to maintain a record of daily inspections according to 115.244 (Inspection Requirements).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)
Description: Failure to maintain a record of maintenance conducted on any part of the Stage II equipment.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)
Description: Failure to maintain a record of the results of testing conducted at the facility according to 115.245 (Testing Requirements).
Date: 09/13/2005 (398024)
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.48(c)
30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(ii)
Description: Failed to conduct effective manual or automatic inventory control procedures for the UST systems.
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a)
2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.50(b)
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
30 TAC Chapter 334, SubChapter C 334.50(b)(2)
30 TAC Chapter 334, SubChapter C 334.50(b)(2)(A)(i)(III)
Description: Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 334, SubChapter C 334.48(c)
Rqmt Prov: ORDER 2.a., 2.b., 2.c.
Description: Failure to comply with Commission Order Docket No. 2003-1588-PST-E.

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned	10-Dec-2007	Screening	20-Dec-2007	EPA Due	
	PCW	27-Dec-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Inara Convenience Inc. dba Flip In Market		
Reg. Ent. Ref. No.	RN101539963		
Facility/Site Region	4- Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	11519	No. of Violations	8
Docket No.	2008-0094-PST-E	Order Type	Findings
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Shontay Wilcher
Multi-Media		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	\$12,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for compliance history.

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

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

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

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$326	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$6,400	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,500
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$12,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,500
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$12,500
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Screening Date 20-Dec-2007 **Docket No.** 2008-0094-PST-E
Respondent Inara Convenience Inc. dba Flip In Market
Case ID No. 11519
Reg. Ent. Reference No. RN101539963
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Shontay Wilcher

PCW

Policy Revision 2 (September 2002)
 PCW Revision November 6, 2007

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	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 (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	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 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> 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

No adjustment for compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 20-Dec-2007

Docket No. 2008-0094-PST-E

PCW

Respondent Inara Convenience Inc. dba Flip In Market

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101539963

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 115.246(7)(A) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to maintain Stage II records on-site at the Station during ordinarily manned business hours and make them immediately available for review by agency personnel.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 64 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during the October 18, 2007 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$42

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Flip In Market
Case ID No. 11519
Reg. Ent. Reference No. RN101539963
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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	18-Oct-2007	18-Aug-2008	0.8	\$42	n/a	\$42
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$42

Screening Date 20-Dec-2007

Docket No. 2008-0094-PST-E

PCW

Respondent Inara Convenience Inc. dba Flip In Market

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101539963

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 115.242(3)(A), 115.242(9), and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system. Specifically, the USTs were not equipped with product and Stage I adaptors to prevent loosening and over-tightening for the system. Also, the Respondent failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II vapor recovery system.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					10%
Potential		x			

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

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 \$9,000

\$1,000

Violation Events

Number of Violation Events 1 64 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,000

One quarterly event is recommended based on documentation of the violation during the October 18, 2007 investigation to the December 20, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$55

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Flip In Market

Case ID No. 11519

Reg. Ent. Reference No. RN101539963

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
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,200	18-Oct-2007	18-Sep-2008	0.9	\$55	n/a	\$55

Notes for DELAYED costs

Estimated cost to install product and Stage I adaptors, and to post operating instructions on each dispenser. The required date is the date of the investigation. The final date is the expected compliance date.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,200

TOTAL \$55

Screening Date 20-Dec-2007

Docket No. 2008-0094-PST-E

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Respondent Inara Convenience Inc. dba Flip In Market

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101539963

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 115.222(3) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with emission control requirements by failing to keep Stage I vapor recovery system vapor-tight. Specifically, super unleaded submersible pump was observed leaking gasoline vapors as noted by sight and smell.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (10%). Includes 'OR' label.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0%).

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 64

Table for frequency: daily, monthly, quarterly (marked with x), semiannual, annual, single event.

Violation Base Penalty \$1,000

One quarterly event is recommended based on documentation of the violation during the October 18, 2007 investigation to the December 20, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Flip In Market
Case ID No. 11519
Reg. Ent. Reference No. RN101539963
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	\$800	18-Oct-2007	18-Sep-2008	0.9	\$2	\$49	\$52
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair or replace devices to make the Stage I vapor recovery system vapor-tight. The date required is the date of the investigation. The final date is the expected compliance date.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$800

TOTAL \$52

Screening Date 20-Dec-2007

Docket No. 2008-0094-PST-E

PCW

Respondent Inara Convenience Inc. dba Flip In Market

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101539963

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 334.49(a)(4)

Violation Description

Failed to provide corrosion protection to all underground metal components of an UST system which is used to convey or contain regulated substances. Specifically, metal fittings are buried directly in the backfill therefore not providing corrosion protection to all metal components around the submersible turbine pumps area and the dispenser area.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

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

64 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended based on documentation of the violation during the October 18, 2007 investigation to the December 20, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$81

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Flip In Market
Case ID No. 11519
Reg. Ent. Reference No. RN101539963
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	\$1,250	18-Oct-2007	18-Sep-2008	0.9	\$4	\$77	\$81
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost to provide corrosion protection to all metal components around the submersible turbine pumps and dispenser areas. The required date is the date of the investigation. The final date is the expected compliance date.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,250	TOTAL	\$81
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Screening Date 20-Dec-2007

Docket No. 2008-0094-PST-E

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Respondent Inara Convenience Inc. dba Flip In Market

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101539963

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)

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

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential	x		25%	

>> Programmatic Matrix

	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 64 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on documentation of the violation during the October 18, 2007 investigation to the December 20, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$69

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Flip In Market
Case ID No. 11519
Reg. Ent. Reference No. RN101539963
Media Petroleum Storage Tank
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	18-Oct-2007	18-Sep-2008	0.9	\$69	n/a	\$69

Notes for DELAYED costs

Estimated cost to monitor all USTs for releases. The date required is the date of the investigation. The final date is the expected compliance date.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$69

Screening Date 20-Dec-2007

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PCW

Respondent Inara Convenience Inc. dba Flip In Market

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101539963

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 334.48(c)

Violation Description Failed to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as a motor fuel each operating day.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential	x			25%

>> Programmatic Matrix

	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 64 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on documentation of the violation during the October 18, 2007 investigation to the December 20, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$2,500

This violation Final Assessed Penalty (adjusted for limits) \$2,500

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Flip In Market

Case ID No. 11519

Reg. Ent. Reference No. RN101539963

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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	18-Oct-2007	18-Aug-2008	0.8	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to conduct daily inventory control procedures for all USTs. The required date is the date of the investigation. The final date is the expected compliance date.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$21

Screening Date 20-Dec-2007

Docket No. 2008-0094-PST-E

PCW

Respondent Inara Convenience Inc. dba Flip In Market

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101539963

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 334.7(d)(3)

Violation Description Failed to provide amended registration for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the Respondent did not update the UST registration indicating the current release detection methods for the USTs at the Station.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				
	Potential			0%	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		x			
	100% of the rule requirement was not met.				

Adjustment \$9,000

\$1,000

Violation Events

	1	64	Number of violation days
mark only one with an x	daily		Violation Base Penalty \$1,000
	monthly		
	quarterly		
	semiannual		
	annual		
single event	x		

One single event is recommended for the violation documented during the October 18, 2007 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Flip In Market

Case ID No. 11519

Reg. Ent. Reference No. RN101539963

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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$50	18-Oct-2007	18-Sep-2008	0.9	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to update the UST registration to reflect the current release detection method used at the Station. The date required is the date of the investigation. The final date is the expected compliance date.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$2

Screening Date 20-Dec-2007

Docket No. 2008-0094-PST-E

PCW

Respondent Inara Convenience Inc. dba Flip In Market

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101539963

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(5)(C)

Violation Description Failed to ensure that all USTs are properly identified as listed on the Station's UST registration and self-certification form by a legible tag, label, or marking that is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate aread of the fill tube.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10%).

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Table for violation events including frequency (daily, monthly, quarterly, semiannual, annual, single event) and number of violation days (1, 64).

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during the October 18, 2007 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Flip In Market
Case ID No. 11519
Reg. Ent. Reference No. RN101539963
Media Petroleum Storage Tank
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	18-Oct-2007	18-Sep-2008	0.9	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to permanently label the fill tube. The date required is the date of the investigation. The final date is the expected compliance date.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$5

Compliance History

CH - 2

Customer/Respondent/Owner-Operator:	CN600805808	Inara Convenience Inc.	Classification: AVERAGE	Rating: 6.28
Regulated Entity:	RN101539963	FLIP IN MARKET	Classification: HIGH	Site Rating: 0.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	11356
Location:	5860 S DICK PRICE RD, KENNEDALE, TX, 76060		Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	December 01, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 01, 2002 to December 01, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Shontay Wilcher Phone: (512) 239-2136

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 06/19/2003 (1588)
2 11/02/2007 (598348)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - 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



<p>IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING INARA CONVENIENCE INC. DBA ROSEDALE TEXACO AND DBA FLIP IN MARKET; RN101534790 and RN101539963</p>	<p>§ § § § § § §</p>	<p>BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY</p>
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**AGREED ORDER
DOCKET NO. 2008-0094-PST-E**

At its _____ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Inara Convenience, Inc. dba Rosedale Texaco and dba Flip In Market (“Inara”) under the authority of TEX. WATER CODE chs. 7 and 26, and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Inara, represented by John Gamboa of the law firm of Acuff and Gamboa, L.L.P., presented this agreement to the Commission.

Inara understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Inara agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Inara.

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

FINDINGS OF FACT

1. Inara owns and operates a convenience store with retail sales of gasoline at 6101 East Rosedale Street, in Fort Worth, Tarrant County, Texas (the “Facility”).

2. Inara's two underground storage tanks ("USTs") at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Inara's USTs at the Facility contain a regulated petroleum substance as defined in the rules of the Commission.
3. Inara owns and operates a convenience store with retail sales of gasoline at 5860 South Dick Price Road, in Kennedale, Tarrant County, Texas (the "Station").
4. Inara's three USTs at the Station are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Inara's USTs at the Station contain a regulated petroleum substance as defined in the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
5. During an investigation conducted at the Facility from October 12 through October 15, 2007, a TCEQ DFW Regional investigator documented that Inara failed to prevent an unauthorized discharge of gasoline fuel. Specifically, gasoline was observed in the turbine sumps and the dispenser sumps.
6. During an investigation conducted at the Station on October 18, 2007, a TCEQ DFW Regional investigator documented that Inara:
 - a. Failed to maintain Stage II records on-site at the Station ordinarily manned during business hours, and make them immediately available for review by agency personnel;
 - b. Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system. Specifically, the USTs were not equipped with product and Stage I adaptors to prevent loosening and over-tightening for the system;
 - c. Failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II vapor recovery system;
 - d. Failed to comply with emission control requirements by failing to keep the Stage I vapor recovery system vapor-tight. Specifically, the super unleaded submersible pump was observed leaking gasoline vapors as noted by sight and smell;
 - e. Failed to provide corrosion protection to all underground metal components of a UST system used to convey or contain regulated substances. Specifically, metal fittings were buried directly in the backfill and therefore, did not provide corrosion protection to all metal components around the submersible turbine pumps and the dispenser areas;

- f. Failed to ensure that all tanks are monitored for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring);
 - g. Failed to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as a motor fuel each operating day;
 - h. Failed to provide amended registration for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, Inara did not update the UST registration indicating the current release detection methods for the USTs at the Station;
 - i. Failed to ensure that all USTs are properly identified as listed on the Station's UST registration and self-certification form by a legible tag, label or marking that 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.
7. Inara received notice of the violations on or about November 11, 2007.

CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact Nos. 1, 2, 3, and 4, Inara is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
- 2. As evidence by Finding of Fact No. 5., Inara failed to prevent an unauthorized discharge of gasoline fuel at the Facility, in violation of 30 TEX. ADMIN. CODE § 334.48(a).
- 3. As evidenced by Finding of Fact No. 6.a., Inara failed to maintain Stage II records on-site at the Station during ordinarily manned business hours and make them immediately available for review by agency personnel, in violation of 30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b).
- 4. As evidenced by Finding of Fact No. 6.b., Inara failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system in violation of 30 TEX. ADMIN. CODE § 115.242(3)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b).

5. As evidenced by Finding of Fact No. 6.c., Inara failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 6.d., Inara failed to comply with emission control requirements by failing to keep the Stage I vapor recovery system vapor-tight, in violation of 30 TEX. ADMIN. CODE § 115.222(3) and TEX. HEALTH & SAFETY CODE § 382.085(b).
7. As evidenced by Finding of Fact No. 6.e., Inara failed to provide corrosion protection to all underground metal components of a UST system used to convey or contain regulated substances, in violation of 30 TEX. ADMIN. CODE § 334.49(a)(4).
8. As evidenced by Finding of Fact No. 6.f., Inara failed to ensure that all tanks at the Station are monitored for releases 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).
9. As evidenced by Finding of Fact No. 6.g., Inara failed to conduct inventory control each operating day for all USTs involved in the retail sale of petroleum substances used as a motor fuel, in violation of 30 TEX. ADMIN. CODE § 334.48(c).
10. As evidenced by Finding of Fact No. 6.h., Inara failed to provide amended registration for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(3).
11. As evidenced by Finding of Fact No. 6.i., Inara failed to ensure that all USTs are properly identified as listed on the Station's UST registration and self-certification form by a legible tag, label or marking that 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, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(C).
12. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Inara for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
13. An administrative penalty in the amount of twenty-three thousand four hundred fifty dollars (\$23,450.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Inara has paid two thousand dollars (\$2,000.00) of the administrative penalty. The remaining amount of twenty-one thousand four hundred fifty dollars (\$21,450.00) of the administrative penalty shall be payable in eleven monthly payments of one thousand nine hundred fifty dollars (\$1,950.00) each. The

first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If Inara fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his 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 Inara to meet the payment schedule of this Agreed Order constitutes the failure by Inara to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. Inara is assessed an administrative penalty in the amount of twenty-three thousand four hundred fifty dollars (\$23,450.00) as set forth in Conclusion of Law No. 13 for violations of TCEQ rules and state statutes. The assessment of this administrative penalty and Inara's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments may be made payable to "Texas Commission on Environmental Quality" and sent with the notation "Re: Inara Convenience, Inc. dba Rosedale Texaco and dba Flip In Market; Docket No. 2008-0094-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. Inara shall undertake the following technical requirements at the Facility located at 6101 East Rosedale, Fort Worth, Tarrant County, Texas:
 - a. Within 60 days after the effective date of this Agreed Order, Inara shall perform a Release Investigation, pursuant to 30 TEX. ADMIN. CODE § 334.79, and/or a Site Assessment pursuant to 30 TEX. ADMIN. CODE § 334.78, as applicable. If corrective action is necessary, comply with 30 TEX. ADMIN. CODE § 334.79 "Removal of Non-Aqueous Phase Liquids" and 30 TEX. ADMIN. CODE § 334.80 "Investigation for Soil and Groundwater Cleanup," in addition to any other applicable requirements of 30 TEX. ADMIN. CODE Chapter 334 and associated TCEQ guidance documents.

- b. Within 75 days after the effective date of this Agreed Order, Inara shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

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

and

Mr. Samuel Barrett, Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. Inara shall undertake the following technical requirements at the Station located at 5860 South Dick Price Road, in Kennedale, Tarrant County, Texas:
 - a. Immediately after the effective date of this Agreed Order, Inara shall:
 - i. Begin conducting effective manual or automatic inventory control procedures, in accordance with 30 TEX. ADMIN. CODE § 334.48; and
 - ii. Begin maintaining Stage II records at the Station, in accordance with 30 TEX. ADMIN. CODE § 115.246.
 - b. Within 30 days after the effective date of this Agreed Order, Inara shall:

- i. Begin maintaining the Stage II vapor recovery system in proper operating condition including but not limited to the installation of Stage I adaptors and posting operating instructions on the front of each dispenser, in accordance with 30 TEX. ADMIN. CODE § 115.242;
 - ii. Repair or replace the submersible turbine pump to prevent leaking gasoline vapors, in accordance with 30 TEX. ADMIN. CODE § 115.222;
 - iii. Install and implement a corrosion protection method to all underground metal components of the UST system, in accordance with 30 TEX. ADMIN. CODE § 334.49;
 - iv. Install and implement a release detection method for all USTs at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - v. Submit an amended UST registration form to indicate the current release detection method for the UST system, in accordance with 30 TEX. ADMIN. CODE § 334.7;
 - vi. Appropriately mark the top of each fill tube or nonremovable point in the immediate area of the fill tube of each UST, in accordance with 30 TEX. ADMIN. CODE § 334.8.
- c. Within 45 days after the effective date of this Agreed Order, Inara shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos.3.a. through 3.b.vi.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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Mr. Samuel Barrett, Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

4. The provisions of this Agreed Order shall apply to and be binding upon Inara. Inara is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility and Station operations referenced in this Agreed Order.
5. If Inara 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, Inara's failure to comply is not a violation of this Agreed Order. Inara has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Inara shall notify the Executive Director within seven days after Inara becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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 Inara shall be made in writing to the Executive Director. Extensions are not effective until Inara receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Inara if the Executive Director determines that Inara has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.

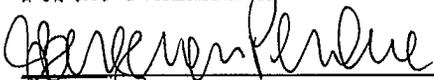
9. This Agreed Order, issued by the Commission, shall not be admissible against Inara in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of this Agreed Order to Inara, or three days after the date on which the Commission mails notice of this Agreed Order to Inara, whichever is earlier.

Inara Convenience Inc. dba Rosedale Texaco and dba Flip In Market
2008-0094-PST-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/24/2010

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Inara Convenience, Inc. dba Rosedale Texaco and dba Flip In Market. I represent that I am authorized to agree to the attached Agreed Order on behalf of Inara Convenience, Inc. dba Rosedale Texaco and dba Flip In Market, and do agree to the specified terms and conditions. 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 in this order and/or failure to timely pay the penalty amount, may result in:

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

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

Signature

Shehzad Dhanani

Name (printed or typed)

Authorized Representative

Inara Convenience, Inc. dba Rosedale
Texaco and dba Flip In Market

Date

2/10/10

Vice President &
Director

Title