

Page 1 of 3

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO. 2008-1255-PST-E TCEQ ID RN102039450 CASE NO. 36278**  
**RESPONDENT NAME: HANKAMER VENTURES, L.P. DBA D.J.'S COUNTRY STORE**

<b>ORDER TYPE:</b>		
<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	

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

**SITE WHERE VIOLATION(S) OCCURRED:** 7317 Highway 61, Hankamer, Chambers County

**TYPE OF OPERATION:** Convenience store with retail sales of gasoline

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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

**COMMENTS RECEIVED:** The Texas Register comment period expired March 1, 2010. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Steven M. Fishburn, Litigation Division, MC 175, (512) 239-3400  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400

**TCEQ Enforcement Coordinator:** Mr. Rajesh Acharya, Waste Enforcement Section, MC 128, (512) 239-0577

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

**Respondent:** Ms. Saira Jilani, Managing Partner, Hankamer Ventures, L.P., 7317 Hwy. 61, Hankamer, Texas 77560

**Respondent's Attorney:** Mr. Brandon Hedblom, Wilson, Cribbs & Goren, P.C., 2500 Fannin Street, Houston, Texas 77002

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 15, 2008</p> <p><b>Date of NOE Relating to this Case:</b> July 15, 2008</p> <p><b>Background Facts:</b> The case was referred to the Litigation Division on December 18, 2009. The EDPRP was filed on January 13, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on December 16, 2009. A revised agreed order was signed on March 22, 2010.</p> <p><b>Current Compliance Status:</b> The Respondent has not yet submitted documentation to certify compliance with the technical requirements. The Respondent's delivery certificate expires in June 2010.</p> <p><b>PST:</b></p> <ol style="list-style-type: none"> <li>Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems, failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system, and failed to post operating instruction conspicuously on the front of each gasoline dispensing pump [30 TEX. ADMIN. CODE § 115.242(1)(C), (3)(A), and (9); TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>Failed to conduct monthly inspections of the Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.244(3) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>Failed to verify proper operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification, whichever occurs first [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> </ol>	<p><b>Total Assessed:</b> \$9,164</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$274/\$8,890</p> <p>The Respondent paid \$274 of the administrative penalty. The remaining amount of \$8,890 shall be payable in 35 monthly payments of \$254 each.</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent renewed their UST delivery certificate, which expires on June 30, 2010.</p> <p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Immediately, begin maintaining all Stage II records at the Station.</li> <li>Within 30 days: <ol style="list-style-type: none"> <li>Begin conducting the required monthly inspections of the Stage II vapor recovery system;</li> <li>Begin conducting the required annual testing of the Stage II vapor recovery system; and</li> <li>Begin maintaining the Stage II vapor recovery system in proper operating condition including, but not limited to, upgrading the Stage II equipment to an ORVR compatible system, installing swivel adaptors, conducting successful Stage II vapor recovery tests after completing the ORVR upgrading, and posting operating instructions on the front of each gasoline dispensing pump.</li> </ol> </li> <li>Within 45 days, submit written certification demonstrating compliance.</li> </ol>

**VIOLATION SUMMARY CHART:**

<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p>4. Failed to maintain Stage II records at the Station and make them available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 115.246(5) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>5. Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].</p> <p>6. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].</p>		



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	22-Jul-2008			
	<b>PCW</b>	17-Dec-2008	<b>Screening</b>	28-Jul-2008	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Hankamer Ventures, LP dba DJ's Country Store
<b>Reg. Ent. Ref. No.</b>	RN102039450
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36278	<b>No. of Violations</b>	6
<b>Docket No.</b>	2008-1255-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rajesh Acharya
		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$7,000</b>
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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.

<b>Compliance History</b>	10.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$700</b>
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Notes: Enhancement for two NOV's with same or similar violations.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$1,666	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$4,950	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$7,700</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	19.0%	<b>Adjustment</b>	<b>\$1,464</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violations No. 2 and 3.

<b>Final Penalty Amount</b>	<b>\$9,164</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$9,164</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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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.

<b>PAYABLE PENALTY</b>	<b>\$9,164</b>
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**Screening Date** 28-Jul-2008      **Docket No.** 2008-1255-PST-E  
**Respondent** Hankamer Ventures, LP dba DJ's Country Store  
**Case ID No.** 36278  
**Reg. Ent. Reference No.** RN102039450  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Rajesh Acharya

**PCW**

Policy Revision 2 (September 2002)  
 PCW Revision June 12, 2008

### Compliance History Worksheet

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

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

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

#### >> Repeat Violator (Subtotal 3)

No

**Adjustment Percentage (Subtotal 3)** 0%

#### >> Compliance History Person Classification (Subtotal 7)

Average Performer

**Adjustment Percentage (Subtotal 7)** 0%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same or similar violations.

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

**Screening Date** 28-Jul-2008 **Docket No.** 2008-1255-PST-E **PCW**  
**Respondent** Hankamer Ventures, LP dba DJ's Country Store *Policy Revision 2 (September 2002)*  
**Case ID No.** 36278 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN102039450  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Rajesh Acharya

**Violation Number** 1

**Rule Cite(s)** 30 Tex. Admin. Code § 115.242(1)(C), 115.242(3)(A), 115.242(9) and Tex. Health & Safety Code § 382.085(b)

**Violation Description**  
 Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems. Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board Executive Order, and free of defects that would impair the effectiveness of the system. Specifically, the Stage I dry breaks were missing swivel adaptors. Also, failed to post operating instructions conspicuously on the front of each gasoline dispensing pump.

**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential		x			

**>> Programmatic Matrix**

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** \$9,000

\$1,000

**Violation Events**

Number of Violation Events 1 74 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 May 15, 2008 record review date to the July 28, 2008 screening date.

**Good Faith Efforts to Comply**

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes**  
 The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,000

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$175

**Violation Final Penalty Total** \$1,309

**This violation Final Assessed Penalty (adjusted for limits)** \$1,309

## Economic Benefit Worksheet

**Respondent** Hankamer Ventures, LP dba DJ's Country Store

**Case ID No.** 36278

**Reg. Ent. Reference No.** RN102039450

**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	\$3,000	15-May-2008	15-Mar-2009	0.83	\$8	\$167	\$175
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated cost to upgrade the Stage II equipment to ORVR compatible system, install swivel adaptors, and post operating instructions on the front of each gasoline dispensing pump. Date Required is the date of the investigation. Final Date is the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$3,000	<b>TOTAL</b>	\$175
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**Screening Date** 28-Jul-2008 **Docket No.** 2008-1255-PST-E **PCW**  
**Respondent** Hankamer Ventures, LP dba DJ's Country Store *Policy Revision 2 (September 2002)*  
**Case ID No.** 36278 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN102039450  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Rajesh Acharya

**Violation Number** 2  
**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**

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

**Percent** 10%

**>> Programmatic Matrix**

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** \$9,000

**\$1,000**

**Violation Events**

Number of Violation Events 1      74 Number of violation days  
 mark only one with an x  
 daily  
 monthly  
 quarterly x  
 semiannual  
 annual  
 single event  
**Violation Base Penalty** \$1,000

One quarterly event is recommended based on documentation of the violation during the May 15, 2008 record review date to the July 28, 2008 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Reduction	
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,000

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

**Estimated EB Amount** \$368      **Violation Final Penalty Total** \$1,309  
**This violation Final Assessed Penalty (adjusted for limits)** \$1,309

## Economic Benefit Worksheet

**Respondent** Hankamer Ventures, LP dba DJ's Country Store

**Case ID No.** 36278

**Reg. Ent. Reference No.** RN102039450

**Media** Petroleum Storage Tank

**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$350	15-Apr-2008	15-May-2008	1.00	\$18	\$350	\$368
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated amount to conduct monthly inspections of the Stage II system. Date Required is one month prior to the investigation date. Final Date is the investigation date.

Approx. Cost of Compliance \$350

**TOTAL** \$368

**Screening Date** 28-Jul-2008 **Docket No.** 2008-1255-PST-E **PCW**  
**Respondent** Hankamer Ventures, LP dba DJ's Country Store *Policy Revision 2 (September 2002)*  
**Case ID No.** 36278 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN102039450  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Rajesh Acharya

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 115.245(2) and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to verify proper operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification whichever occurs first. Specifically, the Stage II annual compliance testing had not been conducted.

**Base Penalty** \$10,000

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

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

**>> 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      365 Number of violation days  
 mark only one with an x  
 daily  
 monthly  
 quarterly  
 semiannual  
 annual x  
 single event  
**Violation Base Penalty** \$2,500

One annual event is recommended for the 12-month period preceding the May 15, 2008 record review.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

Before NOV      NOV to EDRP/Settlement Offer  
 Extraordinary  
 Ordinary  
 N/A x (mark with x)  
**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$2,500

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

**Estimated EB Amount** \$1,096      **Violation Final Penalty Total** \$3,273  
**This violation Final Assessed Penalty (adjusted for limits)** \$3,273

## Economic Benefit Worksheet

**Respondent** Hankamer Ventures, LP dba DJ's Country Store

**Case ID No.** 36278

**Reg. Ent. Reference No.** RN102039450

**Media** Petroleum Storage Tank

**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,000	15-May-2007	15-May-2008	1.92	\$96	\$1,000	\$1,096
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost for annual testing to verify proper operation of the Stage II equipment. Date Required is one year prior to the investigation date. Final Date is the investigation date.

Approx. Cost of Compliance \$1,000

**TOTAL** \$1,096

**Screening Date** 28-Jul-2008 **Docket No.** 2008-1255-PST-E **PCW**  
**Respondent** Hankamer Ventures, LP dba DJ's Country Store *Policy Revision 2 (September 2002)*  
**Case ID No.** 36278 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN102039450  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Rajesh Acharya

**Violation Number** 4

**Rule Cite(s)** 30 Tex. Admin. Code § 115.246(5) and Tex. Health & Safety Code § 382.085(b)

**Violation Description** Failed to maintain Stage II records at the Station and make them available for inspection upon request by agency personnel. Specifically, Stage II test results were not available for review.

**Base Penalty** \$10,000

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

OR	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 Number of violation days 74

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 May 15, 2008 record review date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$19

**Violation Final Penalty Total** \$1,309

**This violation Final Assessed Penalty (adjusted for limits)** \$1,309

## Economic Benefit Worksheet

**Respondent** Hankamer Ventures, LP dba DJ's Country Store

**Case ID No.** 36278

**Reg. Ent. Reference No.** RN102039450

**Media** Petroleum Storage Tank

**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	15-May-2008	15-Feb-2009	0.76	\$19	n/a	\$19
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 of maintaining Stage II records. Date Required is the investigation date. Final Date is the estimated 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

**TOTAL**

**Screening Date** 28-Jul-2008 **Docket No.** 2008-1255-PST-E **PCW**  
**Respondent** Hankamer Ventures, LP dba DJ's Country Store *Policy Revision 2 (September 2002)*  
**Case ID No.** 36278 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN102039450  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Rajesh Acharya

**Violation Number** 5  
**Rule Cite(s)** 30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)  
**Violation Description** Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on June 30, 2007.

**Base Penalty** \$10,000

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

OR	<b>Harm</b>			Percent
	Major	Moderate	Minor	
	Actual	Potential	Potential	
				0%

**>> Programmatic Matrix**

	Major	Moderate	Minor	Percent
Falsification	x			
				10%

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

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events 1 394 Number of violation days

*mark only one with an x*

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$1,000

One single event is recommended based on documentation of the violation during the May 15, 2008 record review date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$1,000

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

**Estimated EB Amount** \$9 **Violation Final Penalty Total** \$1,309

**This violation Final Assessed Penalty (adjusted for limits)** \$1,309

## Economic Benefit Worksheet

**Respondent** Hankamer Ventures, LP dba DJ's Country Store

**Case ID No.** 36278

**Reg. Ent. Reference No.** RN102039450

**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				0.00	\$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)	\$100	30-May-2007	28-Feb-2009	1.75	\$9	n/a	\$9

Notes for DELAYED costs

Estimated cost to renew a delivery certificate by submitting a properly completed UST registration and self-certification form. Date Required is one month prior to expiration date. Final Date is the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

**TOTAL** \$9

**Screening Date** 28-Jul-2008 **Docket No.** 2008-1255-PST-E **PCW**  
**Respondent** Hankamer Ventures, LP dba DJ's Country Store *Policy Revision 2 (September 2002)*  
**Case ID No.** 36278 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN102039450  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Rajesh Acharya

**Violation Number** 6  
**Rule Cite(s)** 30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)  
**Violation Description** Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent accepted one fuel delivery without a delivery certificate.

**Base Penalty** \$10,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5%
Potential				x	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$9,500  
\$500

**Violation Events**

Number of Violation Events 1      1 Number of violation days  
 mark only one with an x  
 daily  
 monthly  
 quarterly  
 semiannual  
 annual  
 single event x

**Violation Base Penalty** \$500

One single event is recommended based on documentation of the violation during the May 15, 2008 record review date .

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

**Notes** The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$500

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

**Estimated EB Amount** \$0      **Violation Final Penalty Total** \$655

**This violation Final Assessed Penalty (adjusted for limits)** \$655

## Economic Benefit Worksheet

**Respondent** Hankamer Ventures, LP dba DJ's Country Store

**Case ID No.** 36278

**Reg. Ent. Reference No.** RN102039450

**Media** Petroleum Storage Tank

**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

Notes for DELAYED costs

Economic benefit included in Violation No. 5.

### 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

**TOTAL**

# Compliance History

Customer/Respondent/Owner-Operator:	CN603377896 Hankamer Ventures, LP	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN102039450 DJ's Country Store	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	8865
Location:	7317 HWY 61 HANKAMER TX 77560-		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	August 07, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 07, 2003 to August 07, 2008		

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

Name: Rajesh Acharya Phone: (512) 239-0577

## 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 11/06/2007 (566572)
  - 2 02/21/2008 (617405)
  - 3 07/15/2008 (680530)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 

**Date: 11/02/2007 (566572)**

Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter C 115.244(3)	
Description:	Failure to conduct a monthly inspection of the components listed in 115.242(3)(J). These components include: any pressure/vacuum relief valves, vapor check valves and Stage I dry breaks.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter C 115.246(4)	
Description:	Failure to maintain proof of attendance and completion of training as specified in 115.248 (state approved Stage II training course) and documentation of all Stage II training for each employee.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 115, SubChapter C 115.246(3)	
Description:	Failure to maintain a maintenance log for all repair/replacements conducted at the facility.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.245(2)	
Description:	Failure to verify proper operation of the Stage II equipment at least once every twelve months or upon major system replacement or modification. The	

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

- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)  
Description: Failure to maintain a record of the results of testing conducted at the facility according to 115.245 (Testing Requirements).
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.242(9)  
Description: Failure to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II system.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)  
Description: Failure to provide and maintain the Stage II Vapor Recovery system in proper operating condition, as specified by the California Air Resources Board (CARB) Executive Order, including the absence or disconnection of any component that is a part of the approved system.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.242(1)(C)  
Description: Failure to install a compatible onboard refueling vapor recovery (ORVR) Stage II vapor recovery system as defined in §115.240 of this title in accordance with the schedules in §115.249 of this title.
- Date: 02/21/2008** (617405)
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.244(3)  
Description: Failure to conduct a monthly inspection of the components listed in 115.242(3)(J). These components include: any pressure/vacuum relief valves, vapor check valves and Stage I dry breaks.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)  
Description: Failure to maintain proof of attendance and completion of training as specified in 115.248 (state approved Stage II training course) and documentation of all Stage II training for each employee.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)  
Description: Failure to maintain a maintenance log for all repair/replacements conducted at the facility.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)  
Description: Failure to verify proper operation of the Stage II equipment at least once every twelve months or upon major system replacement or modification. The verification shall include all functional tests that were required for the initial system test, which must be performed at least once every 36 months.
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)  
Description: Failure to maintain a record of the results of testing conducted at the facility according to 115.245 (Testing Requirements).
- Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.242(9)  
Description: Failure to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II system.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)  
Description: Failure to provide and maintain the Stage II Vapor Recovery system in proper operating condition, as specified by the California Air Resources Board (CARB) Executive Order, including the absence or disconnection of any component that is a part of the approved system.
- Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.242(1)(C)  
Description: Failure to install a compatible onboard refueling vapor recovery (ORVR) Stage II vapor recovery system as defined in §115.240 of this title in accordance with the schedules in §115.249 of this title.

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  
HANKAMER VENTURES, L.P.  
DBA D. J.'S COUNTRY STORE;  
RN102039450**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2008-1255-PST-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Hankamer Ventures, L.P. dba D.J.’s Country Store (“Hankamer Ventures”) 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 Hankamer Ventures, represented by Mr. Brandon Hedblom of the law firm of Wilson, Cribbs & Goren, P.C, appear before the Commission and together stipulate that:

1. Hankamer Ventures owns and operates a convenience store with retail sales of gasoline located at 7317 Highway 61, Hankamer, Chambers County, Texas (the “Station”).
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 382, and TCEQ rules.
3. The Commission and Hankamer Ventures agree that the Commission has jurisdiction to enter this Agreed Order, and that Hankamer Ventures is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Hankamer Ventures of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
5. An administrative penalty in the amount of nine thousand one hundred sixty-four dollars (\$9,164.00) is assessed by the Commission in settlement of the violations alleged in Section

II (“Allegations”). Hankamer Ventures paid two hundred seventy-four dollars (\$274.00) of the administrative penalty. The remaining amount of eight thousand eight hundred and ninety dollars (\$8,890.00) of the administrative penalty shall be payable in 35 monthly payments of two hundred fifty-four dollars (\$254.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Hankamer Ventures 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, Hankamer Ventures’s failure to meet the payment schedule of this Agreed Order constitutes the failure by Hankamer Ventures to timely and satisfactorily comply with all of the terms of this Agreed Order

6. 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.
7. The Executive Director of the TCEQ and Hankamer Ventures agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Hankamer Ventures renewed their UST delivery certificate, which expires on June 30, 2010.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings if the Executive Director determines that Hankamer Ventures has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

1. During a record review conducted on May 15, 2008, a TCEQ Houston Regional Office investigator documented that Hankamer Ventures violated:
  - a. 30 TEX. ADMIN. CODE §§ 115.242(1)(C), 115.242(3)(A) and 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to upgrade the Stage II equipment to onboard refueling vapor recovery (“ORVR”) compatible systems, and failing 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 Stage I dry breaks were missing swivel adaptors. Also, by failing to post operating instructions conspicuously on the front of each gasoline dispensing pump.
  - b. 30 TEX. ADMIN. CODE § 115.244(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to conduct monthly inspections of the Stage II vapor recovery system.
  - c. 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to verify proper operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification, whichever occurs first. Specifically, the Stage II annual compliance testing had not been conducted.
  - d. 30 TEX. ADMIN. CODE § 115.246(5) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain Stage II records at the Station and make them available for inspection upon request by agency personnel. Specifically, Stage II test results were not available for review.
  - e. 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and 334.8(c)(5)(B)(ii), by failing to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on June 30, 2007.
  - f. 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent accepted one fuel delivery without a delivery certificate.

2. Hankamer Ventures received notice of the violations on or about July 20, 2008.

### **III. DENIALS**

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

### **IV. ORDERING PROVISIONS**

1. It is, therefore, ordered by the TCEQ that Hankamer Ventures pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Hankamer Ventures's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Hankamer Ventures, L.P. dba D. J.'s Country Store, Docket No. 2008-1255-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. Hankamer Ventures shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, Hankamer Ventures shall begin maintaining all 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, Hankamer Ventures shall:
    - i. Begin conducting the required monthly inspections of the Stage II vapor recovery system, in accordance with 30 TEX. ADMIN. CODE § 115.244;

- ii. Begin conducting the required annual testing of the Stage II vapor recovery system, in accordance with 30 TEX. ADMIN. CODE § 115.245; and
  - iii. Begin maintaining the Stage II vapor recovery system in proper operating condition including, but not limited to, upgrading the Stage II equipment to an ORVR compatible system, installing swivel adaptors, conducting successful Stage II vapor recovery tests after completing the ORVR upgrading, and posting operating instructions on the front of each gasoline dispensing pump, in accordance with 30 TEX. ADMIN. CODE § 115.242.
- c. Within 45 days after the effective date of this Agreed Order, Hankamer Ventures shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a., 2.b.i., 2.b.ii., and 2.b.iii. 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.”

Hankamer Ventures shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b.iii. to:

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

and

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

3. The provisions of this Agreed Order shall apply to and be binding upon Hankamer Ventures. Hankamer Ventures 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 Hankamer Ventures 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, Hankamer Ventures's failure to comply is not a violation of this Agreed Order. Hankamer Ventures shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Hankamer Ventures shall notify the Executive Director within seven days after Hankamer Ventures 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 Hankamer Ventures shall be made in writing to the Executive Director. Extensions are not effective until Hankamer Ventures 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 Hankamer Ventures 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.

**Hankamer Ventures, L.P. dba D. J.'s Country Store**

**Docket No. 2008-1255-PST-E**

**Page 7**

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

Hankamer Ventures, L.P. dba D. J.'s Country Store  
Docket No. 2008-1255-PST-E  
Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*[Handwritten Signature]*

For the Executive Director

3/22/2010

Date

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

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

- A negative impact on Hankamer Ventures's compliance history;
- Greater scrutiny of any permit applications submitted by Hankamer Ventures;
- 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 Hankamer Ventures;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Hankamer Ventures; and
- TCEQ seeking other relief as authorized by law.

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

*Saira Jilani*  
Signature

3/22/2010  
Date

SAIRA JILANI  
Name (Printed or typed)  
Authorized representative of  
Hankamer Ventures, L.P. dba D. J.'s  
Country Store

PRESIDENT / MANAGER  
Title  
*[Handwritten Signature]*