

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2007-2009-PST-E TCEQ ID: RN104661384 CASE NO.: 26863
RESPONDENT NAME: WAFIA HANIF

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATIONS OCCURRED: 401 West Lennon Drive, Emory, Rains County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired April 26, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Peipey Tang, Litigation Division, MC 175, (512) 239-0654 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-3400 TCEQ Enforcement Coordinator: Ms. Elvia Maske, Waste Enforcement Section, MC 128, (512) 239-0789 TCEQ Regional Contact: Mr. Michael Brashear, Tyler Regional Office, MC R-5, (903) 535-5176 Respondent: Ms. Wafia Hanif, 4007 Figure Four Lake, Richmond, Texas 77406 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 3, 2007</p> <p>Date of NOE Relating to this Case: October 30, 2007</p> <p>Background Facts: The EDRP was filed March 7, 2008. The Respondent failed to file an answer and a default order was set for the May 20, 2009, agenda. The Respondent appeared at agenda and requested a hearing, and the matter was remanded to the Executive Director and referred to SOAH. The preliminary hearing was waived and the parties engaged in discovery. An EDFARP was filed on January 22, 2010. Settlement was achieved and the Agreed Order was signed on March 26, 2010.</p> <p>Current Compliance Status: The Respondent corrected violation nos. 1 - 2. The Respondent no longer owns or operates the Facility.</p> <p>PST:</p> <ol style="list-style-type: none"> Failed to have the corrosion protection equipment tested for operability and adequacy of protection at least once every three years to ensure adequate protection of the UST system, and failed to inspect the cathodic protection system at least once every 60 days to ensure the rectifier and other system components were operating properly [30 TEX. ADMIN. CODE § 334.49(c)(4) and 334.49(c)(2)(C) and TEX. WATER CODE § 26.3475(d)]. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum used as a motor fuel [30 TEX. ADMIN. CODE § 334.48(c)]. Failed to properly install and maintain a secure anchor at the base of each UL-listed emergency shutoff valve in a piping system in which regulated substances are conveyed under pressure to an aboveground dispensing unit [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)]. 	<p>Total Assessed: \$9,271</p> <p>Total Deferred: \$0</p> <p><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: \$276/\$8,995</p> <p>The Respondent paid \$276 of the administrative penalty. The remaining amount of \$8,995 shall be payable in 35 monthly payments of \$257 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent performed the following corrective measures at the Facility:</p> <ol style="list-style-type: none"> Implemented effective manual or automatic inventory control procedures for all USTs on October 22, 2008; Conducted bimonthly inspections and triennial testing of the corrosion protection system on October 22, 2008. <p>The Respondent no longer owns or operates the Facility as of February 27, 2009.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

TCEQ

DATES	Assigned PCW	10-Dec-2007	Screening	10-Dec-2007	EPA Due	
		5-Jan-2010				

RESPONDENT/FACILITY INFORMATION			
Respondent	Wafia Hanif		
Reg. Ent. Ref. No.	RN104661384		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	26863	No. of Violations	3
Docket No.	2007-2009-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	\$6,000
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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	37% Enhancement	Subtotals 2, 3, & 7	\$2,220
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Notes: Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, one 1660 Agreed Order, and poor performer classification.

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	\$1,077	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,200	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,220
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OTHER FACTORS AS JUSTICE MAY REQUIRE	13%	Adjustment	\$1,051
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended adjustment to capture the avoided cost for compliance associated with violation no.1.

Final Penalty Amount	\$9,271
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,271
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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: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$9,271
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Screening Date 10-Dec-2007

Docket No. 2007-2009-PST-E

PCW

Respondent Wafia Hanif

Policy Revision 2 (September 2002)

Case ID No. 26863

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN104661384

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Elvia Maske

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>)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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) 27%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Poor Performer

Adjustment Percentage (Subtotal 7) 10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with same or similar violations, one NOV with dissimilar violations, one 1660 Agreed Order, and poor performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 37%

Screening Date 10-Dec-2007

Docket No. 2007-2009-PST-E

PCW

Respondent Wafia Hanif

Policy Revision 2 (September 2002)

Case ID No. 26863

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN104661384

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Elvia Maske

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 334.49(c)(4), 334.49(c)(2)(C), and Tex. Water Code § 26.3475(d)

Violation Description Failed to have the corrosion protection equipment tested for operability and adequacy of protection at least once every three years to ensure adequate protection of the UST system. Specifically, the Respondent did not conduct the required triennial test. Also, the Respondent failed to inspect the cathodic protection system at least once every 60 days to ensure the rectifier and other system components were operating properly.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0%

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 69 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 3, 2007 investigation to the December 10, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,051

Violation Final Penalty Total \$3,863

This violation Final Assessed Penalty (adjusted for limits) \$3,863

Economic Benefit Worksheet

Respondent Wafia Hanif
Case ID No. 26863
Reg. Ent. Reference No. RN104661384
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				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

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)	\$1,000	28-Aug-2007	3-Oct-2007	1.0	\$51	\$1,000	\$1,051

Notes for AVOIDED costs

Estimated avoided cost for completing the triennial test and to inspect the cathodic protection system. Date Required is the ownership effective date and Final Date is the investigation date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,051

Screening Date 10-Dec-2007

Docket No. 2007-2009-PST-E

PCW

Respondent Wafia Hanif

Policy Revision 2 (September 2002)

Case ID No. 26863

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN104661384

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Elvia Maske

Violation Number 2

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

Violation Description Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum used as a motor fuel.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (25%).

>> Programmatic Matrix

Table with columns: 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 69 Number of violation days

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

Violation Base Penalty \$2,500

One quarterly event is recommended based on documentation of the violation during the October 3, 2007 investigation to the December 10, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$3,863

This violation Final Assessed Penalty (adjusted for limits) \$3,863

Economic Benefit Worksheet

Respondent Wafia Hanif
Case ID No. 26863
Reg. Ent. Reference No. RN104661384
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				0.0	\$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	3-Oct-2007	1-Jun-2010	2.7	\$13	n/a	\$13

Notes for DELAYED costs

Estimated personnel costs for conducting inventory control for all USTs. Date Required is the investigation date and Final Date is the expected date of compliance.

Avoided Costs

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

Disposal				0.0	\$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

\$13

Screening Date 10-Dec-2007

Docket No. 2007-2009-PST-E

PCW

Respondent Wafia Hanif

Policy Revision 2 (September 2002)

Case ID No. 26863

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN104661384

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Elvia Maske

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 334.45(c)(3)(A)

Violation Description Failed to properly install and maintain a secure anchor at the base of each UL-listed emergency shutoff valve in a piping system in which regulated substances are conveyed under pressure to an aboveground dispensing unit. Specifically, it was observed that the shear valves were not properly anchored on the dispensers of the UST 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 69 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 3, 2007 investigation to the December 10, 2007 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$1,545

This violation Final Assessed Penalty (adjusted for limits) \$1,545

Economic Benefit Worksheet

Respondent Wafia Hanif
Case ID No. 26863
Reg. Ent. Reference No. RN104661384
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	3-Oct-2007	1-Jun-2010	2.7	\$13	n/a	\$13

Notes for DELAYED costs

Estimated cost to properly install and maintain anchors. Date Required is the investigation date and Final Date is the expected date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$13

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:	01/12/2007 (536154)		
Self Report?	NO	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.3475(d) 30 TAC Chapter 334, SubChapter C 334.49(c)(4)		
Description:	Failure to have the corrosion protection equipment tested by a NACE certified person once every 3 years to ensure adequate protection of the UST system.		
Self Report?	NO	Classification:	Minor
Citation:	2D TWC Chapter 26, SubChapter A 26.3475(d) 30 TAC Chapter 334, SubChapter C 334.49(c)(2)(C)		
Description:	Failure to check the impressed current system at least once every 60 days.		
Self Report?	NO	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.3475(c)(1) 30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)		
Description:	Failure to monitor the USTs for releases at least once per month.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 334, SubChapter C 334.48(c)		
Description:	Failure to conduct inventory control in accordance with 30 TAC 334.48(c) for all retail gasoline facilities.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 334, SubChapter C 334.45(c)(3)(A)		
Description:	Failure to properly anchor the shear valves in accordance with 30 TAC 334.45.		
Self Report?	NO	Classification:	Major
Citation:	2A TWC Chapter 7, SubChapter A 7.101		
Rqmt Prov:	ORDER OPs 1-2.b.		
Description:	Failed to comply with Ordering Provisions of Commission Order Docket No. 2005-1573-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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST WAFIA HANIF;
RN104661384**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-2009-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 Wafia Hanif (“Ms. Hanif” or “Respondent”) under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Ms. Hanif appear before the Commission and together stipulate that:

1. Ms. Hanif owned and operated a convenience store with retail sales of gasoline located at 401 West Lennon Drive in Emory, Rains County, Texas (the “Facility”). Ms. Hanif’s three underground storage tanks (“USTs”) are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Ms. Hanif’s USTs contain a regulated petroleum substance as defined in the rules of the Commission.
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Ms. Hanif agree that the Commission has jurisdiction to enter this Agreed Order, and that Ms. Hanif is subject to the Commission’s jurisdiction.
4. Ms. Hanif received notice of the violations alleged in Section II (“Allegations”) on or about November 4, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ms. Hanif of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
6. An administrative penalty in the amount of nine thousand two hundred seventy-one dollars (\$9,271.00) is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). Ms. Hanif paid two hundred seventy-six dollars (\$276.00)

of the administrative penalty. The remaining amount of eight thousand nine hundred ninety-five dollars (\$8,995.00) of the administrative penalty shall be payable in 35 monthly payments of two hundred fifty-seven dollars (\$257.00) 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 Ms. Hanif 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, Ms. Hanif's failure to meet the payment schedule of this Agreed Order constitutes the failure by Ms. Hanif to timely and satisfactorily comply with all of the terms of this Agreed Order

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Ms. Hanif agree on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Ms. Hanif implemented the following corrective measures at the Facility:
 - a. On October 22, 2008, implemented effective manual or automatic inventory control procedures for all USTs, in accordance with 30 TEX. ADMIN. CODE § 334.48; and
 - b. On October 22, 2008, conducted bimonthly inspections and triennial testing of the corrosion protection system, in accordance with 30 TEX. ADMIN. CODE § 334.49.
10. The Executive Director recognizes that on February 27, 2009, Ms. Hanif sold the Facility.
11. 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 Ms. Hanif has not complied with one or more of the terms or conditions in this Agreed Order.
12. 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.
13. 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 an investigation conducted on October 3, 2007, a TCEQ Tyler Regional Office investigator documented that Ms. Hanif violated:
 - a. 30 TEX. ADMIN. CODE § 334.49(c)(4) and 334.49(c)(2)(C), and TEX. WATER CODE § 26.3475(d), by failing to have the corrosion protection equipment tested for operability and adequacy of protection at least once every three years to ensure adequate protection of the UST system. Specifically, Ms. Hanif did not conduct the triennial test. Also, Ms. Hanif failed to inspect the cathodic protection system at least once every 60 days to ensure the rectifier and other system components were operating properly.
 - b. 30 TEX. ADMIN. CODE § 334.48(c) by failing to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum used as a motor fuel.
 - c. 30 TEX. ADMIN. CODE § 334.45(c)(3)(A), by failing to properly install and maintain a secure anchor at the base of each UL-listed emergency shutoff valve in a piping system in which regulated substances are conveyed under pressure to an aboveground dispensing unit. Specifically, it was observed that the shear valves were not properly anchored on the dispensers of the UST system.

III. DENIALS

Ms. Hanif generally denies each allegation in Section II (“Allegations”).

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Ms. Hanif pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Ms. Hanif’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 actions 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: Wafia Hanif, Docket No. 2007-2009-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

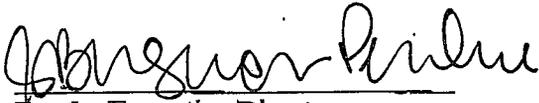
2. The provisions of this Agreed Order shall apply to and be binding upon Ms. Hanif.
3. If Ms. Hanif fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Ms. Hanif's failure to comply is not a violation of this Agreed Order. Ms. Hanif shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ms. Hanif shall notify the Executive Director within seven days after Ms. Hanif becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. 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 Ms. Hanif shall be made in writing to the Executive Director. Extensions are not effective until Ms. Hanif receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Ms. Hanif 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.
6. 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.
7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Ms. Hanif, or three days after the date on which the Commission mails notice of the Order to Ms. Hanif, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Wafia Hanif
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/4/2010

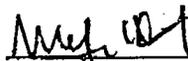
Date

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

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



Signature

3-26-10

Date

Wafia Hanif

Name (Printed or typed)

Owner

Title