

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 41119
Husnain Aftab Enterprises, Inc. d/b/a JR Mini Mart
RN103190393
Docket No. 2011-0211-MLM-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Respondent has demonstrated a pattern of disregard for environmental laws.

Media:

PST

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

5320 North Main Street, Vidor, Orange County

Type of Operation:

underground storage tank ("UST") system and convenience store with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: None

Past-Due Penalties: None

Past-Due Fees: None

Other: Respondent was also initially cited for an IHW violation for failing to make a waste determination on gasoline in the dispenser pumps that was suspected to contain water, however, this alleged violation was later resolved and dropped from the case.

Interested Third-Parties: None

Texas Register Publication Date: April 27, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$51,456.00

Total Paid to General Revenue: \$1,476.00

Total Due to General Revenue: \$49,980.00

Payment Plan: 35 payments of \$1,428.00 each

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – Poor

Site/RN – Poor

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): July 10, 2007; October 26, 2009; July 14, 2010 (2); July 16, 2010

Complaint Information: Four complainants reported vehicle problems after purchasing gasoline or diesel fuel from JR Mini Mart; one complainant expressed concern about contamination of his water well after a diesel fuel release from JR Mini Mart.

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RN103190393
Docket No. 2011-0211-MLM-E

Date(s) of Investigation: May 14, 2009; July 13-29, 2010; November 2, 2010;
December 17, 2010; February 3, 2011

Date(s) of NOV(s): May 31, 2006; September 11, 2007; July 2, 2009

Date(s) of NOE(s): December 17, 2010; January 5, 2011; April 13, 2011; April 18, 2011

Violation Information

1. Failed to have a release detection method capable of detecting a release from any portion of the UST system which contains regulated substances, including the tanks, piping, and other ancillary equipment; failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons; and failed to record the inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the USTs each operating day [30 TEX. ADMIN. CODE § 334.50(a)(1)(A), (b)(1)(A), (d)(1)(B)(ii) and (d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1)].
2. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sales of petroleum substances used as motor fuel [30 TEX. ADMIN. CODE § 334.48(c)].
3. Failed to ensure that a legible tag, label, or marking with the UST identification number is permanently applied upon or affixed to either the top of the fill tube or to a non-removable point in the immediate area of the fill tube according to the UST registration and self-certification form [30 TEX. ADMIN. CODE § 334.8(c)(5)(C)].
4. Failed to inspect all sumps, including the dispenser sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight [30 TEX. ADMIN. CODE § 334.42(i)].
5. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.10(b)].
6. Failed to prevent an unauthorized discharge of regulated substances [30 TEX. ADMIN. CODE § 334.48(a)].
7. Failed to report to the TCEQ a release and a suspected release of regulated substances within 24 hours of discovery [30 TEX. ADMIN. CODE § 334.72].
8. Failed to ensure that the LED fuel makeup is not changed where maximum aromatic hydrocarbon content of LED is 10% by volume per gallon [30 TEX. ADMIN. CODE § 114.313].
9. Failed to investigate a release and a suspected release of regulated substances within 30 days of discovery [30 TEX. ADMIN. CODE § 334.74(1)].
10. Failed to file written notification with the TCEQ of UST construction activity at the Station at least 30 days prior to initiating the activity and failed to contact the TCEQ's appropriate regional office between 24 and 72 hours prior to the scheduled time of initiation of the proposed activity [30 TEX. ADMIN. CODE § 334.6(b)(2) and (b)(2)(C)].
11. Failed to ensure that a licensed UST on-site supervisor was present at the Station during construction activities on the UST system [30 TEX. ADMIN. CODE § 334.52(a)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Immediately:
 - a. Begin conducting effective manual or automatic inventory control procedures for all USTs (violations 1 and 2);
 - b. Begin maintaining all UST records (violation 5); and
 - c. Establish and implement a process for reporting and investigating suspected releases and unusual operating conditions (violation 7).
2. Within 30 days:
 - a. Implement a release detection method for all USTs, and begin recording volume measurement and reconciliation of inventory control records (violation 1);
 - b. Properly mark the fill tube for each UST with an identification number that matches the number listed on the UST registration and self-certification form (violation 3);
 - c. Clean the spill buckets and begin conducting bimonthly inspections of the sumps including the dispenser sumps, manways, overspill containers, or catchment basins (violation 4);
 - d. Implement procedures to prevent the unauthorized discharge of regulated substances (violation 6);
 - e. Implement procedures to ensure all proper notifications are made prior to the initiation of UST construction activities at the Station (violations 7 and 10);
 - f. Implement procedures to ensure licensed UST contractors are on-site and utilized during construction activities conducted at the Station (violation 11); and
 - g. Implement approved testing methods to ensure that LED fuel makeup meets the standard (violation 8).
3. Within 60 days, initiate an investigation to determine the source(s) and to characterize the nature, lateral and vertical extent, direction, rate of movement, volume, composition, and concentration of contaminants in soil and groundwater at the Station (violation 9).
4. Within 120 days, complete the Site Investigation and submit a report which summarizes the findings of the Site Investigation. Upon approval by the Executive Director, implement the proposal in accordance with the approved implementation schedule (violation 9).
 - a. If, after receipt of the Site Investigation Report, the Executive Director determines that additional investigation is necessary, implement such investigation and report the results to the Executive Director within the time-frame specified in the request.
 - b. If the Executive Director determines that additional information or additional actions are required to ensure that adequate remediation of all contaminated areas has been completed, submit the additional information to the Executive Director, and perform the additional actions within the time-frame specified in the request.
5. Within 150 days, submit written certification to demonstrate compliance with Technical Requirement Nos. 1 through 4.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 41119
Husnain Aftab Enterprises, Inc. d/b/a JR Mini Mart
RN103190393
Docket No. 2011-0211-MLM-E

Litigation Information

Date Petition(s) Filed: April 18, 2011; October 7, 2011; February 17, 2012; March 26, 2012
Date Answer(s) Filed: May 11, 2011
SOAH Referral Date: July 18, 2011
Hearing Date(s):
Preliminary hearing: September 1, 2011 (waived)
Evidentiary hearing: April 5, 2012 (scheduled)
Settlement Date: April 2, 2012

Contact Information

TCEQ Attorneys: Tammy Mitchell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Blas Coy, Public Interest Counsel, (512) 239-6363

TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division, (512) 239-0577

TCEQ Regional Contact: Derek Eades, Beaumont Regional Office, (409) 898-3838

Respondent: Mohammad Aftab Sultan, President and Director, Husnain Aftab Enterprises, Inc.,
5320 North Main Street, Vidor, Texas 77662

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	28-Jan-2010	Screening	3-Feb-2010	EPA Due	
	PCW	3-Feb-2010				

RESPONDENT/FACILITY INFORMATION						
Respondent	HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart					
Reg. Ent. Ref. No.	RN103190393					
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor			

CASE INFORMATION						
Enf./Case ID No.	41119	No. of Violations	11			
Docket No.	2011-0211-MLM-E	Order Type	Findings			
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No			
Multi-Media		Enf. Coordinator	Rajesh Acharya			
		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	\$34,000
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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	47.0% Enhancement	Subtotals 2, 3, & 7	\$15,980
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Notes: Enhancement for poor performer, two NOVs with same or similar violations, one NOV with non-similar violation and one prior order without denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$2,168
 Approx. Cost of Compliance: \$14,100
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$49,980
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OTHER FACTORS AS JUSTICE MAY REQUIRE	3.0%	Adjustment	\$1,476
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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 violation nos. 4, 7, 10 and 11.

Final Penalty Amount	\$51,456
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$51,456
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only: e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$51,456
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Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	1	2%
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	1	25%
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) 37%

>> 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 poor performer, two NOVs with same or similar violations, one NOV with non-similar violation and one prior order without denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 47%

Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 334.50(a)(1)(A), (b)(1)(A), (d)(1)(B)(ii), and (d)(1)(B)(iii)(I) and Tex. Water Code § 26.3475(c)(1)

Violation Description Failed to have a release detection method capable of detecting a release from any portion of the underground storage tank ("UST") system which contains regulated substances. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons. Also, failed to record the inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day.

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 85 Number of violation days

daily	
weekly	
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 November 10, 2010 record review to the February 3, 2011 screening 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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$62

Violation Final Penalty Total \$3,784

This violation Final Assessed Penalty (adjusted for limits) \$3,784

Economic Benefit Worksheet

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart
Case ID No. 41119
Req. Ent. Reference No. RN103190393
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	10-Nov-2010	10-Sep-2011	0.83	\$62	n/a	\$62

Notes for DELAYED costs

Estimated cost to provide release detection for the UST system including volume measurement and reconciliation of inventory control records. Date Required is the record review 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

\$1,500

TOTAL

\$62

Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

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 sales of petroleum substances used as 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, 85 Number of violation days

Table for frequency: daily, weekly, 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 November 10, 2010 record review to the February 3, 2011 screening date.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked 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 \$21

Violation Final Penalty Total \$3,784

This violation Final Assessed Penalty (adjusted for limits) \$3,784

Economic Benefit Worksheet

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart
Case ID No. 41119
Req. Ent. Reference No. RN103190393
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	\$500	10-Nov-2010	10-Sep-2011	0.83	\$21	n/a	\$21
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct proper inventory control procedures. Date Required is the record review 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

\$500

TOTAL

\$21

Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Violation Number 3

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

Violation Description Failed to ensure that a legible tag, label, or marking with the UST identification number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube according to the UST registration and self-certification form.

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

Number of Violation Events 1, 85 Number of violation days

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

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during November 10, 2010 record review.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked 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 \$4

Violation Final Penalty Total \$1,513

This violation Final Assessed Penalty (adjusted for limits) \$1,513

Economic Benefit Worksheet

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart
Case ID No. 41119
Req. Ent. Reference No. RN103190393
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)	\$100	10-Nov-2010	10-Sep-2011	0.83	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to label the tank fill ports. Date Required is the record review 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

\$4

Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 334.42(i)

Violation Description

Failed to inspect all sumps including the dispenser sumps, manways, overflow containers, or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight. Specifically, the spill buckets contained liquid.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				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 85 Number of violation days

mark only one with an x

daily	
weekly	
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 November 10, 2010 record review to the February 3, 2011 screening 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 \$105

Violation Final Penalty Total \$1,513

This violation Final Assessed Penalty (adjusted for limits) \$1,513

Economic Benefit Worksheet

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart
Case ID No. 41119
Req. Ent. Reference No. RN103190393
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				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$100	10-Sep-2010	10-Nov-2010	1.08	\$5	\$100	\$105

Notes for AVOIDED costs

Estimated avoided cost to clean the spill buckets and conduct bimonthly inspections of the sumps, manways, overfill containers or catchment basins. Date Required is 60 days before the record review date. Final Date is the record review date.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 334.10(b)

Violation Description Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 85 Number of violation days

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

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during November 10, 2010 record review.

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 \$21

Violation Final Penalty Total \$1,513

This violation Final Assessed Penalty (adjusted for limits) \$1,513

Economic Benefit Worksheet

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart
Case ID No. 41119
Req. Ent. Reference No. RN103190393
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	\$500	10-Nov-2010	10-Sep-2011	0.83	\$21	n/a	\$21
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain UST records. Date Required is the record review 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

\$500

TOTAL

\$21

Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Violation Number 6

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

Violation Description Failed to prevent an unauthorized discharge of regulated substances. Specifically, the Respondent pumped diesel and diesel contaminated water from a tank to the ground.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	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

	3	209	Number of violation days
mark only one with an x	daily		Violation Base Penalty \$3,000
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

Three quarterly events are recommended from the unauthorized discharge date of July 10, 2010 to the February 3, 2011 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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$305 Violation Final Penalty Total \$4,540

This violation Final Assessed Penalty (adjusted for limits) \$4,540

Economic Benefit Worksheet

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart
Case ID No. 41119
Req. Ent. Reference No. RN103190393
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	\$5,000	10-Jul-2010	29-Sep-2011	1.22	\$305	n/a	\$305
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct a site investigation and appropriate corrective measures. Date Required is the date of the unauthorized discharge. 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

\$5,000

TOTAL

\$305

Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 334.72

Violation Description Failed to report to the TCEQ a release and a suspected release of regulated substances within 24 hours of discovery. Specifically, the investigator noted instances of releases and unusual operating conditions on July 10, 2010 and July 21, 2010 that were not reported.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

		2	2	Number of violation days	
mark only one with an x	daily			Violation Base Penalty	\$2,000
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event		x		

Two single events are recommended for one instance of release and one instance of unusual operating conditions.

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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$200 Violation Final Penalty Total \$3,027

This violation Final Assessed Penalty (adjusted for limits) \$3,027

Economic Benefit Worksheet

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart
Case ID No. 41119
Req. Ent. Reference No. RN103190393
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				0.00	\$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]	\$200	11-Jul-2010	22-Jul-2010	0.00	\$0	\$200	\$200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to report two releases. Date Required is the date the first report was due. Final Date is the date the second report was due.

Approx. Cost of Compliance \$200

TOTAL \$200

Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 334.74(1)

Violation Description Failed to investigate a release and a suspected release of regulated substances within 30 days of discovery. Specifically, the investigator noted instances of releases and unusual operating conditions on July 10, 2010 and July 21, 2010 that were not investigated.

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 6 179 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$15,000

Six monthly events are recommended from the release investigation due date of August 9, 2010 to the February 3, 2011 screening 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 \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$271

Violation Final Penalty Total \$22,701

This violation Final Assessed Penalty (adjusted for limits) \$22,701

Economic Benefit Worksheet

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart
Case ID No. 41119
Req. Ent. Reference No. RN103190393
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$5,000	9-Aug-2010	9-Sep-2011	1.08	\$271	n/a	\$271

Notes for DELAYED costs

Estimated costs to investigate a release. Date Required is the date release investigation was due. 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

\$5,000

TOTAL

\$271

Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 114.313

Violation Description Failed to ensure that the low emission diesel ("LED") fuel makeup is not changed where maximum aromatic hydrocarbon content of LED is 10% by volume per gallon. Based on the samples taken from a complainant's vehicle on July 14, 2010, the aromatic hydrocarbon content for diesel exceeded the LED of 10% by volume per gallon and also indicated the presence of water. The aromatic hydrocarbon content of the diesel was over 22%.

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 1 205 Number of violation days

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

Violation Base Penalty \$2,500

One single event is recommended.

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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6 Violation Final Penalty Total \$3,784

This violation Final Assessed Penalty (adjusted for limits) \$3,784

Economic Benefit Worksheet

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart
Case ID No. 41119
Req. Ent. Reference No. RN103190393
Media Petroleum Storage Tank
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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	14-Jul-2010	14-Sep-2011	1.17	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to implement procedures to ensure diesel fuel quality standard is met. Date Required is the date the diesel fuel sample was taken. 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

\$6

Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

V12 10

Rule Cite(s) 30 Tex. Admin. Code § 334.6(b)(2) and (b)(2)(C)

Violation Description Failed to file written notification with the agency of USTs construction activity at least 30 days prior to initiating the activity. Also, failed to contact the agency's appropriate regional office between 24 and 72 hours prior to the scheduled time of initiation of the proposed activity.

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 has not been met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 48 Number of violation days

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

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked 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 \$105

Violation Final Penalty Total \$1,513

This violation Final Assessed Penalty (adjusted for limits) \$1,513

Economic Benefit Worksheet

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart
Case ID No. 41119
Req. Ent. Reference No. RN103190393
Media Petroleum Storage Tank
Violation No. 10

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]	\$100	17-Nov-2010	17-Dec-2010	1.00	\$5	\$100	\$105
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide notification. Date Required is 30 days prior to the investigation date. Final Date is the investigation date.

Approx. Cost of Compliance \$100

TOTAL \$105

Screening Date 3-Feb-2010

Docket No. 2011-0211-MLM-E

PCW

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart

Policy Revision 2 (September 2002)

Case ID No. 41119

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103190393

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 334.52(a)(2)

Violation Description Failed to ensure that a licensed UST on-site supervisor was present at the Facility during construction activities on the UST system.

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 Number of violation days 1

mark only one with an x	daily		Violation Base Penalty \$2,500
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

One single event is recommended based on documentation of the violation during December 17, 2010 investigation.

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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,066 Violation Final Penalty Total \$3,784

This violation Final Assessed Penalty (adjusted for limits) \$3,784

Economic Benefit Worksheet

Respondent HUSNAIN AFTAB ENTERPRISES, INC. dba JR Mini Mart
Case ID No. 41119
Req. Ent. Reference No. RN103190393
Media Petroleum Storage Tank
Violation No. 11

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	21-Jul-2010	17-Dec-2010	1.33	\$66	\$1,000	\$1,066
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to ensure licensed UST contractors are on-site during construction activity. Date Required is date of the construction. Final Date is the investigation date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,066

Compliance History

Customer/Respondent/Owner-Operator:	CN601719289	HUSNAIN AFTAB ENTERPRISES, INC.	Classification: POOR	Rating: 52.60
Regulated Entity:	RN103190393	JR MINI MART	Classification: POOR	Site Rating: 52.60
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	74484
Location:	5320 N MAIN ST, VIDOR, TX, 77662			
TCEQ Region:	REGION 10 - BEAUMONT			
Date Compliance History Prepared:	February 03, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 03, 2006 to February 03, 2011			

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site :

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

Effective Date: 09/04/2008

ADMINORDER 2007-0698-PST-E

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)
 30 TAC Chapter 115, SubChapter C 115.246(5)
 30 TAC Chapter 115, SubChapter C 115.246(6)
 30 TAC Chapter 115, SubChapter C 115.246(7)(A)
 5C THSC Chapter 382 382.085(b)

Description: Failure to maintain proof of attendance and completion of the training with the Stage II.. Failure to maintain records on site and make available for review upon request by authorized representative of the executive director, EPA or agency personnel...Failure to maintain records of daily inspections..Failure to maintain all copies of Stage II vapor recovery annual and triennial tests available for review..

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 12 months, and the Stage II vapor space manifold and dynamic pressure performance at least once every 35 months.

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)

Description: Failure to maintain the Stage II vapor recovery system in proper operating condition and free of defects that would impair the effectiveness of the system, including the absence or disconnection of any component that is a part of the approved system.

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 05/31/2006 (453650)
- 2 04/23/2007 (543194)
- 3 07/02/2009 (747021)
- 4 08/31/2009 (767568)
- 5 07/16/2010 (841601)
- 6 01/28/2011 (872795)
- 7 01/05/2011 (886733)

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

Date: 05/31/2006 (453650) CN601719289

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)
30 TAC Chapter 115, SubChapter C 115.246(5)
30 TAC Chapter 115, SubChapter C 115.246(6)
30 TAC Chapter 115, SubChapter C 115.246(7)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain records on site and make immediately available for review upon request by authorized representatives of the executive director, EPA, or any local air pollution control program with jurisdiction at sites ordinarily manned during business hours.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)
30 TAC Chapter 115, SubChapter C 115.246(5)
30 TAC Chapter 115, SubChapter C 115.246(6)
30 TAC Chapter 115, SubChapter C 115.246(7)(A)
5C THSC Chapter 382 382.085(b)

Description: Failure to maintain proof of attendance and completion of the training with the Stage II.. Failure to maintain records on site and make available for review upon request by authorised representative of the executive director, EPA or agency personnel...Failure to maintain records of daily inspections..Failure to maintain all copies of Stage II vapor recovery annual and triennial tests available for review..

Self Report? NO Classification: Moderate

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

Description: Failure to maintain proof of attendance and completion of the training specified in 115.248 of this title (relating to Training Requirements), with the documentation of all Stage II training for each employee to be maintained as long as that employee continues to work at the facility.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)

Description: Failure to maintain all copies of Stage II vapor recovery annual and triennial tests available for review.

Date: 09/11/2007 (567630) CN601719289

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)

Description: Failure to put the ATG into test mode once a month.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter D 334.72(2)

Description: Failure to report within 24 hours unusual operating conditions observed by the owner of the tank such as unexplained presence of water.

Date: 07/02/2009 (747021) CN601719289

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter D 334.72(2)

Description: Failure to report within 24 hours unusual operating conditions observed by the owner of the tank such as unexplained presence of water.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.50(b)(2)(A)(i)(III)

Description: Failure to have line leak detectors tested at least once per year for performance and operational reliability, and properly calibrate and maintain in accordance with the manufacturer's specifications and recommended procedures.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.244(3)

Description: Failure to conduct monthly inspections of the Stage II vapor recovery system.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)
Description: Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment, including a general part description, the date and time the equipment was taken out of service, the date of repair or replacement, the replacement part manufacturer's information, a general description of the part location in the system (e.g., pump or nozzle number, etc.), and a description of the problem.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.248(1)
Description: Failure to have a Facility Representative and/or employees trained on Stage II equipment.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 334, SubChapter D 334.74(1)
Description: Failure of the owner or operator to investigate a suspected release.

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HUSNAIN AFTAB ENTERPRISES,
INC. DBA JR MINI MART;
RN103190393**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2011-0211-MLM-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Husnain Aftab Enterprises, Inc. DBA JR Mini Mart ("Respondent") 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 Respondent presented this Agreed Order to the Commission.

Respondent 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, Respondent 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 Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(73) and (70), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 5320 North Main Street in Vidor, Orange County, Texas (the "Station"). The USTs at the Station are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contain a regulated petroleum substance as defined in the rules of the TCEQ. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. During a record review conducted on November 2, 2010, which consolidated investigation findings from TCEQ investigations conducted by the TCEQ Beaumont Regional Office on May 14, 2009, and from July 13, 2010, through July 29, 2010, TCEQ Central Office staff documented that Respondent:

- a. Failed to have a release detection method capable of detecting a release from any portion of the UST system which contains regulated substances, including the tanks, piping, and other ancillary equipment; failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons; and failed to record the inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the USTs each operating day;
 - b. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sales of petroleum substances used as motor fuel;
 - c. Failed to ensure that a legible tag, label, or marking with the UST identification number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube according to the UST registration and self-certification form;
 - d. Failed to inspect all sumps, including the dispenser sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that the sides, bottoms, and any penetration points are maintained liquid-tight. Specifically, the spill buckets contained liquid;
 - e. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel;
 - f. Failed to prevent an unauthorized discharge of regulated substances. Specifically, Respondent pumped diesel and diesel contaminated water from a UST at the Facility onto the ground;
 - g. Failed to report to the TCEQ a release and a suspected release of regulated substances within 24 hours of discovery. Specifically, the TCEQ investigator noted instances of releases of regulated substances and unusual operating conditions at the Facility on July 10, 2010, and July 21, 2010, that were not reported to the TCEQ; and
 - h. Failed to ensure that the low emission diesel ("LED") fuel makeup is not changed where maximum aromatic hydrocarbon content of LED is 10% by volume per gallon. Specifically, samples taken from a complainant's vehicle on July 14, 2010, revealed that the aromatic hydrocarbon content for diesel exceeded the LED of 10% by volume per gallon and indicated the presence of water in the diesel in that the aromatic hydrocarbon content of the diesel was over 22%.
3. Respondent received notice of the violations specified in Findings of Fact Nos. 2.a. through 2.g. on or about December 22, 2010. Respondent received notice of the violation specified in Finding of Fact No. 2.h. on or about April 23, 2011.
 4. During a record review conducted on February 3, 2011, TCEQ Central Office staff documented that Respondent failed to investigate a release and a suspected release of regulated substances within 30 days of discovery. Specifically, a TCEQ investigator noted instances of releases of regulated substances and unusual operating conditions

at the Station on July 10, 2010, and July 21, 2010, and the releases were not investigated by Respondent.

5. Respondent received notice of the violation specified in Finding of Fact No. 4 on or about April 18, 2011.
6. During an investigation conducted on December 17, 2010, a TCEQ Beaumont Regional Office investigator documented that Respondent:
 - a. Failed to file written notification with the TCEQ of UST construction activity at the Station at least 30 days prior to initiating the activity, and failed to contact the TCEQ's appropriate regional office between 24 and 72 hours prior to the scheduled time of initiation of the proposed activity; and
 - b. Failed to ensure that a licensed UST on-site supervisor was present at the Facility during construction activities on the UST system.
7. Respondent received notice of the violations specified in Findings of Fact Nos. 6.a. and 6.b. on or about January 10, 2011.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to have a release detection method capable of detecting a release from any portion of the UST system which contains regulated substances, including the tanks, piping, and other ancillary equipment; failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring); failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons; and failed to record the inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the USTs each operating day, in violation of 30 TEX. ADMIN. CODE § 334.50(a)(1)(A), (b)(1)(A), (d)(1)(B)(ii) and (d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sales of petroleum substances used as motor fuel, in violation of 30 TEX. ADMIN. CODE § 334.48(c).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to ensure that a legible tag, label, or marking with the UST identification number is permanently applied upon or affixed to either the top of the fill tube or to a non-removable point in the immediate area of the fill tube according to the UST registration and self-certification form, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(C).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to inspect all sumps, including the dispenser sumps, manways, overspill containers, or catchment basins associated with the UST system at least once every 60 days to assure that the sides,

- bottoms, and any penetration points are maintained liquid-tight, in violation of 30 TEX. ADMIN. CODE § 334.42(i).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to maintain UST records and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b).
 7. As evidenced by Finding of Fact No. 2.f., Respondent failed to prevent an unauthorized discharge of regulated substances, in violation of 30 TEX. ADMIN. CODE § 334.48(a).
 8. As evidenced by Finding of Fact No. 2.g., Respondent failed to report to the TCEQ a release and a suspected release of regulated substances within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72.
 9. As evidenced by Finding of Fact No. 2.h., Respondent failed to ensure that the LED fuel makeup is not changed where maximum aromatic hydrocarbon content of LED is 10% by volume per gallon, in violation of 30 TEX. ADMIN. CODE § 114.313.
 10. As evidenced by Finding of Fact No. 4., Respondent failed to investigate a release and a suspected release of regulated substances within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74(1).
 11. As evidenced by Finding of Fact No. 6.a., Respondent failed to file written notification with the TCEQ of UST construction activity at the Station at least 30 days prior to initiating the activity and failed to contact the TCEQ's appropriate regional office between 24 and 72 hours prior to the scheduled time of initiation of the proposed activity, in violation of 30 TEX. ADMIN. CODE § 334.6(b)(2) and (b)(2)(C).
 12. As evidenced by Finding of Fact No. 6.b., Respondent failed to ensure that a licensed UST on-site supervisor was present at the Station during construction activities on the UST system, in violation of 30 TEX. ADMIN. CODE § 334.52(a)(2).
 13. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
 14. An administrative penalty in the amount of fifty-one thousand four hundred fifty-six dollars (\$51,456.00) 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. Respondent paid one thousand four hundred seventy-six dollars (\$1,476.00) of the administrative penalty. The remaining amount of forty-nine thousand nine hundred eighty dollars (\$49,980.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of one thousand four hundred twenty-eight dollars (\$1,428.00) 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 Respondent 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, Respondent's failure to meet the payment schedule of this Agreed Order constitutes

the failure by Respondent 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. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 14, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. 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: Husnain Aftab Enterprises, Inc. d/b/a JR Mini Mart, Docket No. 2011-0211-MLM-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

2. Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Respondent shall:
 - i. Begin conducting effective manual or automatic inventory control procedures for all USTs, in accordance with 30 TEX. ADMIN. CODE § 334.48 (Conclusion of Law No. 3);
 - ii. Begin maintaining all UST records, in accordance with 30 TEX. ADMIN. CODE § 334.10 (Conclusion of Law No. 6); and
 - iii. Establish and implement a process for reporting and investigating suspected releases and unusual operating conditions, in accordance with 30 TEX. ADMIN. CODE §§ 334.72 and 334.74 (Conclusion of Law No. 8).
 - b. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Implement a release detection method for all USTs, and begin recording volume measurement and reconciliation of inventory control records, in accordance with 30 TEX. ADMIN. CODE § 334.50 (Conclusion of Law No. 2);
 - ii. Properly mark the fill tube for each UST with an identification number that matches the number listed on the UST registration and self-certification form, in accordance with 30 TEX. ADMIN. CODE § 334.8 (Conclusion of Law No. 4);

- iii. Clean the spill buckets and begin conducting bimonthly inspections of the sumps including the dispenser sumps, manways, overspill containers, or catchment basins, in accordance with 30 TEX. ADMIN. CODE § 334.42 (Conclusion of Law No. 5);
 - iv. Implement procedures to prevent the unauthorized discharge of regulated substances, in accordance with 30 TEX. ADMIN. CODE § 334.48(a) (Conclusion of Law No. 7);
 - v. Implement procedures to ensure all proper notifications are made prior to the initiation of UST construction activities at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.6 (Conclusion of Law No. 11);
 - vi. Implement procedures to ensure licensed UST contractors are on-site and utilized during construction activities conducted at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.52 (Conclusion of Law No. 12); and
 - vii. Implement approved testing methods to ensure that LED fuel makeup meets the standard, in accordance with 30 TEX. ADMIN. CODE § 114.313 (Conclusion of Law No. 9).
- c. Within 60 days after the effective date of this Agreed Order, Respondent shall initiate an investigation to determine the source(s) and to characterize the nature, lateral and vertical extent, direction, rate of movement, volume, composition, and concentration of contaminants in soil and groundwater at the Station (the "Site Investigation") in accordance with 30 TEX. ADMIN. CODE ch. 334, subchs. D and G (relating to Release Reporting and Corrective Action, and Target Concentration Criteria, respectively) (Conclusion of Law No. 10).
- d. Within 120 days after the effective date of this Agreed Order, Respondent shall complete the Site Investigation and submit a report which summarizes the findings of the Site Investigation (the "Site Investigation Report") to the Executive Director for review and approval. The Site Investigation Report shall include a proposal for corrective action. The proposal shall be submitted in accordance with 30 TEX. ADMIN. CODE ch. 334, subchs. D and G (relating to Release Reporting and Corrective Action, and Target Concentration Criteria, respectively) or other applicable guidance approved by the Executive Director. Upon review, possible modification, and approval by the Executive Director, implement the proposal in accordance with the approved implementation schedule.

If, after receipt of the Site Investigation Report, the Executive Director determines that additional investigation is necessary, implement such investigation and report the results to the Executive Director within the time-frame specified in the request.

If the Executive Director determines that additional information or additional actions are required to ensure that adequate remediation of all contaminated areas has been completed, submit the additional information to the Executive

Director, and perform the additional actions within the time-frame specified in the request.

- e. Within 150 days after the effective date of this Agreed Order, Respondent shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions Nos. 2.a. through 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Derek Eades, Waste Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
5. If Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Agreed Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director.

7. The determination of what constitutes good cause rests solely with the Executive Director.
8. 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 Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. Pursuant to 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 this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Husnain Aftab Enterprises, Inc. d/b/a JR Mini Mart
Docket No. 2011-0211-MLM-E
Page 9

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

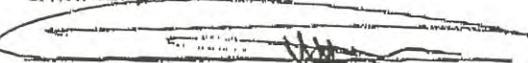
June 18, 2012
Date

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 Husnain Aftab Enterprises, Inc. d/b/a JR Mini Mart, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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


Signature - Mohammad Aftab Sultan, President
Husnain Aftab Enterprises, Inc.

04/02/12
Date