

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 42096  
Plano Shell, Inc. DBA Cooks Shell Mart  
RN101552495  
Docket No. 2011-1235-PST-E

**Order Type:**

Agreed Order

**Findings Order Justification:**

N/A

**Media:**

PST

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

1401 Cooks Lane, Fort Worth, Tarrant County

**Type of Operation:**

convenience store with retail sales of gasoline

**Other Significant Matters:**

|   |      |
|---|------|
| Additional Pending Enforcement Actions: | None |
| Past-Due Penalties:                     | None |
| Past-Due Fees:                          | None |
| Other:                                  | None |
| Interested Third-Parties:               | None |

**Texas Register Publication Date:** July 20, 2012

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$24,525

**Total Paid to General Revenue:** \$690

**Total Due to General Revenue:** \$23,835

Payment Plan: 35 payments of \$681 each

**SEP Conditional Offset:** N/A

**Compliance History Classifications:**

Person/CN – Average  
Site/RN – Average

**Major Source:** Yes

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** September 2002

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** June 3, 2011  
**Date(s) of NOV(s):** March 12, 2007  
**Date(s) of NOE(s):** July 15, 2011

**Violation Information**

1. Failed to monitor the UST for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(a)].
2. Failed to report a suspected release to the TCEQ within 24 hours of the discovery [30 TEX. ADMIN. CODE § 334.72(3)(b)].
3. Failed to investigate a suspected release within 30 days of discovery [30 TEX. ADMIN. CODE § 334.74].
4. Failed to prevent an unauthorized discharge of petroleum fuel into or adjacent to any water in the state (approx. 7,530 gallons of fuel-contaminated water and approx. 500 cu/yds of fuel-contaminated soil was retrieved/removed) [TEX. WATER CODE § 26.121 and 30 TEX. ADMIN. CODE § 334.48(a)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

1. On September 15, 2011, submitted documentation to demonstrate compliance with TCEQ release detection requirements;
2. On June 2, 2011, reported the suspected release to the TCEQ;
3. On June 11, 2011, conducted a tank tightness test with passing results; and
4. On June 29, 2011, submitted documentation to demonstrate that the release was investigated, the source of the release was identified and repaired, and a site assessment has been initiated.

**Technical Requirements:**

1. Within 30 days, complete a site investigation and submit to the Executive Director for review and approval a report which summarizes the findings of the Release Investigation and includes a proposal for corrective action (the "Release Investigation Report").
2. Upon review, possible modification, and approval of the Release Investigation Report, implement the proposal in accordance with the approved implementation schedule.
3. If the Executive Director determines that additional investigation is necessary, implement such investigation and report the results as directed by the Executive Director.
4. 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-frames specified in the request.
5. Within 45 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 42096  
Plano Shell, Inc. DBA Cooks Shell Mart  
RN101552495  
Docket No. 2011-1235-PST-E

**Litigation Information**

**Date Petition(s) Filed:** February 7, 2012;  
**Date Answer(s) Filed:** February 20, 2012  
**SOAH Referral Date:** April 26, 2012  
**Hearing Date(s):**  
Preliminary hearing: June 7, 2012  
Evidentiary hearing: September 28, 2012 (scheduled)  
**Settlement Date:** June 15, 2012

**Contact Information**

**TCEQ Attorneys:** Jim Sallans, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
James Murphy, Public Interest Counsel, (512) 239-6363  
**TCEQ SEP Coordinator:** N/A  
**TCEQ Enforcement Coordinator:** Mike Pace, Enforcement Division, (817) 588-5933  
**TCEQ Regional Contact:** Sam Barrett, Dallas/Fort Worth Regional Office, (817) 588-5800  
**Respondent:** Marawat Hussain, Director, Plano Shell, Inc., 1401 Cooks Lane, Fort Worth, Texas 76120  
**Respondent's Attorney:** Walter D. James, III, JAMES PLLC, The Renaissance, 1117 Glade Road, Suite 140, Colleyville, TX 76034

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 18-Jul-2011 | <b>Screening</b> | 18-Jul-2011 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 7-Mar-2012  |                  |             |                |  |

|  |  |                           |       |  |  |  |
|--|--|---------------------------|-------|--|--|--|
| <b>RESPONDENT/FACILITY INFORMATION</b> |  |                           |       |  |  |  |
| <b>Respondent</b>                      | Plano Shell, Inc. dba Cooks Shell Mart |                           |       |  |  |  |
| <b>Reg. Ent. Ref. No.</b>              | RN101552495                            |                           |       |  |  |  |
| <b>Facility/Site Region</b>            | 4-Dallas/Fort Worth                    | <b>Major/Minor Source</b> | Major |  |  |  |

|  |                        |                              |                    |  |  |  |
|--|------------------------|------------------------------|--------------------|--|--|--|
| <b>CASE INFORMATION</b>                |                        |                              |                    |  |  |  |
| <b>Enf./Case ID No.</b>                | 42096                  | <b>No. of Violations</b>     | 4                  |  |  |  |
| <b>Docket No.</b>                      | 2011-1235-PST-E        | <b>Order Type</b>            | 1660               |  |  |  |
| <b>Media Program(s)</b>                | Petroleum Storage Tank | <b>Government/Non-Profit</b> | No                 |  |  |  |
| <b>Multi-Media</b>                     |                        | <b>Enf. Coordinator</b>      | Mike Pace          |  |  |  |
|  |                        | <b>EC's Team</b>             | Enforcement Team 6 |  |  |  |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0                    | <b>Maximum</b>               | \$10,000           |  |  |  |

## Penalty Calculation Section

|   |                   |          |
|---|-------------------|----------|
| <b>TOTAL BASE PENALTY (Sum of violation base penalties)</b> | <b>Subtotal 1</b> | \$27,500 |
|---|-------------------|----------|

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

|                           |                  |                                |       |
|---------------------------|------------------|--------------------------------|-------|
| <b>Compliance History</b> | 2.0% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | \$550 |
|---------------------------|------------------|--------------------------------|-------|

|              |   |
|--------------|---|
| <b>Notes</b> | Enhancement for one NOV with dissimilar violations. |
|--------------|---|

|                    |    |                  |                   |     |
|--------------------|----|------------------|-------------------|-----|
| <b>Culpability</b> | No | 0.0% Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|------------------|-------------------|-----|

|              |  |
|--------------|--|
| <b>Notes</b> | The Respondent does not meet the culpability criteria. |
|--------------|--|

|  |                   |         |
|--|-------------------|---------|
| <b>Good Faith Effort to Comply Total Adjustments</b> | <b>Subtotal 5</b> | \$3,625 |
|--|-------------------|---------|

|                         |                   |                   |     |
|-------------------------|-------------------|-------------------|-----|
| <b>Economic Benefit</b> | 0.0% Enhancement* | <b>Subtotal 6</b> | \$0 |
|-------------------------|-------------------|-------------------|-----|

|                            |          |                                   |
|----------------------------|----------|-----------------------------------|
| Total EB Amounts           | \$491    | *Capped at the Total EB \$ Amount |
| Approx. Cost of Compliance | \$13,100 |                                   |

|                             |                       |          |
|-----------------------------|-----------------------|----------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$24,425 |
|-----------------------------|-----------------------|----------|

|   |      |                   |       |
|---|------|-------------------|-------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 0.4% | <b>Adjustment</b> | \$100 |
|---|------|-------------------|-------|

Reduces or enhances the Final Subtotal by the indicated percentage.

|              |  |
|--------------|--|
| <b>Notes</b> | Recommended enhancement to capture the avoided cost of compliance associated with violation no. 2. |
|--------------|--|

|                             |          |
|-----------------------------|----------|
| <b>Final Penalty Amount</b> | \$24,525 |
|-----------------------------|----------|

|                                   |                               |          |
|-----------------------------------|-------------------------------|----------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$24,525 |
|-----------------------------------|-------------------------------|----------|

|                 |                |                   |     |
|-----------------|----------------|-------------------|-----|
| <b>DEFERRAL</b> | 0.0% Reduction | <b>Adjustment</b> | \$0 |
|-----------------|----------------|-------------------|-----|

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

|              |  |
|--------------|--|
| <b>Notes</b> | Deferral not offered for non-expedited settlement. |
|--------------|--|

|                        |          |
|------------------------|----------|
| <b>PAYABLE PENALTY</b> | \$24,525 |
|------------------------|----------|

Screening Date 18-Jul-2011

Docket No. 2011-1235-PST-E

PCW

Respondent Plano Shell, Inc. dba Cooks Shell Mart

Policy Revision 2 (September 2002)

Case ID No. 42096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101552495

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Mike Pace

### 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> )  | 0                 | 0%      |
|                               | 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 | 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)** 2%

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

No

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

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

Average Performer

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

#### >> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations.

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

Screening Date 18-Jul-2011

Docket No. 2011-1235-PST-E

PCW

Respondent Plano Shell, Inc. dba Cooks Shell Mart

Policy Revision 2 (September 2002)

Case ID No. 42096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101552495

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Mike Pace

Violation Number 1

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

Violation Description Failed to monitor the underground storage tanks ("USTs") for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 50%     |
| 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 \$5,000

\$5,000

Violation Events

Number of Violation Events 1 45 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    | x |
| semiannual   |   |
| annual       |   |
| single event |   |

mark only one with an x

Violation Base Penalty \$5,000

One quarterly event is recommended based on the documentation of the violation during the June 3, 2011 investigation date to the July 18, 2011 screening date.

Good Faith Efforts to Comply

10.0% Reduction

\$500

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

Notes The Respondent came into compliance on September 15, 2011, after the Notice of Enforcement ("NOE") dated July 15, 2011.

Violation Subtotal \$4,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$4,619

This violation Final Assessed Penalty (adjusted for limits) \$4,619

## Economic Benefit Worksheet

**Respondent** Plano Shell, Inc. dba Cooks Shell Mart  
**Case ID No.** 42096  
**Req. Ent. Reference No.** RN101552495  
**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                |         |            |             | 0.00 | \$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 | 3-Jun-2011 | 15-Sep-2011 | 0.28 | \$21 | n/a | \$21 |

Notes for DELAYED costs

The estimated cost of monitoring the USTs for releases. The date required is the investigation date and the final date is the compliance date.

### 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**

\$21

Screening Date 18-Jul-2011

Docket No. 2011-1235-PST-E

PCW

Respondent Plano Shell, Inc. dba Cooks Shell Mart

Policy Revision 2 (September 2002)

Case ID No. 42096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101552495

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Mike Pace

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.72(3)(B)

Violation Description Failed to report a suspected release to the TCEQ within 24 hours of the discovery. Specifically, the inventory control records for February and March 2011 indicated a suspected release that was 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     |          |       | 25%     |

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

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 1

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

mark only one with an x

Violation Base Penalty \$2,500

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$625

|               |               |
|---------------|---------------|
| Extraordinary |               |
| Ordinary      | x             |
| N/A           | (mark with x) |

Notes The Respondent came into compliance on June 2, 2011, prior to the NOE dated July 15, 2011.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$1,933

This violation Final Assessed Penalty (adjusted for limits) \$1,933

## Economic Benefit Worksheet

**Respondent** Plano Shell, Inc. dba Cooks Shell Mart  
**Case ID No.** 42096  
**Req. Ent. Reference No.** RN101552495  
**Media** Petroleum Storage Tank  
**Violation No.** 2

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

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

### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

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

|                               |       |            |            |      |     |       |       |
|-------------------------------|-------|------------|------------|------|-----|-------|-------|
| Disposal                      |       |            |            | 0.00 | \$0 | \$0   | \$0   |
| Personnel                     |       |            |            | 0.00 | \$0 | \$0   | \$0   |
| Inspection/Reporting/Sampling |       |            |            | 0.00 | \$0 | \$0   | \$0   |
| Supplies/equipment            |       |            |            | 0.00 | \$0 | \$0   | \$0   |
| Financial Assurance [2]       |       |            |            | 0.00 | \$0 | \$0   | \$0   |
| ONE-TIME avoided costs [3]    | \$100 | 1-Apr-2011 | 2-Apr-2011 | 0.00 | \$0 | \$100 | \$100 |
| Other (as needed)             |       |            |            | 0.00 | \$0 | \$0   | \$0   |

Notes for AVOIDED costs

Estimated avoided cost to report a suspected release. The date required is the date of the suspected release and the final date is the date the report was due.

Approx. Cost of Compliance \$100

**TOTAL** \$100

Screening Date 18-Jul-2011

Docket No. 2011-1235-PST-E

PCW

Respondent Plano Shell, Inc. dba Cooks Shell Mart

Policy Revision 2 (September 2002)

Case ID No. 42096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101552495

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Mike Pace

Violation Number 3

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

Violation Description Failed to investigate a suspected release within 30 days of discovery. Specifically, inventory control records for February and March 2011 indicated a suspected release that was not investigated.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 50%     |
| 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 \$5,000

\$5,000

Violation Events

Number of Violation Events 2 59 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | x |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

mark only one with an x

Violation Base Penalty \$10,000

Two monthly events are recommended from the release investigation due date of May 1, 2011 to the to the June 29, 2011 compliance date.

Good Faith Efforts to Comply

25.0% Reduction Before NOV NOV to EDPRP/Settlement Offer

\$2,500

|               |               |
|---------------|---------------|
| Extraordinary |               |
| Ordinary      | x             |
| N/A           | (mark with x) |

Notes The Respondent came into compliance on June 29, 2011, prior to the NOE dated July 15, 2011.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$7,732

This violation Final Assessed Penalty (adjusted for limits) \$7,732

## Economic Benefit Worksheet

**Respondent** Plano Shell, Inc. dba Cooks Shell Mart  
**Case ID No.** 42096  
**Req. Ent. Reference No.** RN101552495  
**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)        | \$1,500 | 1-May-2011 | 29-Jun-2011 | 0.16 | \$12 | n/a | \$12 |

Notes for DELAYED costs

Estimated cost to investigate a suspected release. The date required is the date the release investigation was due and the final date is the compliance date.

### 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**

\$12

Screening Date 18-Jul-2011

Docket No. 2011-1235-PST-E

PCW

Respondent Plano Shell, Inc. dba Cooks Shell Mart

Policy Revision 2 (September 2002)

Case ID No. 42096

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101552495

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Mike Pace

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 334.48(a) and Texas Water Code § 26.121

Violation Description Failed to prevent an unauthorized discharge of petroleum fuel into or adjacent to any water in the state. Specifically, the super unleaded product line had a confirmed leak and 7,530 gallons of petroleum fuel contaminated water and 500 cubic yards of contaminated soil were removed from the Facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| OR        | Release | Harm  |          |       | Percent |
|-----------|---------|-------|----------|-------|---------|
|           |         | Major | Moderate | Minor |         |
| Actual    |         |       | x        |       | 50%     |
| Potential |         |       |          |       |         |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm  |          |       | Percent |
|--------------|---------------|-------|----------|-------|---------|
|              |               | Major | Moderate | Minor |         |
|              |               |       |          |       | 0%      |

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

Adjustment \$5,000

\$5,000

Violation Events

Number of Violation Events 2 46 Number of violation days

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

Violation Base Penalty \$10,000

Two monthly events are recommended based on the documentation of the violation during the June 2, 2011 release discovery date to the July 18, 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 \$10,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$358

Violation Final Penalty Total \$10,242

This violation Final Assessed Penalty (adjusted for limits) \$10,242

## Economic Benefit Worksheet

**Respondent** Plano Shell, Inc. dba Cooks Shell Mart  
**Case ID No.** 42096  
**Req. Ent. Reference No.** RN101552495  
**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     | \$10,000 | 2-Jun-2011 | 18-Feb-2012 | 0.72 | \$358 | n/a | \$358 |
| Permit Costs             |          |            |             | 0.00 | \$0   | n/a | \$0   |
| Other (as needed)        |          |            |             | 0.00 | \$0   | n/a | \$0   |

Notes for DELAYED costs

Estimated cost to complete and submit the Site Investigation Report and take appropriate corrective measures. The date required is the date the release was discovered and the final date is the estimated compliance date.

### 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

\$10,000

**TOTAL**

\$358

# Compliance History

Customer/Respondent/Owner-Operator: CN603570979 Plano Shell, Inc. Classification: AVERAGE Rating: 0.75  
Regulated Entity: RN101552495 Cooks Shell Mart Classification: AVERAGE Site Rating: 0.75  
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 71185  
Location: 1401 COOKS LN, FORT WORTH, TX, 76120  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: July 18, 2011  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: July 18, 2006 to July 18, 2011  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:  
Name: Mike Pace Phone: (817) 588-5933

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Plano Shell, Inc.
4. If Yes, who was/were the prior owner(s)/operator(s)? All Star Gas, LLP
5. When did the change(s) in owner or operator occur? 06/12/2007
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.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |
|---|------------|----------|
| 1 | 03/12/2007 | (542224) |
| 2 | 06/15/2007 | (563965) |
| 3 | 05/10/2010 | (798154) |
| 4 | 05/16/2011 | (893020) |
| 5 | 07/12/2011 | (936805) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 03/12/2007 (542224) CN603570979**
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 115, SubChapter C 115.222(1)
- Description: The fuel drop tubes were greater than 6 inches from the bottom of their gasoline tanks.
- 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  
PLANO SHELL, INC. DBA  
COOKS SHELL MART;  
RN101552495**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2011-1235-PST-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Plano Shell, Inc. DBA Cooks Shell Mart ("Respondent") under the authority of TEX. WATER CODE ch. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Walter D. James III, of JAMES PLLC, together stipulate that:

1. Respondent owns and operates, as defined in 30 Tex. Admin. Code § 334.2(70) and (73), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 1401 Cooks Lane in Fort Worth, Tarrant County, Texas (the "Facility"). The USTs at the Facility 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.
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 Executive Director and Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that Respondent is subject to the Commission's jurisdiction.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of twenty-four thousand five hundred twenty-five dollars (\$24,525.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid six hundred ninety dollars (\$690.00) of the administrative penalty. The remaining amount of twenty-three thousand eight hundred thirty-five dollars (\$23,835.00) of the administrative penalty shall be payable in thirty-five (35) monthly payments of six hundred eighty-one dollars (\$681.00) 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.
6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
  7. The Executive Director and Respondent agree on a settlement of the matters addressed in this Agreed Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
  8. The Executive Director recognizes that Respondent implemented the following corrective measures:
    - a. On September 15, 2011, Respondent submitted documentation to demonstrate compliance with TCEQ release detection requirements, in accordance with 30 TEX. ADMIN. CODE § 334.50;
    - b. On June 2, 2011, Respondent reported the suspected release to the TCEQ, in accordance with 30 TEX. ADMIN. CODE § 334.72;
    - c. On June 11, 2011, Respondent conducted a tank tightness test with passing results; and
    - d. On June 29, 2011, Respondent submitted documentation to demonstrate that the release was investigated, the source of the release was identified and repaired, and a site assessment has been initiated, in accordance with 30 TEX. ADMIN. CODE § 334.74.
  9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained in this Agreed Order.
  10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  11. The provisions of this Agreed Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

1. During an investigation conducted on June 3, 2011, a TCEQ Dallas/Fort Worth Regional Office investigator documented that Respondent:
  - a. Failed to monitor the UST for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(a);
  - b. Failed to report a suspected release to the TCEQ within 24 hours of the discovery, in violation of 30 TEX. ADMIN. CODE § 334.72(3)(b). Specifically, the

inventory control records for February and March 2011, indicated a suspected release that was not reported within 24 hours;

- c. Failed to investigate a suspected release within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, inventory control records for February and March 2011 indicated a suspected release that was not investigated within 30 days; and
  - d. Failed to prevent an unauthorized discharge of petroleum fuel into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121 and 30 TEX. ADMIN. CODE § 334.48(a). Specifically, on June 2, 2011, Respondent reported to the TCEQ that the unleaded product line experienced a release, due to the failure of a fitting clamp on the secondary containment dispenser, requiring the removal of 7,530 gallons of fuel-contaminated water and 500 cubic yards of fuel-contaminated soil.
2. Respondent received notice of the violations on or about July 20, 2011.

### III. DENIALS

Respondent generally denies each Allegation in Section II.

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Respondent pay an administrative penalty as set forth in Section I, Paragraph 5, above. 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 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: Plano Shell, Inc. DBA Cooks Shell Mart, Docket No. 2011-1235-PST-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. Within 30 days after the effective date of this Agreed Order, Respondent shall complete a site investigation and submit to the Executive Director for review and approval a report which summarizes the findings of the Release Investigation (the "Release Investigation Report"). The Release Investigation Report shall include a proposal for corrective action. The proposal shall be submitted in accordance with 30 TEX. ADMIN. CODE ch. 334, subchapters D and G (relating to Release and Corrective Action and Target Concentration Criteria, respectively) or other applicable guidance approved by the Executive Director.
  - b. Upon review, possible modification, and approval of the Release Investigation Report by the Executive Director, Respondent shall implement the proposal in accordance with the approved implementation schedule.

- c. If after receipt for the Release Investigation Report the Executive Director determines that additional investigation is necessary, Respondent shall implement such investigation and report the results as directed by the Executive Director.
- d. 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, Respondent shall submit the additional information to the Executive Director and perform the additional actions within the time-frames specified in the request.
- e. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

Respondent shall submit the written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Sam Barrett, Waste Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

and:

Remediation Division  
Texas Commission on Environmental Quality, MC 127  
P.O. Box 13088  
Austin, Texas 78711-3088

3. All relief not expressly granted in this Agreed Order is denied.
4. The provisions of 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 Facility 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. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. 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.
9. 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 a copy of the fully executed Agreed Order to Respondent, whichever is earlier.

**SIGNATURE PAGE**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

\_\_\_\_\_  
For the Commission

*M. Sweeney*  
For the Executive Director

*July 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 Plano Shell, Inc. DBA Cooks Shell 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 Agreed 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.

*Marawat Hussain*  
Signature - Marawat Hussain, Director  
Plano Shell, Inc.

*6/15/12*  
Date

*Marawat Hussain*