EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 47550
Lawbella Gasoline, Inc. d/b/a Dry Creek of Bridgeport
RN101573392
Docket No. 2013-1644-PST-E

Order Type:
Default Order

Media:
PST

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
806 13th Street, Bridgeport, Wise 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: January 2, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: $13,500

Total Paid to General Revenue: $0

Total Due to General Revenue: $13,500

Compliance History Classifications:
Person/CN – High
Site/RN – High

Major Source: Yes

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: May 14, 2013; August 7, 2013

Date(s) of NOV(s): N/A

Date(s) of NOE(s): August 7, 2013

Violation Information

1. Failed to provide corrosion protection for the UST system [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(a)(1)].
2. Failed to maintain UST records and make them immediately available for inspection upon request by TCEQ personnel [30 TEX. ADMIN. CODE § 334.10(b)(1)(B)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
Respondent no longer owns or operates the Facility as of January 31, 2014.

Technical Requirements: N/A

Litigation Information

Date Petition(s) Filed: December 20, 2014; May 30, 2014

Date Green Card(s) Signed: Unclaimed; July 10, 2014 (via Secretary of State)

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: J. Amber Ahmed, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: David Carney, Enforcement Division, (512) 239-2583

TCEQ Regional Contact: Sam Barrett, Dallas/Fort Worth Regional Office, (817) 588-5800

Respondent Contact: Joseph J. Byun, President, Lawbella Gasoline, Inc., 2346 Salisbury Court, Lewisville, TX 75056

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011) — *PCW Revision August 3, 2011*

DATES					
Assigned	12-Aug-2013				
PCW	19-Dec-2013	Screening	3-Sep-2013	EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	Lawbella Gasoline, Inc. dba Dry Creek of Bridgeport		
Reg. Ent. Ref. No.	RN101573392		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	47550	No. of Violations	2
Docket No.	2013-1644-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	David Carney
		EC's Team	Enforcement Team 4
Admin. Penalty $ Limit Minimum	$0	Maximum	$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)		*Subtotal 1*	$11,250
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	10.0% Enhancement	*Subtotals 2, 3, & 7*	$1,125
Notes	Reduction for high performer classification and enhancement for one agreed order with denial of liability.		
Culpability	No — 0.0% Enhancement	*Subtotal 4*	$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		*Subtotal 5*	$0
Economic Benefit	0.0% Enhancement*	*Subtotal 6*	$0
Total EB Amounts	$472	**Capped at the Total EB $ Amount*	
Approx. Cost of Compliance	$6,500		
SUM OF SUBTOTALS 1-7		*Final Subtotal*	$12,375
OTHER FACTORS AS JUSTICE MAY REQUIRE	9.1%	*Adjustment*	$1,125
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes	The Executive Director recommends an upward adjustment to offset the reduction for high performer classification.		
		Final Penalty Amount	$13,500
STATUTORY LIMIT ADJUSTMENT		*Final Assessed Penalty*	$13,500
DEFERRAL	0.0% Reduction	*Adjustment*	$0
Reduces the Final Assessed Penalty by the indicated percentage. *(Enter number only; e g 20 for 20% reduction)*			
Notes	Deferral not offered for non-expedited settlement.		
PAYABLE PENALTY			$13,500

Screening Date	3-Sep-2013	**Docket No.**	2013-1644-PST-E	**PCW**
Respondent	Lawbella Gasoline, Inc. dba Dry Creek of Bridgeport			*Policy Revision 3 (September 2011)*
Case ID No.	47550			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN101573392			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	David Carney			

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 (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
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) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for high performer classification and enhancement for one agreed order with denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 10%

Screening Date	3-Sep-2013	**Docket No.**	2013-1644-PST-E	**PCW**
Respondent	Lawbella Gasoline, Inc. dba Dry Creek of Bridgeport			*Policy Revision 3 (September 2011)*
Case ID No.	47550			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN101573392			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	David Carney			

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 334.49(a)(1) and Tex. Water Code § 26.3475(d)

Violation Description Failed to provide corrosion protection for the underground storage tank ("UST") system.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 30.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

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 $17,500

$7,500

Violation Events

Number of Violation Events 1 — 27 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $7,500

One monthly event is recommended from the August 7, 2013 record review date to the September 3, 2013 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 $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $445

Statutory Limit Test

Violation Final Penalty Total $9,000

This violation Final Assessed Penalty (adjusted for limits) $9,000

Economic Benefit Worksheet

Respondent Lawbella Gasoline, Inc. dba Dry Creek of Bridgeport
Case ID No. 47550
Reg. Ent. Reference No. RN101573392
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$6,000	14-May-2013	5-Jun-2014	1.06	$21	$424	$445
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to provide corrosion protection for the UST system. The Date Required is the investigation date and the 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 $6,000

TOTAL $445

Screening Date	3-Sep-2013	**Docket No.**	2013-1644-PST-E	**PCW**
Respondent	Lawbella Gasoline, Inc. dba Dry Creek of Bridgeport			*Policy Revision 3 (September 2011)*
Case ID No.	47550			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN101573392			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	David Carney			

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.10(b)(1)(B)

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

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

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

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1 — 27 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $3,750

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 $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $27

Statutory Limit Test

Violation Final Penalty Total $4,500

This violation Final Assessed Penalty (adjusted for limits) $4,500

Economic Benefit Worksheet

Respondent Lawbella Gasoline, Inc. dba Dry Creek of Bridgeport
Case ID No. 47550
Reg. Ent. Reference No. RN101573392
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	14-May-2013	5-Jun-2014	1.06	$27	n/a	$27
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 and make them immediately available for inspection upon request by TCEQ personnel. The Date Required is the investigation date and the 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 $27

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

PUBLISHED Compliance History Report for CN603016528, RN101573392, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator:	CN603016528, Lawbella Gasoline, Inc.	**Classification:** HIGH	**Rating:** 0.00
Regulated Entity:	RN101573392, Dry Creek of Bridgeport	**Classification:** HIGH	**Rating:** 0.00
Complexity Points:	2	**Repeat Violator:**	NO
CH Group:	14 - Other		
Location:	806 13TH STREET, BRIDGEPORT, TEXAS 76426-3808, WISE COUNTY		
TCEQ Region:	REGION 04 - DFW METROPLEX		
ID Number(s):	**PETROLEUM STORAGE TANK REGISTRATION** 74536		

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: August 14, 2013

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 14, 2008 to August 14, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: David Carney **Phone:** (512) 239-2583

Site and Owner/Operator History:

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** for #2, who is the current owner/operator?	New A Malik, Inc., owner/operator since 2/01/2014
4) If **YES** for #2, who was/were the prior owner(s)/operator(s)?	Lawbella Gasoline, Inc., owner/operator 12/29/2005 to 1/31/2014
5) If **YES**, when did the change(s) in owner or operator occur?	2/01/14

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 03/21/2013 ADMINORDER 2012-0213-PST-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a)
30 TAC Chapter 334, SubChapter C 334.50(b)(2)

Description: Failed to provide proper release detection for the pressurized piping associated with the UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on August 11, 2010 and a record review conducted on January 9, 2012. Specifically, the annual line leak detector and pressurized piping tightness tests were not conducted.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING LAWBELLA GASOLINE, INC. DBA DRY CREEK OF BRIDGEPORT; RN101573392	**§ § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2013-1644-PST-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Lawbella Gasoline, Inc. d/b/a Dry Creek of Bridgeport ("Respondent").

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

FINDINGS OF FACT

1. Respondent owned and operated, 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 806 13th Street in Bridgeport, Wise County, Texas (Facility ID No. 74536) (the "Facility"). The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the TCEQ, and contain a regulated petroleum substance as defined in the rules of the TCEQ.

2. During an investigation conducted on May 14, 2013, and a record review conducted on August 7, 2013, a University of Texas at Arlington Petroleum Storage Tank Program Investigator (TCEQ Contractor) documented that Respondent:

   a. Failed to provide corrosion protection for the UST system; and

   b. Failed to maintain UST records and make them immediately available for inspection upon request by TCEQ personnel.

3. The Executive Director recognizes that Respondent no longer owns or operates the Facility, as of January 31, 2014.

4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Lawbella Gasoline, Inc. d/b/a Dry Creek of Bridgeport" (the "EDPRP") in the TCEQ Chief Clerk's office on December 20, 2013.

5. The EDPRP was mailed to Respondent's last known address on December 20, 2013, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "return to sender."

6. The Executive Director re-filed the EDPRP with the Chief Clerk's office on May 30, 2014.

7. The Executive Director requested via a letter dated May 30, 2014, that the Secretary of State - Citations Unit (the "SOS"), serve Respondent with a copy of the EDPRP. The Executive Director received a letter from the SOS dated July 11, 2014, indicating proper citation and service.

8. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

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 and the rules of the TCEQ.

2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide corrosion protection for the UST system, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(a)(1).

3. As evidenced by Finding of Fact No. 2.b., Respondent failed to maintain UST records and make them immediately available for inspection upon request by TCEQ personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(1)(B).

4. As evidenced by Findings of Fact Nos. 4 through 7, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and TEX. BUS. ORG. CODE §§ 5.251(1)(B), 5.252, and 5.253.

5. As evidenced by Finding of Fact No. 8, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.

6. 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 TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

7. An administrative penalty in the amount of thirteen thousand five hundred dollars ($13,500.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of thirteen thousand five hundred dollars ($13,500.00) 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 Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.

2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Lawbella Gasoline, Inc. d/b/a Dry Creek of Bridgeport; Docket No. 2013-1644-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

3. All relief not expressly granted in this Order is denied.

4. The provisions of this Order shall apply to and be binding upon Respondent.

5. If Respondent fails to comply with any of the Ordering Provisions in this 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 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 Order or in any plan, report, or other document submitted pursuant to this 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

AFFIDAVIT OF J. AMBER AHMED

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

"My name is J. Amber Ahmed. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Lawbella Gasoline, Inc. d/b/a Dry Creek of Bridgeport" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on December 20, 2013.

The EDPRP was mailed to Respondent's last known address on December 20, 2013, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "return to sender."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on May 30, 2014.

The Executive Director requested via a letter dated May 30, 2014, that the Secretary of State - Citations Unit (the "SOS"), serve Respondent with a copy of the EDPRP. The Executive Director received a letter from the SOS dated July 11, 2014, indicating proper citation and service, in accordance with the provisions of TEX. BUS. ORG. CODE §§ 5.251(1)(B), 5.252, and 5.253.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

J. Amber Ahmed, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared J. Amber Ahmed, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 12th day of December, A.D. 2014.

ECKO RENE BEGGS
Notary Public, State of Texas
My Commission Expires
MAY 30, 2018

Notary without Bond

Notary Signature