

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 7, 2009

TO: All Persons on Mailing List

RE: **SOAH Docket No. 582-08-3469; TCEQ Docket No. 2004-0694-PST-E;** In the matter of an Enforcement Action against **M.V.K., Inc. dba EZ Express 1.**

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **May 20, 2009 at 9:30 A.M.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

Pursuant to 30 TAC § 80.263, oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations.

Should you need any additional information, please contact Melissa Chao at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,

A handwritten signature in cursive script, reading "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/jf

MAILING LIST
M.V.K., INC. DBA EZ EXPRESS 1
SOAH DOCKET NO. 582-08-3469
TCEQ DOCKET NO. 2004-0694-PST-E

Mohammad Ali, Registered Agent and President Representing the Respondent
M.V.K., Inc. dba EZ Express 1
1701 Hewitt Drive
Waco, Texas 76712

Mohammad Ali, Registered Agent and President
M.V.K., Inc. dba EZ Express 1
9000 Chapel Road #18102
Waco, Texas 76712

Waziv Ali
1701 Hewitt Drive
Waco, Texas 76712

Kari Gilbreth, Staff Attorney Representing the Executive Director of the
Texas Commission on Environmental Quality TCEQ
Legal Division, MC-175
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-0600
Fax: (512) 239-0606

Blas Coy, Jr. Representing the Office of Public Interest
Texas Commission on Environmental Quality Counsel of the TCEQ
Office Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711-3087
Tel: (512) 239-6363
Fax: (512) 239-6377

Roy G. Scudday, Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street, Ste. 502
Austin, Texas 78701
Tel: (512) 475-4993
Fax: (512) 475-4994

Docket Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
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Fax: (512) 239-3311

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 28, 2009

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 APR 29 AM 11:15
CHIEF CLERKS OFFICE

To: Persons on the attached mailing list (By mail and facsimile as indicated)

Re: Enforcement Action against M.V.K., Inc. dba EZ Express 1; TCEQ Docket No. 2004-0694-PST-E; SOAH Docket No. 582-08-3469.

The above-named matter is scheduled to be considered by the Texas Commission on Environmental Quality (Commission) at its May 6, 2009 public meeting. However, in order to accommodate scheduling considerations, this matter is being continued from that agenda, and will be set on a future agenda to be determined. At such time as this matter is set on a future agenda, a separate letter will be sent notifying the parties of the agenda date.

If you have any questions about this matter, please contact Shannon L. Strong, Assistant General Counsel, at (512) 239-0972.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Les Trobman".

Les Trobman
General Counsel

Mailing List

Mailing List
M.V.K., Inc. dba EZ Express 1
TCEQ Docket No. 2004-0694-PST-E
SOAH Docket No. 582-08-3469

Mohammad Ali
Registered Agent and President
M.V.K., Inc. dba EZ Express 1
1701 Hewitt Dr.
Waco, Texas 76712
254/666-1110 FAX 254/666-1219

Mohammad Ali
Registered Agent and President
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9000 Chapel Rd., #18102
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Waziv Ali
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Kari Gilbreth
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512/239-0600 FAX 512/239-0606

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Docket Clerk
TCEQ Office of Chief Clerk MC 105
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Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311

Bridget Bohac
TCEQ Office of Public Assistance MC 108
P.O. Box 13087
Austin, Texas 78711-3087
512/239-4000 FAX 512/239-4007

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 24, 2009

TO: All Persons on Mailing List

RE: **SOAH Docket No. 582-08-3469; TCEQ Docket No. 2004-0694-PST-E;** In the matter of an Enforcement Action against **M.V.K., Inc. dba EZ Express 1.**

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **May 6, 2009** at **9:30 A.M.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

Pursuant to 30 TAC § 80.263, oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations.

Should you need any additional information, please contact Melissa Chao at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,


LaDonna Castañuela
Chief Clerk

LDC/jf

MAILING LIST
M.V.K., INC. DBA EZ EXPRESS 1
SOAH DOCKET NO. 582-08-3469
TCEQ DOCKET NO. 2004-0694-PST-E

Mohammad Ali, Registered Agent and President Representing the Respondent
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1701 Hewitt Drive
Waco, Texas 76712

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Texas Commission on Environmental Quality
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087
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Fax: (512) 239-3311

December 08, 2008

2008 DEC 10 PM 2:16

CHIEF CLERKS OFFICE

TO: The Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, TX, 78711-3087. Melissa Chao, Office of the Chief Clerk.

RE: **Opportunity to Comment on the State Office of Administrative Hearings Proposal for Decision and Order regarding M.V.K. Inc. DBA E-Z Express 1, TCEQ Docket No. 2004-0694-PST-E & SOAH Docket No. 582-08-3469**

This letter is a Notice of Opportunity to Comment on the State Office of Administrative Hearings Proposal for Decision and Order regarding the Proposal for decision by The Texas Commission on Environmental Quality on November 20, 2008.

We the Respondent own and operate a convenience store and gasoline station located at 1701 Hewitt Dr. Waco, TX 76712. On January 12, 2004, TCEQ Investigator Jason Neumann conducted an inspection of the facility and discovered that Respondent had violated rules and statutes within the Commission's jurisdiction. At the hearing the ALJ was shown proof of compliance for all violations and requested for consideration based on said compliance as well as the proof for compliance namely: SIR monthly report, tank monitoring and release detection as well as a Third party monitoring which was not taken into account but was requested by TCEQ, thus having met all the needs of the TCEQ the Respondent asks for the Commission to give some consideration on paying such a substantial penalty of \$8,500.00

The ALJ at the closing remarks did not mention nor were we aware (as we could not afford to hire an attorney to represent us as a result we had to represent ourselves) of being able to present any evidence on our ability to pay the penalty as we would have shown the declining sales that we have currently ongoing. Due to the recession and slow business we are not able to even meet our daily targets for sales, which are not helped by the volatility of petroleum and diesel prices. Sometimes we are forced to sell petroleum at cost or below cost to attract customers to come and give us their business. Thus we request you to consider some leniency on the penalty and subsequent fine.

Mohammad Ali
President M.V.K. Inc DBA
E-Z Express 1



From DNV Inc 28A E2 Express A
1701 Hewitt St
WA Co TX 76712

RECEIVED

DEC 10 2008

TCEQ MAIL CENTER
MM

To,

CHIEF CLERKS OFFICE

2008 DEC 10 PM 2:16

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Chief Clerk's office MC 105
Texas Commission on Environmental Quality

P. O Box 13087

AUSTIN TX 78711-3087

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 26, 2008

TO: SEE SERVICE LIST

RE: Opportunity to Comment on the State Office of Administrative Hearings Proposal for Decision and Order regarding **M.V.K., Inc. dba EZ Express 1, TCEQ Docket No. 2004-0694-PST-E & SOAH Docket No. 582-08-3469**

Please be informed that the following notice was published in the *Texas Register* for a 30-day comment period:

The State Office of Administrative Hearings issued a Proposal for Decision and Order to the Texas Commission on Environmental Quality on **November 20, 2008**, in the matter of the **Executive Director of the Texas Commission on Environmental Quality, Petitioner v. M.V.K., Inc. dba EZ Express 1; SOAH Docket No. 582-08-3469; TCEQ Docket No. 2004-0694-PST-E**. The commission will consider the Administrative Law Judge's Proposal for Decision and Order regarding the enforcement action against **M.V.K., Inc. dba EZ Express 1** on a date and time to be determined by the Office of the Chief Clerk in Room 201S of Building E, 12100 N. Interstate 35, Austin, Texas.

This posting is Notice of Opportunity to Comment on the Proposal for Decision and Order. The comment period will end 30 days from date of this publication. Written public comments should be submitted to the Office of the Chief Clerk, MC-105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. If you have any questions or need assistance, please contact Melissa Chao, Office of the Chief Clerk, (512) 239-3300.

This notice will be published in the *Texas Register* on **December 5, 2008**. Written public comments should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. Should you have any questions, please call Melissa Chao or me at (512) 239-3300.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/mt

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SOAH DOCKET NO. 582-08-3469
TCEQ DOCKET NO. 2004-0694-PST-E

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