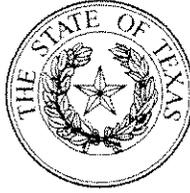


# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

November 17, 2010

Les Trobman, General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin Texas 78711-3087

Re: SOAH Docket No. 582-10-1411; TCEQ Docket Nos. 2006-1471-PST-E and 2009-0236-PST-E; In Re: Executive Director of the Texas Commission on Environmental Quality vs. Syed Ali and Ahmed Realty GP, L.L.C., Both DBA Chevron HP #333; RN101775104

Dear Mr. Trobman:

The above-referenced matter will be considered by the Texas Commission on Environmental Quality on a date and time to be determined by the Chief Clerk's Office in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas.

Enclosed are copies of the Proposal for Decision on Summary Disposition and Order that have been recommended to the Commission for approval. Any party may file exceptions or briefs by filing the documents with the Chief Clerk of the Texas Commission on Environmental Quality no later than December 6, 2010. Any replies to exceptions or briefs must be filed in the same manner no later than December 16, 2010.

This matter has been designated **TCEQ Docket No. 2006-1471-PST-E and 2009-0236-PST-E; SOAH Docket No. 582-10-1411**. All documents to be filed must clearly reference these assigned docket numbers. All exceptions, briefs and replies along with certification of service to the above parties shall be filed with the Chief Clerk of the TCEQ electronically at <http://www10.tceq.state.tx.us/epic/efilings/> or by filing an original and seven copies with the Chief Clerk of the TCEQ. Failure to provide copies may be grounds for withholding consideration of the pleadings.

Sincerely,

  
\_\_\_\_\_  
TOMMY L. BROYLES  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

TLB/lb  
Enclosures  
cc: Mailing List

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

**AUSTIN OFFICE**

**300 West 15th Street Suite 502**

**Austin, Texas 78701**

**Phone: (512) 475-4993**

**Fax: (512) 322-2061**

**SERVICE LIST**

**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)

**STYLE/CASE:** AHMED REALTY GP LLC / CHEVRON HP #333

**SOAH DOCKET NUMBER:** 582-10-1411

**REFERRING AGENCY CASE:** 2009-0236-PST-E

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE  
ALJ TOMMY L. BROYLES**

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**REPRESENTATIVE / ADDRESS**

**PARTIES**

BLAS J. COY, JR.  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
OFFICE OF PUBLIC INTEREST COUNSEL  
P.O. BOX 13087, MC-103  
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(512) 239-6363 (PH)  
(512) 239-6377 (FAX)  
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OFFICE OF PUBLIC INTEREST COUNSEL

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DOCKET CLERK  
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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JENNIFER N COOK  
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TCEQ EXECUTIVE DIRECTOR

---

SYED ALI  
8003 ANTOINE DRIVE  
HOUSTON, TX 77088  
(713) 478-6519 (PH)

SYED ALI

---

MOHAMMED AHMED  
REGISTERED AGENT  
AHMED REALTY GP, L.L.C. DBA CHEVRON HP #333  
13648 HIGHWAY 249  
HOUSTON, TX 77086  
(281) 931-8734 (PH)

AHMED REALTY GP, L.L.C. DBA CHEVRON HP #333

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Note: CONSOLIDATED WITH SOAH DOCKET NO. 582-09-3850

xc: Docket Clerk, State Office of Administrative Hearings

**SOAH DOCKET NO. 582-10-1411**  
**TCEQ DOCKET NOS. 2006-1471-PST-E and 2009-0236-PST-E**

<b>EXECUTIVE DIRECTOR OF THE</b>	§	<b>BEFORE THE STATE OFFICE</b>
<b>TEXAS COMMISSION ON</b>	§	
<b>ENVIRONMENTAL QUALITY,</b>	§	
<b>Petitioner</b>	§	
	§	
<b>VS.</b>	§	<b>OF</b>
	§	
<b>SYED ALI AND AHMED REALTY</b>	§	
<b>GP, L.L.C., BOTH DBA CHEVRON</b>	§	<b>ADMINISTRATIVE HEARINGS</b>
<b>HP #333; RN101775104</b>	§	
<b>Respondents</b>	§	

**PROPOSAL FOR DECISION ON SUMMARY DISPOSITION**

**I. INTRODUCTION**

In its Fourth Amended Report and Petition (FARP), the Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) alleged that Syed Ali and Ahmed Realty GP, L.L.C. (Respondents) own and operate a convenience store, identified as Chevron HP #333 (Station), that has underground storage tanks (USTs) and retail sales of gasoline. The ED alleges Respondents violated the applicable rules at the Station by failing to maintain the Stage II vapor recovery system in proper operating condition; by failing to monitor the USTs for releases at a frequency of at least once every month; by failing to monitor the pressurized piping associated with the UST system in a manner designed to detect releases from a portion of the piping system; and by failing to test the line link detectors at least once per year for performance and operational reliability. For these violations, the ED seeks an administrative penalty of \$8,060 and an order directing Respondents to perform certain corrective actions.

Respondents did not contest the facts as alleged by the ED. Rather, they request leniency from the Commission in the form of a reduction in the proposed penalty. On September 15, 2010, the Administrative Law Judge (ALJ) granted the ED's Motion for Summary Disposition

and advised Respondents to contact the ED to pursue any economic hardship claims.<sup>1</sup> In this Proposal for Decision, the ALJ recommends that the Commission find that the alleged violations occurred, assess an administrative penalty of \$8,060, and order the corrective actions recommended by the ED.

## II. PROCEDURAL HISTORY

April 24, 2009	The ED referred its action against Syed Ali to the State Office of Administrative Hearings (SOAH).
July 30, 2009	Preliminary hearing held.
November 13, 2009	The ED referred its action against Ahmed Realty GP, L.L.P. (Ahmed Realty) to SOAH.
December 4, 2009	The ED served Respondents with discovery requests including requests for admissions, interrogatories, and requests for production.
January 21, 2010	Preliminary hearing held and the ED's actions against Syed Ali and Ahmed Realty were consolidated. A new discovery response deadline of May 1, 2010, was agreed to by parties.
May 18, 2010	Some discovery responses received by ED.
June 15, 2010	ED filed Motion to Compel.
June 25, 2010	Order Granting Motion to Compel issued and Respondents given until July 15, 2010, to supplement discovery responses.
July 14, 2010	Respondents filed supplemental discovery responses but failed to provide answers to interrogatories or requests for admissions. Respondents did not respond to the ED's requests for admissions or interrogatory nos. 12, 13, and 14, as required by Order No. 4.
September 1, 2010	Motion for Summary Disposition filed by ED. No response was timely received from Respondents.

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<sup>1</sup> To clarify the record, the ALJ hereby enters the ED's Motion for Summary Disposition, including the attached Exhibits A-E into the record as ED E, docket 582-10-1411. Respondents' letter dated September 24, 2010, is also entered into the record as Respondents' Exhibit A.

- September 24, 2010 Letter received from Respondents stating that they do not dispute the ED's findings but are seeking leniency from the proposed penalty.
- September 30, 2010 Order Granting Motion for Summary Disposition was issued, the record was closed, and the October 7, 2010 hearing was cancelled.

### III. LEGAL AUTHORITY FOR SUMMARY DISPOSITION

The Commission's rule at 30 TEX. ADMIN. CODE § 80.137(c) provides:

Summary disposition shall be rendered if the pleadings, admissions, affidavits, stipulations, deposition transcripts, interrogatory answers, other discovery responses, exhibits and authenticated or certified public records, if any, on file in the case at the time of hearing, or filed thereafter and before disposition with the permission of the judge, show that there is no genuine issue as to any material fact and the moving party is entitled to summary disposition as a matter of law on all or some of the issues expressly set out in the motion or in an answer or any other response.

### IV. DISCUSSION

#### A. Violations

During an inspection conducted on June 22, 2006, a University of Texas at Arlington TCEQ contract investigator documented that the Station was in violation of the following regulations:

1. 30 TEX. ADMIN. CODE § 115.242(3) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain the Stage II vapor recovery system in proper operating condition as the swivel adapters were not installed on the Stage I dry break and product fill ports;
2. 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1) by failing to put the automatic tank gauge into test mode at least once a month or so as not to exceed 35 days between each testing;

3. 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a) by failing to conduct annual piping tightness tests and by failing to monthly monitor the piping associated with the UST system; and
4. 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a) by failing to annually conduct performance testing on the line leak detectors.

An additional violation was noted during a record review by TCEQ staff on October 15, 2008. At that time, it was documented that Respondents violated 30 TEX. ADMIN. CODE § 334.7(d)(3) by having a registration that was not updated to reflect the current property owner information.

By letter dated September 24, 2010, Respondents did not dispute the alleged violations but rather requested a reduction in the proposed penalty. Respondents asserted that they had complied with the requested corrective actions and had submitted the receipts and work orders as proof. Respondents further noted there was no material damage or loss caused by the violations. Finally, Respondents cited to the current economic conditions as reason for leniency on the penalties assessed.

#### **B. Administrative Penalties**

TEX. WATER CODE § 7.053 requires the TCEQ to consider certain factors when calculating an administrative penalty. After considering those factors and using the Commission's established Penalty Policy, the ED recommended a penalty of \$8,060.00 for Respondent's violations. The FARP included a penalty calculation worksheet for Respondent's violations based upon the Commission's Penalty Policy. The deemed admissions included admissions that the requested penalty is reasonable and consistent with the Commission's Penalty Policy and that the proposed penalty is an appropriate penalty in this case.

Nevertheless, in Order No. 8 wherein summary disposition was granted, the ALJ invited Respondents to contact the ED and file the appropriate information if they would like to assert hardship and an inability to pay in accordance with Commission rules. To date, the ALJ is unaware of any further correspondence concerning Respondents request for leniency due to their economic situation.

### **C. Corrective Action**

TEX. WATER CODE § 7.073 allows the Commission to order a person who violates any statute or rule within the Commission's jurisdiction to take corrective action. Respondents have submitted receipts and other documents in support of their contention that they have taken corrective actions. With its Motion for Summary Disposition, the ED offered an affidavit from Keith Franks, Enforcement Coordinator in the Enforcement Division of the Commission, stating that the only corrective actions remaining are an amended registration to correct the tank operator information and a certification that the amended registration is believed to be true, accurate and complete.

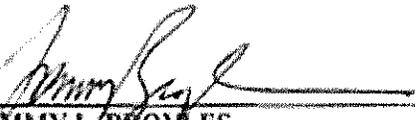
## **V. RECOMMENDATION**

Based on the ED's summary disposition evidence (including deemed admissions to the above-stated facts) and Respondent's letter in response to the ED's Motion for Summary Disposition, no genuine issue as to any material fact exists. The ED has established as a matter of law that Respondent violated the aforementioned regulations and allegations.

Also based on the ED's summary disposition evidence and Respondent's deemed admissions, no genuine issue as to any material fact exists regarding the calculation and assessment of the proposed administrative penalty. The ED has established as a matter of law that a \$8,060 administrative penalty is fair and reasonable and should be assessed against Respondents. As pertaining to the corrective actions requested and based upon the affidavit of Mr. Franks, the ALJ recommends that the Commission order the two corrective actions as proposed by the ED.

In sum, the ALJ recommends the Commission approve the summary disposition granted to the ED and against the Respondents; find that the Respondents have violated the regulations as alleged; and adopt the attached proposed Order, which assesses an administrative penalty of \$8,060 against Respondents and requires Respondents to take the appropriate corrective actions.

SIGNED November 17, 2010.

  
\_\_\_\_\_  
TOMMY L. BROWLES  
ADMINISTRATIVE LAW JUDGE  
§ STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AN ORDER Assessing Administrative Penalties Against  
and Ordering Corrective Action by Syed Ali  
and Ahmed Realty GP, L.L.C., both DBA  
Chevron HP #333, RN101775104; TCEQ  
Docket Nos. 2006-1471-PST-E and 2009-  
0236-PST-E; SOAH Docket No. 582-10-1411**

On \_\_\_\_\_, 2011, the Texas Commission on Environmental Quality (TCEQ or Commission) considered the Executive Director's Fourth Amended Report and Petition (FARP), which recommended that the Commission enter an order assessing administrative penalties against and requiring corrective action by Syed Ali and Ahmed Realty GP, L.L.C., both DBA Chevron HP #333 (Respondents). A Proposal for Decision (PFD) on Motion for Summary Disposition was presented by Tommy L. Broyles, an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH).

After considering the ALJ's PFD, the Commission adopts the following Findings of Fact and Conclusions of Law:

**I. FINDINGS OF FACT**

1. Respondents Syed Ali and Ahmed Realty GP, L.L.C. owned and operated a convenience store from at least June 22, 2006, through October 15, 2008, which is properly identified as Chevron HP #333 (Station) and is located at 8003 Antoine Drive, Houston, Harris County, Texas (Station).
2. The Station has an underground storage tank (UST) containing a regulated petroleum substance.

3. On June 22, 2006, the Station was in violation of:
  - a. 30 TEX. ADMIN. CODE §§ 115.242(3) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain the Stage II vapor recovery system in proper operating condition and free of defects that would impair the effectiveness of the system. Specifically, the swivel adapters were not installed on the Stage I dry break and product fill ports.
  - b. 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1) by failing to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, the Station did not put the automatic tank gauge into test mode at least once a month.
  - c. 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a) by failing to monitor the pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system. Specifically, the Station did not conduct the annual piping tightness testing nor the monthly monitoring of the piping associated with the UST system.
  - d. 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a) by failing to test the line leak detectors at least once per year for performance and operational reliability.
4. On October 15, 2008, the Station's registration was not updated to reflect the current property owner information (this was determined pursuant to a TCEQ Staff record review).
5. On October 31, 2007, the Executive Director (ED) issued to Syed Ali (Ali) its Preliminary Report and Petition which contained allegations concerning the above-noted June 22, 2006 violations.
6. After receipt of the Preliminary Report and Petition, Ali timely filed a response and requested a hearing.
7. This matter was subsequently transferred to SOAH and on July 6, 2009, the initial notice of public hearing was issued to Ali.
8. On July 30, 2009, a preliminary hearing was held in SOAH Docket No. 582-09-3850.

9. On June 24, 2009, the ED issued its Preliminary Report and Petition containing the allegations of the above violations to Ahmed Realty GP, L.L.C (Ahmed).
10. After receipt of the Preliminary Report and Petition, Ahmed filed a timely response and requested a hearing.
11. This matter was assigned SOAH Docket No. 582-10-1411 when transferred to SOAH, and on November 30, 2009, the initial notice of public hearing was issued to Ahmed.
12. The above noted notices of hearing:
  - a. Indicated the time, date, place, and nature of the hearing;
  - b. Stated the legal authority and jurisdiction for the hearing;
  - c. Indicated the statutes and rules the ED alleged Respondent violated.
  - d. Advised Respondent, in at least twelve-point bold-faced type, that failure to appear at the preliminary hearing or the evidentiary hearing in person or by legal representative would result in the factual allegations contained in the notice and the previously filed ED's First Amended Report and Petition being deemed as true and the relief sought in the notice possibly being granted by default; and
  - e. Included a copy of the ED's penalty calculation worksheet, which shows how the penalty was calculated for the alleged violations.
13. On January 21, 2010, a preliminary hearing was convened in Docket No. 582-10-1411.
14. On January 25, 2010, Docket Nos. 582-09-3850 and 582-10-1411 were consolidated and continued under the 582-10-1411 docket number.
15. On February 1, 2010, the ED's FARP containing allegations that Respondents committed the above June 22, 2006 and October 15, 2008 violations was mailed to Respondents.
16. The ED recommended that the Commission enter an enforcement order assessing a total administrative penalty of \$8,060 against Respondents and that the Commission order Respondents to take certain corrective actions.

17. The \$8,060 administrative penalty sought in the FARP is an accumulation of the different penalties assessed for each violation.
18. The ED served Respondents with discovery requests on December 4, 2009, including interrogatories, requests for disclosure, requests for admissions, and requests for production.
19. Respondents did not respond to the ED's discovery requests by the original due date of January 6, 2010.
20. After the discovery due date, there was an additional preliminary hearing in this case and the parties subsequently filed a new and agreed deadline for discovery responses of May 1, 2010.
21. On May 18, 2010, the ED received an email from Mr. Ahmed containing discovery responses for both parties.
22. The ED filed a Motion to Compel on June 15, 2010, pointing out particular discovery that Respondents had failed to respond to.
23. On June 25, 2010, the ALJ issued an order granting the Motion to Compel and providing July 15, 2010, as the new discovery response deadline.
24. Respondents filed some discovery responses on July 14, 2010, but did not respond to the ED's request for admissions or interrogatory Nos. 12, 13, and 14.
25. On September 1, 2010, the ED filed its Motion for Summary Disposition.
26. On September 14, 2010, the ALJ noted that by operation of law the ED's Requests for Admission were deemed admitted and set the deadline for a response to the ED's Motion for Summary Disposition as September 24, 2010.

27. On September 24, 2010, Respondents filed a letter stating that they do not dispute the findings of the ED but requesting a reduction in the penalties based on current economic conditions and Respondents sincere efforts to comply with the Commission's rules.
28. On September 30, 2010, the ALJ granted the Executive Director's Motion for Summary Disposition, closed the record, and canceled the evidentiary hearing.
29. Respondents failed to offer any evidence that they are financially unable to pay an administrative penalty of \$8,060.
30. The corrective action requested by the ED is necessary, justified, and appropriate given the violations established.
31. Assessing an administrative penalty of \$8,060 against Respondents is reasonable and justified given the violations committed by Respondents and considering the factors set forth in TEX. WATER CODE § 7.053.

## **II. CONCLUSIONS OF LAW**

1. Under TEX. WATER CODE § 7.051, the Commission may assess an administrative penalty against any person who violates a provision of the Texas Water Code or of the Texas Health and Safety Code within the Commission's jurisdiction, or of any rule, order, or permit adopted or issued thereunder.
2. Under TEX. WATER CODE § 7.052, a penalty may not exceed \$10,000 per violation, per day for the violations alleged in this proceeding.
3. In addition to imposing an administrative penalty, the Commission may order the violator to take corrective action, as provided by TEX. WATER CODE § 7.073.
4. As required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE §§ 1.11 and 70.104, Respondents were notified of the violations as contained in the ED's FARP of the opportunity to request a hearing on the alleged violations and the proposed penalties and corrective actions.

5. As required by TEX. GOV'T CODE §§ 2001.051(1) and 2001.052; TEX. WATER CODE § 7.058; 1 TEX. ADMIN. CODE § 155.401; and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.25, 70.104, and 80.6, Respondents were notified of the hearing on the alleged violations and the proposed penalties and corrective actions.
6. SOAH has jurisdiction over matters related to the hearing in this matter, including the authority to issue a Proposal for Decision with Findings of Fact and Conclusions of Law, pursuant to TEX. GOV'T CODE ch. 2003.
7. Based on the Findings of Fact and Conclusions of Law, Repondents violated:
  - a. 30 TEX. ADMIN. CODE §§ 115.242(3) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain the Stage II vapor recovery system in proper operating condition as specified by the manufacturer and/or any applicable California Air Resources Board (CARB) Executive Order(s) and free of defects that would impair the effectiveness of the system.
  - b. 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1) by failing to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).
  - c. 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a) by failing to monitor the pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system.
  - d. 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a) by failing to test the line leak detectors at least once per year for performance and operational reliability.
8. Based on the Findings of Fact and Conclusions of Law, Repondents violated 30 TEX. ADMIN. CODE § 334.7(d)(3) by failing to have the Station's registration updated to reflect the current property owner information on October 15, 2008.
9. In determining the amount of an administrative penalty, TEX. WATER CODE § 7.053 requires the Commission to consider several factors including:
  - a. Its impact or potential impact on public health and safety, natural resources and their uses, and other persons;

- b. The nature, circumstances, extent, duration, and gravity of the prohibited act;
  - c. The history and extent of previous violations by the violator;
  - d. The violator's degree of culpability, good faith, and economic benefit gained through the violation;
  - e. The amount necessary to deter future violations; and
  - f. Any other matters that justice may require.
10. The Commission has adopted a Penalty Policy setting forth its policy regarding the computation and assessment of administrative penalties, effective September 1, 2002.
11. Based on consideration of the above Findings of Fact, the factors set out in TEX. WATER CODE § 7.053, and the Commission's Penalty Policy, the ED correctly calculated the penalties for each of the alleged violations and a total administrative penalty of \$8,060 is justified and should be assessed against Respondents.
12. Based on the above Findings of Fact, Respondents should be required to take the corrective action that the ED recommends.

**NOW, THEREFORE, IT IS ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, IN ACCORDANCE WITH THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THAT:**

1. Respondents Syed Ali and Ahmed Realty GP, L.L.C., both DBA Chevron HP #333 are assessed an administrative penalty in the amount of \$8,060 for violations of the above noted Commission rules. The payment of this administrative penalty and Respondents' compliance with all the terms and conditions set forth in this Order will completely resolve the matters set forth by this Order in this section. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. All checks submitted to pay the penalty assessed by this Order shall be made out to "Texas Commission on Environmental Quality." Administrative penalty payments

shall be sent with the notation "Re: Syed Ali and Ahmed Realty GP, L.L.C., both DBA Chevron HP #333; Docket Nos. 2006-1471-PST-E and 2009-0236-PST-E" to:

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

2. Within 45 days after the effective date of this Order, Respondents shall submit an amended registration to reflect the correct tank operator information, in accordance with 30 TEX. ADMIN. CODE § 334.7 to:

Registration and Reporting Team  
Permitting & Remediation Support Division, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

3. Within 60 days after the effective date of this order, Respondents shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2. 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 sent to:

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

with a copy to:

Nicole Bealle, Waste Section Manager  
Texas Commission on Environmental Quality  
Houston Regional Office  
5425 Polk Street, Suite H  
Houston, Texas 77023-1452

4. The ED may refer this matter to the Office of the Attorney General of the State of Texas 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 Commission Order.
5. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.
6. The effective date of this Order is the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 80.273 and TEX. GOV'T CODE § 2001.144.
7. The Commission's Chief Clerk shall forward a copy of this Order to Respondents.
8. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any provision shall not affect the validity of the remaining portions of this Order.

ISSUED:

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

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**BRYAN W. SHAW, Chairman**  
**For the Commission**