

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.: 2005-0118-PST-E TCEQ ID: RN101835825 CASE NO.: 23887**  
**RESPONDENT NAME: GURU RAKHA, INC. DBA SPEEDY MART**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 2050 Bingle Road, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Convenience store with retail sales of gasoline</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 10, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713) 422-8914  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  TCEQ Enforcement Coordinator: Mr. Daniel Siringi, Air Enforcement Section, MC R-10, (409) 899-8799  TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623  Respondent: Mr. Harcharan Narang, President, Guru Rakha, Inc., 8240 Antoine Drive, Suite 102, Houston, TX 77088  Respondent's Attorney: Mr. Felix Kelley, Attorney, 720 N. Post Oak Road, Suite 610, Houston, TX 77024</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> January 2, 2004 and August 24, 2004</p> <p><b>Date of NOV Relating to this Case:</b> February 23, 2004</p> <p><b>Date of NOE Relating to this Case:</b> January 11, 2005</p> <p><b>Background Facts:</b>                      The petition was filed on October 26, 2006. An agreed order was mailed to the Respondent on June 5, 2007. The Respondent signed the Agreed Order on June 15, 2007.</p> <p><b>PST</b></p> <p>Failed to provide acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p>	<p><b>Total Assessed:</b> \$2,850</p> <p><b>Total Deferred:</b> \$0</p> <p><b>Total Paid/Due to General Revenue:</b> \$268/\$2,582</p> <p>The Respondent has paid \$268 of the administrative penalty. The remaining amount of \$2,582 of the administrative penalty shall be payable in 10 monthly payments of \$234 each and one payment of \$242.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 1, 2002</p>	<p><b>Corrective Action(s) Taken</b></p> <p>The Executive Director recognizes that the Respondent obtained proof of financial assurance on December 3, 2003.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 10, 2004

DATES	Assigned	10-Jan-2005	Screening	20-Jan-2005	Priority Due	11-Mar-2005	EPA Due	
	PCW	29-Aug-2007						

## RESPONDENT/FACILITY INFORMATION

Respondent	Guru Rakha, Inc. dba Speedy Mart		
Reg. Ent. Ref. No.	RN101835825		
Additional ID No(s)	Petroleum Storage Tank Facility ID No. 35292		
Facility/Site Region	12-Houston	Major/Minor Source	Minor Source

## CASE INFORMATION

Enf./Case ID No.	23887	No. of Violations	1
Docket No.	2005-0118-PST-E	Order Type	1660 without deferral
Case Priority	3	Enf. Coordinator	Daniel O. Siringi
Media Program(s)	Petroleum Storage Tank	EC's Team	Enforcement Team 4
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 **\$3,000**

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

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

**Compliance History** 5% Enhancement **Subtotals 2, 3, & 7** **\$150**

Notes: The Respondent has one NOV with same or similar violations at this facility within the past five years.

**Culpability** No 0% Enhancement **Subtotal 4** **\$0**

Notes: The respondent did not meet culpability criteria.

**Good Faith Effort to Comply** 10% Reduction **Subtotal 5** **-\$300**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with a small x)

Notes: The Respondent meets good faith effort criteria.

**Economic Benefit** 0% Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts	\$2,048	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,950	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$2,850**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

**Final Penalty Amount** **\$2,850**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$2,850**

**DEFERRAL** 0% Reduction **Adjustment** **\$0**

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

Notes: No deferral recommended due to previous NOV for the same or similar violations in the past five years.

**PAYABLE PENALTY** **\$2,850**

Screening Date 20-Jan-2005

Docket No. 2005-0118-PST-E

PCW

Respondent Guru Rakha, Inc. dba Speedy Mart

Policy Revision 2 (September 2002)

Case ID No. 23887

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN101835825

Additional ID No(s). Petroleum Storage Tank Facility ID No. 35292

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Daniel O. Siringi

Site Address 2050 Bingle Road, Houston, Harris County

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (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)	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) 5%

>> 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 The Respondent has one NOV with same or similar violations at this facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 20-Jan-2005

Docket No. 2005-0118-PST-E

PCW

Respondent Guru Rakha, Inc. dba Speedy Mart

Policy Revision 2 (September 2002)

Case ID No. 23887

PCW Revision December 10, 2004

Reg. Ent. Reference No. RN101835825

Additional ID No(s). Petroleum Storage Tank Facility ID No. 35292

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Daniel O. Siringi

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 37.815(a) and (b)

Secondary Rule Cite(s)

Violation Description Failure to provide acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of petroleum USTs.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent.

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (10%).

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

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 3

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

Violation Base Penalty \$3,000

Three single events (one per tank) are recommended based upon the record review conducted on August 24, 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,048

Violation Final Penalty Total \$2,850

This violation Final Assessed Penalty (adjusted for limits) \$2,850

## Economic Benefit Worksheet

Respondent **Guru Rakha, Inc. dba Speedy Mart**  
 Case ID No. **23887**  
 Reg. Ent. Reference No. **RN101835825**  
 Additional ID No(s). **Petroleum Storage Tank Facility ID No. 35292**  
 Media [Statute] **Petroleum Storage Tank**  
 Violation No. **1**

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Description No commas or \$							
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,950	03-Dec-2002	03-Dec-2003	1.0	\$98	\$1,950	\$2,048
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide financial assurance for three petroleum USTs (\$650 per tank). Date required is one year prior to initial request. Final date is the initial request date.

Approx. Cost of Compliance \$1,950

TOTAL \$2,048

# Compliance History

Customer/Respondent/Owner-Operator: CN601672496 Guru Rakha, Inc. Classification: AVERAGE Rating: 0.750  
Regulated Entity: RN101835825 SPEEDY MART Classification: AVERAGE Site Rating: 0.75  
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 35292  
Location: 2050 BINGLE RD, HOUSTON, TX, 77055 Rating Date: 9/1/04 Repeat Violator: NO  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: January 24, 2005  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: January 24, 2000 to January 24, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Daniel Siringi Phone: 409-899-8799

## 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 of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, 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.)

2 04/24/2000 (57385)  
4 10/08/2003 (250633)  
6 02/23/2004 (282321)  
8 01/06/2005 (292279)

N/A

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

Date: 02/23/2004 (282321)

Self Report? NO

Citation:

Classification: Moderate

30 TAC Chapter 37, SubChapter I 37.815(a)[G]

30 TAC Chapter 37, SubChapter I 37.815(b)[G]

Description: Failure to provide acceptable financial assurance.

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  
GURU RAKHA, INC. DBA SPEEDY  
MART  
RN101835825

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2005-0118-PST-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Guru Rakha, Inc. dba Speedy Mart ("Guru Rakha") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Guru Rakha, represented by Felix Kelley, Attorney at Law, appear before the Commission and together stipulate that:

1. Guru Rakha owns and operates a convenience store with retail sales of gasoline located at 2050 Bingle Road in Houston, Harris County, Texas (the "Facility").
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 Commission and Guru Rakha agree that the Commission has jurisdiction to enter this Agreed Order, and that Guru Rakha is subject to the Commission's jurisdiction.
4. Guru Rakha received notice of the violations alleged in Section II ("Allegations") on or about January 11, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Guru Rakha of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of two thousand eight hundred fifty dollars (\$2,850.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Guru Rakha has paid two hundred sixty-eight dollars (\$268.00) of the

administrative penalty. The remaining amount of two thousand five hundred eighty-two dollars (\$2,582.00) of the administrative penalty shall be payable in 10 monthly payments of two hundred thirty four dollars (\$234.00) each and a final 11<sup>th</sup> payment of two hundred forty two dollars (\$242.00). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Guru Rakha 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, the failure of Guru Rakha to meet the payment schedule of this Agreed Order constitutes the failure by Guru Rakha to timely and satisfactorily comply with all of the terms of this Agreed Order.

7. 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.
8. The Executive Director of the TCEQ and Guru Rakha have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Guru Rakha obtained proof of financial assurance on December 3, 2003.
10. 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 Guru Rakha has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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

Guru Rakha is alleged to have violated 30 TEX. ADMIN. CODE § 37.815(a) and (b) by failing to provide acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of petroleum USTs as documented during a record review conducted on August 24, 2004, by a TCEQ central office staff.

### III. DENIALS

Guru Rakha generally denies each allegation in Section II ("Allegations").

### IV. ORDER

1. It is, therefore, ordered by the TCEQ that Guru Rakha pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Guru Rakha'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 action 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: Guru Rakha, Inc. dba Speedy Mart, Docket No. 2005-0118-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. The provisions of this Agreed Order shall apply to and be binding upon Guru Rakha. Guru Rakha is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Guru Rakha 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.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

5. Under 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 the Order to Guru Rakha, or three days after the date on which the Commission mails notice of the Order to Guru Rakha, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

TCEO-LITIG HOU R12

Fax: 7134228910

Sep 4 2007 10:43

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Guru Rakha Inc. dba Speedy Mart  
DOCKET NO. 2005-0118-PST-E  
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*[Handwritten Signature]*

*9/7/07*

For the Executive Director

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 the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

*[Handwritten Signature]*  
Signature

*09/04/07*  
Date

*Harecharan Singh Narang*  
Name (Printed or typed)

*owner*  
Title

Authorized representative of  
Guru Rakha, Inc. dba Speedy Mart