

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NUMBER: 2005-0042-PST-E TCEQ ID NO: RN102281953 ENF ID: 23567
RESPONDENT NAME: JAVED IQBAL DBA LEDBETTER CHEVRON

ORDER TYPE:

| | | | |
|--|--|--|---|
| <input type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> SHUTDOWN ORDER | <input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> EMERGENCY ORDER | |

CASE TYPE:

| | | | |
|--|---|---|--|
| <input type="checkbox"/> AGRICULTURE | <input type="checkbox"/> AIR | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE | <input type="checkbox"/> MUNICIPAL SOLID WASTE |
| <input type="checkbox"/> OCCUPATIONAL CERTIFICATION | <input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> RADIOACTIVE WASTE |
| <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL | <input type="checkbox"/> USED OIL |
| <input type="checkbox"/> USED OIL FILTER | <input type="checkbox"/> WATER QUALITY | <input type="checkbox"/> DRY CLEANER REGISTRATION | |

SITE WHERE VIOLATION(S) OCCURRED: 2344 West Ledbetter Drive, Dallas, Dallas County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no previous complaints. There is no record of additional pending enforcement actions regarding this facility.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 29, 2007. No comments were received.

CONTACTS AND MAILING LIST:

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: Ms. Shontay Wilcher, Enforcement Division, Section III, MC 169, (512) 239-2136

TCEQ Regional Contact: Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903

Respondent: Mr. Javed Iqbal, Owner, Ledbetter Chevron, 2344 West Ledbetter Drive, Dallas, Texas 75224

Respondent's Attorney: Not represented by counsel.

RESPONDENT'S NAME: JAVED IQBAL DBA LEDBETTER CHEVRON
DOCKET NO.: 2005-0045-PST-E

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|---|---|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date(s) of Investigation(s) Relating to this Case: October 20, 2003, August 23, 2004 and December 28, 2004</p> <p>Date(s) of NOV(s)/NOE(s) Relating to this Case: October 20, 2003 (NOV) and December 2, 2004 (NOE)</p> <p>Background Facts: The EDPRP was filed and mailed to the Respondent on August 31, 2005. The United States Postal Service did not mail back a return receipt "greencard" or return the EDPRP sent to the Respondent by certified mail as "unclaimed." There is no proof that Respondent received notice of the EDPRP. The EDFARP was filed and mailed to the Respondent on August 31, 2006. According to the return receipt "green card," the Respondent received notice of the EDFARP on September 2, 2006, as evidenced by the signature on the card. The Respondent failed to file an answer to the EDFARP.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>PST:</p> <p>1) Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental release arising from the operation of petroleum USTs [30 TEX. ADMIN CODE § 37.815(a) and (b)].</p> <p>2) Failed to pay outstanding UST fees for TCEQ Account No. 0051645U for fiscal years 2004 and 2005 [30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE §5.702].</p> | <p>Total Assessed: \$3,270</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>Total Due to General Revenue: \$3,270 This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this proposed Order.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 1, 2002</p> | <p>Corrective Action(s) Taken</p> <p>The Executive Director recognizes that the Respondent paid the outstanding UST fees for TCEQ Account No. 0051645U for fiscal years 2004 and 2005 on July 20, 2005.</p> <p>Ordering Provision(s)</p> <p>Within 30 days, submit documentation that demonstrates acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.</p> |



Penalty Calculation Worksheet (PCW)

| | | | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|---------------------|-------------|----------------|--|
| DATES | Assigned | 06-Dec-2004 | Screening | 04-Jan-2005 | Priority Due | 04-Feb-2005 | EPA Due | |
| | PCW | 04-Jan-2005 | | | | | | |

| RESPONDENT/FACILITY INFORMATION | |
|---------------------------------|--|
| Respondent | Javed Iqbal dba Ledbetter Chevron |
| Reg. Ent. Ref. No. | RN102281953 |
| Additional ID No(s) | Petroleum Storage Tank Facility ID No. 5686 |
| Facility/Site Region | 4-Dallas/Fort Worth <input checked="" type="checkbox"/> Major/Minor Source Minor Source <input checked="" type="checkbox"/> |

| CASE INFORMATION | | | |
|--|--|--------------------------|---|
| Enf./Case ID No. | 23567 | No. of Violations | 2 |
| Docket No. | 2005-0042-PST-E | Order Type | 1660 without deferral <input checked="" type="checkbox"/> |
| Case Priority | 3 <input checked="" type="checkbox"/> | Enf. Coordinator | Shontay Wilcher |
| Media Program(s) | Petroleum Storage Tank <input checked="" type="checkbox"/> | EC's Team | Enforcement Team 2 <input checked="" type="checkbox"/> |
| 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 9% Enhancement **Subtotals 2, 3, & 7** **\$270**

Notes Enhancement for one NOV with same or similar violations and two other NOVs without same or similar violations.

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

Notes The respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5** **\$0**

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

Notes The respondent is not yet in compliance.

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

| | | |
|-----------------------------------|---------|--|
| Total EB Amounts | \$2,048 | <i>*Capped at the Total EB \$ Amount</i> |
| Approx. Cost of Compliance | \$1,950 | |

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$3,270**

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 **\$3,270**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$3,270**

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

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

Notes No deferral is recommended due to a previous NOV dated October 20, 2003 for same or similar violations within the past five years.

PAYABLE PENALTY **\$3,270**

| | | | | |
|--------------------------------|--|---|-----------------|------------|
| Screening Date | 04-Jan-2005 | Docket No. | 2005-0042-PST-E | PCW |
| Respondent | Javed Iqbal dba Ledbetter Chevron | Policy Revision 2 (September 2002) | | |
| Case ID No. | 23567 | PCW Revision December 7, 2004 | | |
| Reg. Ent. Reference No. | RN102281953 | | | |
| Additional ID No(s) | Petroleum Storage Tank Facility ID No. 5686 | | | |
| Media [Statute] | Petroleum Storage Tank | | | |
| Enf. Coordinator | Shontay Wilcher | | | |
| Site Address | 2344 West Ledbetter Drive, Dallas, Dallas 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 <i>(number of NOVs meeting criteria)</i> | 1 | 5% |
| | Other written NOVs | 2 | 4% |
| 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 disclosed)</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% |

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) 9%

>> 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 same or similar violations and two other NOVs without same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 9%

| | | | | |
|--------------------------------|--|--------------------------------------|---|------------|
| Screening Date | 04-Jan-2005 | Docket No. | 2005-0042-PST-E | PCW |
| Respondent | Javed Iqbal dba Ledbetter Chevron | | <i>Policy Revision 2 (September 2002)</i> | |
| Case ID No. | 23567 | <i>PCW Revision December 7, 2004</i> | | |
| Reg. Ent. Reference No. | RN102281953 | | | |
| Additional ID No(s). | Petroleum Storage Tank Facility ID No. 5686 | | | |
| Media [Statute] | Petroleum Storage Tank | | | |
| Enf. Coordinator | Shontay Wilcher | | | |
| Violation Number | <input type="text" value="1"/> | | | |
| Primary Rule Cite(s) | <input type="text" value="30 Tex. Admin. Code § 37.815(a) and (b)"/> | | | |
| Secondary Rule Cite(s) | <input type="text"/> | | | |
| Violation Description | <input type="text" value="Failure to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs."/> | | | |
| Base Penalty | <input type="text" value="\$10,000"/> | | | |

>> **Environmental, Property and Human Health Matrix**

| | | | | | |
|-----------|----------------------|----------------------|----------------------|----------------------|------------------------------|
| OR | Harm | | | | Percent <input type="text"/> |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | | |

>> **Programmatic Matrix**

| | | | | |
|----------------------|-------------------------------------|--------------------------|--------------------------|--|
| Falsification | Major | Moderate | Minor | Percent <input type="text" value="10%"/> |
| <input type="text"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

| | | |
|--------------------------------|--------------|-------------------------------------|
| mark only one use a small x | daily | <input type="text"/> |
| | monthly | <input type="text"/> |
| | quarterly | <input type="text"/> |
| | semiannual | <input type="text"/> |
| | annual | <input type="text"/> |
| | single event | <input checked="" type="checkbox"/> |

Violation Base Penalty

| | |
|---|--|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount <input type="text" value="\$2,048"/> | Violation Final Penalty Total <input type="text" value="\$3,270"/> |
| This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,270"/> | |

Economic Benefit Worksheet

Respondent: Javed Iqbal dba Ledbetter Chevron
 Case ID No: 23567
 Reg. Ent. Reference No: RN102281953
 Additional ID No(s): Petroleum Storage Tank Facility ID No. 5686
 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 |
|------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------|-----------|---------------|------------|-----|----------------|---------------|-----------|

| Delayed Costs | | | | | | | |
|--------------------------|--|--|--|-----|-----|-----|-----|
| 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] | \$1,950 | 04-Aug-2002 | 04-Aug-2003 | 1.0 | \$98 | \$1,950 | \$2,048 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| 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) for one year prior to August 4, 2003 request for financial assurance documentation. | | | | | | | |

Approx. Cost of Compliance \$1,950 TOTAL \$2,048

| | | | | |
|--------------------------------|--|---|-----------------|------------|
| Screening Date | 04-Jan-2005 | Docket No. | 2005-0042-PST-E | PCW |
| Respondent | Javed Iqbal dba Ledbetter Chevron | Policy Revision 2 (September 2002) | | |
| Case ID No. | 23567 | PCW Revision December 7, 2004 | | |
| Reg. Ent. Reference No. | RN102281953 | | | |
| Additional ID No(s) | Petroleum Storage Tank Facility ID No. 5686 | | | |
| Media [Statute] | Petroleum Storage Tank | | | |
| Enf. Coordinator | Shontay Wilcher | | | |
| Violation Number | <input type="text" value="2"/> | | | |
| Primary Rule Cite(s) | <input type="text" value="30 Tex. Admin. Code § 334.22(a)"/> | | | |
| Secondary Rule Cite(s) | <input type="text" value="Tex. Water Code § 5.702"/> | | | |
| Violation Description | <input type="text" value="Failed to pay outstanding UST fees for TCEQ Account No. 0051645U for fiscal years 2004 and 2005, as documented during a record review conducted on December 28, 2004."/> | | | |
| | Base Penalty | <input type="text" value="\$10,000"/> | | |

>> **Environmental, Property and Human Health Matrix**

| | | | | | |
|-----------|----------------------|----------------------|----------------------|----------------------|-------------------------------------|
| OR | Harm | | | | |
| | Release | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | | |

>> **Programmatic Matrix**

| | | | | | |
|---------------------|----------------------|----------------------|----------------------|----------------------|-------------------------------------|
| | Falsification | Major | Moderate | Minor | |
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text"/> |
| Matrix Notes | <input type="text"/> | | | | |

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

| | | |
|--|---------------------|----------------------|
| <i>mark only one use a small x</i> | <i>daily</i> | <input type="text"/> |
| | <i>monthly</i> | <input type="text"/> |
| | <i>quarterly</i> | <input type="text"/> |
| | <i>semiannual</i> | <input type="text"/> |
| | <i>annual</i> | <input type="text"/> |
| | <i>single event</i> | <input type="text"/> |

Violation Base Penalty

No additional administrative penalty was calculated for this violation as penalties and interest will be assessed on the next fee billing.

| | |
|---|---|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount <input type="text" value="\$0"/> | Violation Final Penalty Total <input type="text" value="\$0"/> |
| This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$0"/> | |

Economic Benefit Worksheet

Respondent: Javed Iqbal dba Ledbetter Chevron
 Case ID No. 23567
 Reg. Ent. Reference No. RN102281953
 Additional ID No(s): Petroleum Storage Tank Facility ID No. 5686
 Media [Statute]: Petroleum Storage Tank
 Violation No. 2

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

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

| Delayed Costs | | | | | | | |
|--------------------------|----------------|--|--|-----|-----|-----|-----|
| 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 | Not Applicable | | | | | | |

| 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] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |
| Notes for AVOIDED costs | Not Applicable | | | | | | |

Approx. Cost of Compliance \$0

TOTAL \$0

Compliance History

Customer/Respondent/Owner-Operator: CN602281206 IQBAL, JAVED Classification: AVERAGE Rating: 2.500

Regulated Entity: RN102281953 LEDBETTER CHEVRON Classification: AVERAGE Site Rating: 2.50
ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION 5686
REGISTRATION

Location: 2344 W LEDBETTER DR, DALLAS, TX, 75224 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: January 03, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 31, 1999 to December 31, 2004

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Shontay Wilcher Phone: (512) 239-2136

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 07/29/2003 (126209)
4 12/02/2004 (292053)
6 05/17/2000 (46627)
8 05/04/2000 (46625)
10 11/13/2002 (15485)
12 10/20/2003 (279105)

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

Date: 05/04/2000 (117307) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)
Description: FAILURE TO COMPLY

Date: 07/29/2003 (126209) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A)
Description: Failure to maintain records on-site at facilities normally manned during regular hours.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)

Description: Failure to verify proper operation of the Stage II equipment at least once every twelve months or upon major system replacement or modification, whichever occurs first.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)[G]

Description: Failure to maintain the Stage II vapor recovery system in proper operating condition.

Date: 10/20/2003 (279105)

Self Report? NO Classification: Moderate

Citation: 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
JAVED IQBAL DBA LEDBETTER
CHEVRON,
RN102281953

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2005-0042-PST-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. WATER CODE chs. 5, 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 Javed Iqbal dba Ledbetter Chevron ("Mr. Iqbal").

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

FINDINGS OF FACT

1. Mr. Iqbal owns and operates a convenience store with retail sales of gasoline at 2344 West Ledbetter Drive in Dallas, Dallas County, Texas (the "Facility").
2. Mr. Iqbal's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Mr. Iqbal's USTs contain a regulated petroleum substance as defined in the rules of the Commission.
3. During record reviews conducted on August 23, 2004 and December 28, 2004, a TCEQ central office staff documented that Mr. Iqbal violated the following requirements:
 - a. 30 TEX. ADMIN. CODE § 37.815(a) and (b) by failing to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental release arising from the operation of petroleum USTs.
 - b. 30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702 by failing to pay outstanding UST fees for TCEQ Account No. 0051645U for fiscal years 2004 and 2005.

4. Mr. Iqbal received notice of the violations on or about December 7, 2004.
5. The Executive Director recognizes that Mr. Iqbal paid the outstanding UST fees for TCEQ Account No. 0051645U for fiscal years 2004 and 2005 on July 20, 2005.
6. 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 Javed Iqbal dba Ledbetter Chevron" (the "EDPRP") in the TCEQ Chief Clerk's office on August 31, 2005.
7. By letter dated August 31, 2005, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Iqbal with notice of the EDPRP. The United States Postal Service did not mail back a return receipt "greencard" or return the EDPRP sent to Mr. Iqbal via certified mail as "unclaimed." There is no proof that Mr. Iqbal received notice of the EDPRP.
8. The Executive Director filed the "Executive Director's First Amended 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 Javed Iqbal dba Ledbetter Chevron" (the "EDFARP") in the TCEQ Chief Clerk's office on August 31, 2006.
9. By letter dated August 31, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Mr. Iqbal with notice of the EDFARP. According to the return receipt "green card", Mr. Iqbal received notice of the EDFARP on September 2, 2006, as evidenced by the signature on the card.
10. More than 20 days have elapsed since Mr. Iqbal received notice of the EDFARP, provided by the Executive Director. Mr. Iqbal failed to file an answer to the EDFARP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Iqbal is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5, 7 and 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Mr. Iqbal failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily

injury and property damage caused by accidental release arising from the operation of petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).

3. As evidenced by Finding of Fact No. 3.b., Mr. Iqbal failed to pay outstanding UST fees for TCEQ Account No. 0051645U for fiscal years 2004 and 2005, in violation of 30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702.
4. As evidenced by Finding of Fact Nos. 8 and 9, the Executive Director has timely served Mr. Iqbal with proper notice of the EDFARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
5. As evidenced by Finding of Fact No. 10, Mr. Iqbal has failed to file a timely answer to the EDFARP, 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 Mr. Iqbal 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 Mr. Iqbal for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission'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 three thousand two hundred seventy dollars (\$3,270) 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. Mr. Iqbal is assessed an administrative penalty in the amount of three thousand two hundred seventy dollars (\$3,270) for violations of TEX. WATER CODE chs. 5, 7, 26 and rules of the TCEQ. The payment of this administrative penalty and Mr. Iqbal'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. All checks

submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Javed Iqbal dba Ledbetter Chevron; Docket No. 2005-0042-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. Mr. Iqbal shall within 30 days after the effective date of this Order, submit documentation that demonstrates acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, in accordance with the 30 TEX. ADMIN. CODE § 37.815(a) and (b) to:

Mr. Rob Norris, Senior Financial Analyst
Financial Assurance Unit, MC 184
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Mr. Iqbal. Mr. Iqbal is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If Mr. Iqbal 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, Mr. Iqbal's failure to comply is not a violation of this Order. Mr. Iqbal shall have the burden of establishing to the Executive Director's satisfaction that such an event has

occurred. Mr. Iqbal shall notify the Executive Director within seven days after Mr. Iqbal 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 Mr. Iqbal shall be made in writing to the Executive Director. Extensions are not effective until Mr. Iqbal 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 Mr. Iqbal if the Executive Director determines that Mr. Iqbal 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF LAURENCIA N. FASOYIRO

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

"My name is Laurencia N. Fasoyiro. 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.

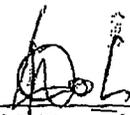
On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Javed Iqbal dba Ledbetter Chevron" (the "EDPRP") with the Office of the Chief Clerk on August 31, 2005.

I sent the EDPRP to Mr. Iqbal at his last known address on August 31, 2005 via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service did not mail back a return receipt "greencard" or return the EDPRP sent to Mr. Iqbal via certified mail as "unclaimed." There is no proof that Mr. Iqbal received notice of the EDPRP.

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More than 20 days have elapsed since Mr. Iqbal received notice of the EDFARP. Mr. Iqbal failed to file an answer to the EDFARP, failed to request a hearing, and failed to schedule a settlement conference".

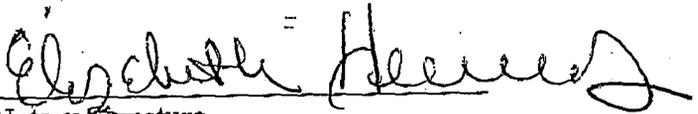


Laurencia N. Fasoyiro
Attorney
Texas Commission on Environmental Quality

Affidavit of Laurencia N. Fasoyiro
Javed Iqbal dba Ledbetter Chevron
TCEQ Docket No. 2005-0042-PST-E
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Before me, the undersigned authority, on this day personally appeared Laurencia N. Fasoyiro, 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 27 day of February, A.D., 2007.


Notary Signature

Notary Stamp

