

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NUMBER: 2004-1284-PST-E TCEQ ID NO: RN101197309 ENF ID: 18689
RESPONDENT NAME: RAMA RAO MUGILI DBA OAK ISLAND ICE HOUSE

Page 1 of 2

<input checked="" 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 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: 2750 South Loop 1604 West, San Antonio, Bexar 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: Mr. Shawn Slack, Litigation Division, MC 175, (512) 239-0063; Ms. Jennifer Cook, Litigation Division, MC 175 (512) 239-1873

TCEQ Enforcement Coordinator: Mr. Chris Friesenhahn, Enforcement Division, MC 128, (512) 239-4471

TCEQ-Regional Contact: Mr. Henry Karnei, San Antonio Regional Office, MC R-13, (210) 403-4010

Respondent: Mr. Rama Rao Mugili, Owner, Oak Island Ice House, 2750 South Loop 1604 West, San Antonio, Texas 78264

Respondent's Attorney: Not represented by counsel.

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: February 25, 2003, and August 2, 2004</p> <p>Date(s) of NOV(s) and NOE(s) Relating to this Case: February 25, 2003 (NOV), and August 3, 2004 (NOE)</p> <p>Background Facts: An Agreed Order was sigd and received by the ED on June 26, 2005.</p> <p>The penalty amount for this case was calculated using the investigation date of August 2, 2004 (on which TCEQ personnel conducted a record review of Respondent's financial assurance documentation for a time period prior to June 2004).</p> <p>A good faith reduction in this case was calculated based on the NOE date of 8/3/2004. Therefore a 25% reduction was offered and accepted by the Respondent. The NOE date was used instead of the NOV date listed on the CH because the NOV came prior to the file review date of 8/2/04 that generated this case. Staff decided to present this item to the Commission for consideration to honor the negotiations with the Respondent and to provide the Commission the option of foregoing the use of resources that would be expended to renegotiate this case.</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>Failed 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 the USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p>	<p>Total Assessed: \$800</p> <p>Total Deferred: \$ 0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>Total Paid/Due to General Revenue: \$100/\$700</p> <p>The Respondent has paid \$100 of the administrative penalty. The remaining balance of \$700 shall be payable in seven monthly payments of \$100 each.</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 2002</p>	<p>Corrective Action(s) Taken</p> <p>The Executive Director recognizes that the Respondent obtained financial assurance for its UST at the Facility on June 5, 2004.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

DATES							
PCW	16-Feb-2005	Screening	18-Aug-2004	Priority Due	16-Dec-2004	EPA Due	

RESPONDENT/FACILITY INFORMATION	
Respondent	Rama Rao Mugili dba Oak Island Ice House
Reg. Ent. Ref. No.	RN101197309
Additional ID No(s).	Petroleum Storage Tank Registration No. 46039
Facility/Site Region	13-San Antonio <input checked="" type="checkbox"/> Major/Minor Source <input type="checkbox"/> Minor Source <input checked="" type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.	18689	No. of Violations	1
Docket No.	2004-1284-PST-E	Order Type	1660 without deferral <input checked="" type="checkbox"/>
Case Priority	4	Enf. Coordinator	Leila Pezeshki
Media Program(s)	Petroleum Storage Tank <input checked="" type="checkbox"/>	EC's Team	Enforcement Team 7 <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	\$1,000
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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	\$50
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Notes: An enhancement is due to one Notice of Violation (NOV), dated February 25, 2003, with the same violation as that in the current enforcement action.

Culpability	No <input checked="" type="checkbox"/> 0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	25% Reduction	Subtotal 5	-\$250
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)

Notes: Compliance was achieved on June 5, 2004.

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$683	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$650	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$800
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$800
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$800
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: A standard deferral is not offered with non-expedited cases.

PAYABLE PENALTY	\$800
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Items\2004-1284-pst-e-opp-Mugili-Revised.gpw
 Screening Date 18-Aug-2004 Docket No. 2004-1284-PST-E **PCW**
 Respondent Rama Rao Mugili dba Oak Island Ice House Policy Revision 2 (September 2002)
 Case ID No. 18689 PCW Revision May 17, 2004
 Reg. Ent. Reference No. RN101197309
 Additional ID No(s) Petroleum Storage Tank Registration No. 46039
 Media [Statute] Petroleum Storage Tank
 Enf. Coordinator Leila Pezeshki
 Site Address 2750 South Loop 1604 West, San Antonio, Bexar County, Texas 78264

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%
<i>Please Enter Yes or No</i>			
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 An enhancement is due to one Notice of Violation (NOV), dated February 25, 2003, with the same violation as that in the current enforcement action.

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

Screening Date 18-Aug-2004 Docket No. 2004-1284-PST-E

PCW

Respondent Rama Rao Mugili dba Oak Island Ice House
 Case ID No. 18689
 Reg. Ent. Reference No. RN101197309
 Additional ID No(s) Petroleum Storage Tank Registration No. 46039
 Media [Statute] Petroleum Storage Tank
 Enf. Coordinator Leila Pezeshki

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Violation Number
 Primary Rule Cite(s)
 Secondary Rule Cite(s)
 Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<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"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

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

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Items\2004-1284-nst-e-gcp-Mugili- Revised.dpw

Economic Benefit Worksheet

Respondent Rama Rao Mugili dba Oak Island Ice House
 Case ID No. 18689
 Reg. Ent. Reference No. RN101197309
 Additional ID No(s): Petroleum Storage Tank Registration No. 46039
 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
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Delayed Costs

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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: There were no delayed costs associated with this violation.

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

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$650	07-Nov-2001	07-Nov-2002	1.0	\$33	\$650	\$683
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 the one petroleum underground storage tank at the Facility (\$650 per tank). Date required (November 7, 2001) is one year prior to the initial letter requesting proof of Financial Assurance.

Approx. Cost of Compliance **\$650** **TOTAL** **\$683**

Compliance History

Customer/Respondent/Owner-Operator:	CN601212400 MUGILI, RAMA RAO	Classification: AVERAGE	Rating: 1.500
Regulated Entity:	RN101197309 OAK ISLAND ICE HOUSE	Classification: AVERAGE	Site Rating: 1.50
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	46039
Location:	2750 S LOOP 1604 W, SAN ANTONIO, TX, 78264		Rating Date: 9/1/03 Repeat Violator: NO
TCEQ Region:	REGION 13 - SAN ANTONIO		
Date Compliance History Prepared:	August 19, 2004		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 19, 1999 to August 19, 2004		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Leila Pezeshki Phone: 210-403-4080

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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.)

1 02/25/2003 (276184)

2 08/05/2004 (286798)

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

Date: 02/25/2003 (276184)

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING RAMA RAO
MUGILI DBA OAK ISLAND ICE
HOUSE; PETROLEUM STORAGE
TANK REGISTRATION NO. 46039;
RN 101197309

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2004-1284-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 Rama Rao Mugili dba Oak Island Ice House ("Mr. Mugili") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Mugili, appear before the Commission and together stipulate that:

1. Mr. Mugili owns and operates a convenience store with retail sales of gasoline located at 2750 South Loop 1604 West, San Antonio, Bexar 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 the TCEQ rules.
3. The Commission and Mr. Mugili agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Mugili is subject to the Commission's jurisdiction.
4. Mr. Mugili received notice of the violations alleged in Section II ("Allegations") on or about August 10, 2004.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Mugili of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of eight hundred dollars (\$800.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Mugili has paid one hundred dollars (\$100.00) of the administrative penalty. The remaining balance of seven hundred (\$700.00) of the administrative penalty shall be payable in seven monthly payments of one hundred dollars (\$100.00) each. The first 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 Mr. Mugili 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 Mr. Mugili to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Mugili 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 Mr. Mugili 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 in response to this enforcement action, Mr. Mugili obtained financial assurance for all USTs at the Facility on June 5, 2004.
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 Mr. Mugili 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

Mr. Mugili is alleged to have violated 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 releases arising from the operation of the USTs, as documented during a record review conducted by TCEQ Central Office Staff on or about August 2, 2004.

III. DENIALS

Mr. Mugili generally denies each allegation in Section II ("Allegations").

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Mr. Mugili pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Mugili'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 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: Rama Rao Mugili dba Oak Island Ice House, Docket No. 2004-1284-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 Mr. Mugili. Mr. Mugili 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. If Mr. Mugili fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Mugili's failure to comply is not a violation of this Agreed Order. Mr. Mugili shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Mugili shall notify the Executive Director within seven days after Mr. Mugili becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Mugili shall be made in writing to the Executive Director. Extensions are not effective until Mr. Mugili receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Mugili 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.
6. 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.
7. 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 Mr. Mugili, or three days after the date on which the Commission mails notice of the Order to Mr. Mugili, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

10/17/05
Date

I, the undersigned, have read and understand the attached Agreed Order. 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 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.


Signature

10/17/05
Date

Rama Rao Mugili
Name (Printed or typed)

owner
Title

Authorized representative of
Rama Rao Mugili dba Oak Island Ice House

Instructions: Send the original signed Signature Page and all pages of this Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.