EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NUMBER: 2003-1165-PST-E TCEQ ID NO: RN102035367 ENF ID: 9684 RESPONDENT NAME: UPPAL BROS., INC. DBA SAVE WAY FOOD MART

Page 1 of 3

ORDER TYPE:

X_1660 AGREED ORDERFINDINGS AGREED ORDER		AMENDED ORDER	_IMMINENT AND SUBSTANTIAL
SHUTDOWN ORDER	FINDINGS DEFAULT ORDER	EMERGENCY ORDER	ENDANGERMENT ORDER
CASE TYPE:			
AGRICULTURE	AIR	INDUSTRIAL AND HAZARDOUS WASTE	MUNICIPAL SOLID WASTE
OCCUPATIONAL CERTIFICATION	<u>X</u> PETROLEUM STORAGE TANKS	PUBLIC WATER SUPPLY	RADIOACTIVE WASTE
MULTI-MEDIA (check all that apply)	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL	USED OIL
USED OIL FILTER	WATER QUALITY	DRY CLEANER REGISTRATION	

SITE WHERE VIOLATION(S) OCCURRED: 6620 Brentwood Stair Road, Fort Worth, Tarrant County

TYPE OF OPERATION: convenience store with retail sales of gasoline

SMALL BUSINESS: X 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 February 12, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Shawn A. Slack, Litigation Division, MC 175, (512) 239-0063; Ms. Jennifer Cook, Litigation Division, MC 175 (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Judy Kluge, Enforcement Division, MC R-4, (817) 588-5825 TCEQ Regional Contact: Mr. Samuel L. Barrett, DFW Regional Office, MC R-4, (817) 588-5903 Respondent: Mr. Rashpal Singh, Registered Agent, Uppal Bros., Inc., 1501 Knoll Ridge Circle, Corinth, Texas 76205 Respondent's Attorney: Not represented by counsel.

execsum/9-17-03/Exec SummaryRev3.6.07.frm

RESPONDENT'S NAME: UPPAL BROS., INC. DBA SAVE WAY FOOD MART DOCKET NO: 2003-1165-PST-E

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ComplaintX_ Routine Enforcement Follow-up Records Review	Total Assessed: \$35,100	Corrective Action(s) Taken
Date(s) of Complaints Relating to this Case: None	Total Deferred: \$0 Expedited Settlement	The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 Date(s) of Investigation(s) Relating to this Case: January 28, 2003 Date(s) of NOV(s)/NOE(s) Relating to this Case: March 4, 2003 (NOE) Background Facts: An EDPRP was filed in this matter on December 9, 2004. An EDFARP was filed in this matter on December 9, 2005, to include revocation of delivery certificate language. On December 27, 2005, the respondent called and stated he wanted to settle this matter by paying the penalty; however, the Respondent indicated he needed to 	Financial Inability to Pay Total Paid/Due to General Revenue: \$1,850/\$33,250 The Respondent has paid \$1,850 of the administrative penalty. The remaining amount of \$33,250 shall be payable in 35 monthly payments of \$950 each. Site Compliance History Classification:	 Respondent has paid the balance of four thousand seven hundred fifty-eight dollars (\$4,758.00) of the administrative penalty assessed by Default Order Docket No. 2003-0997- PST-E; Respondent has paid the balance of one thousand two hundred sixty-four dollars (\$1,264.00) of the administrative penalty assessed by Default Order Docket No. 2002-0860-PST-E; and
make payments over a three-year period. The staff attorney requested that the Respondent pay outstanding penalties for two prior Commission Default Orders. On or about January 20, 2006, the Financial Division received a payment of \$4,758.00, for the balance of Default Order Docket No. 2003-0997-PST-E.	High _x_AvgPoor Person Compliance History Classification: High _x_AvgPoor	 The Respondent has renewed its delivery certificate by submitting a properly completed UST registration and Self-Certification Form.
Staff lost contact with the Respondent while attempting to negotiate a settlement on this matter, and on or about August 21, 2006, the staff attorney sent Respondent a letter regarding the ED's intent to pursue a Shutdown and Default Order against the facility due to the types of violations alleged and Respondent's failure to file an Answer requesting a hearing. Shortly thereafter the Respondent called and stated he still wanted to settle the matter. On or about October 20, 2006, the Financial Division received a payment of \$1,264.00, for the balance of Default Order Docket No. 2002-0860-PST-E. A signed	Major Source:Yes _xNo Applicable Penalty Policy: September 2002	 Ordering Provision(s) The Respondent shall undertake the following technical requirements: 1. Immediately begin conducting effective manual or automatic inventory control procedures for all USTs.
Agreed Order was received on or about December 10, 2006, and revised with non- substantive changes on March 21, 2007. The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.		2. Within 30 days,a. Install a corrosion protection method;
 PST: 1. Failed to install a method of corrosion protection for the UST systems [30 TEX. ADMIN CODE § 334.49(a) and TEX. WATER CODE § 26.3475(d)]. 		b. Submit documentation that demonstrates current 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;
2. 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 form the operation of petroleum USTs on or about January 28, 2003 [30 TEX. ADMIN. CODE § 37.815(a) and (b)].		 c. Install or implement a release detection method; and d. Appropriately mark the top of each fill tube or non-removable point in the immediate area of the fill tube of each UST.
3. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, the Respondent failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and (d)(1)(B)(ii), and TEX. WATER CODE § 26.3475(c)(1)].		each UST.
4. Failed to conduct effective manual or automatic inventory control procedures for the UST system [30 TEX. ADMIN. CODE § 334.48(c)].		

RESPONDENT'S NAME: UPPAL BROS., INC. DBA SAVE WAY FOOD MART DOCKET NO: 2003-1165-PST-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
5. Failed to ensure that a legible tag, label, or marking with the tank number was permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube according ot the UST registration and Self-Certification Form [30 TEX. ADMIN. CODE § $334.8(c)(5)(C)$].		3. Within 45 days, submit written certification notarized by a State of Texas Notary Public and include detailed supporting documentation including photographs receipts, and or other records to demonstrate compliance
6. Failed to timely renew the delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date of the delivery certificate. Specifically, the Respondent failed to renew the delivery certificate prior to the expiration date of August 31, 2002 [30 TEX. ADMIN. CODE 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii), and TEX. WATER CODE § 26.346(c)(3)].		with these Ordering Provisions.
7. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent accepted fuel deliveries on January 17, 2003, and January 25, 2003 without a valid, current delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].		
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Page		oalBrosInc-SaveWayFoodMart-R	ev3.6.07_1.wb3
Policy Revision 2 (Penalty Calculation	Worksheet (PCW)	PCW Revision March 02, 2005
DATES AS Assigned	n/a 5-Apr-2006 Screening 1-Oct-2003	Priority Due 28-Feb-1900	EPA Due
RESPONDENT/FACIL Respondent Reg. Ent. Ref. No. Facility/Site Region		Major/Minor Source	Ainor Source
Case Priority	9684 2003-1165-PST-E 3 Petroleum Storage Tank		indings 🔣
	Penalty Calcul	ation Section	
TOTAL BASE PEN	ALTY (Sum of violation base pena		Subtotal.1 \$22,500
Subtotals 2-7 are of Compliance H	(-) TO SUBTOTAL 1 blained by multiplying the Total Base Penalty (Subtotal Istory	Enhancement State Subtot NOV, 3 Unrelated NOVs, an E effective April 5, 2004, and	als 2, 3, & 7 \$12,600
Culpability	No K	<	Subtotal 4
Notes	Respondent does not meet the		n an
Cood:Ealth:Eff Extraordinary Ordinary N/A Notes	Ort to Comply 0% Before NOV NOV to EDPRP/Settlement Offer x (mark with a small x) Respondent is not yet in component is not yet in component.	Reduction	Subtotal:5 \$0.
	efit=0% otal EB Amounts \$4,752 st of Compliance \$14,550	Enhancement in Science Second and *Capped at the Total EB \$ Amount	Subtotal 6 \$0
SUM OF SUBTOTA	LS1-7	Fin	al Subtotal \$35,100
in the second	AS JUSTICE MAY REQUIRE:	E. CONTRACTOR CONTRACTOR STRATEGY	Adjustment \$0
Notes			Ity Amount \$35,100
STATUTORY LIMIT	ADJUSTMENT	Final Assess	
DEFERRAL Reduces the Final Assessed P	enalty by the indicted percentage. (Enter number only,	0% Reduction /	Adjustment \$0
Notes	No deferral is recommended because	this is a findings order.	
PAYABLE PENALT	Y		\$35,100

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	Screen	ing Date 01-Oct-2003 Docket No. 2003-1165-PST-E			PCW
	Res	pondent Uppal Bros., Inc. dba Save Way Food Mart	Policy Rev	ision 2 (Sept	ember 200
	contraction Cas	se ID No. 9684	PCW	Revision Ma	rch 02, 200
Reg.	Ent. Refer	ence No. RN102035367			
	Additional	ID No(s). Petroleum Storage Tank Facility ID No. 44704			
		[Statute] Petroleum Storage Tank			
n de la companya de l	Enf. Coc	o rdinator , Judy Kluge			
		Compliance History Worksheet			
> C(ompliance Hi	story Site Enhancement (Subtotal 2)			in a chuire
	Component		Number Here	Adjust.	
	NOV	Written NOVs with same or similar violations as those in the current		5%	
	NOVs	enforcement action <i>(number of NOVs meeting criteria)</i> Other written NOVs	3	6%	
		Any agreed final enforcement orders containing a denial of liability	The second se		
		(number of orders meeting criteria)	apt of a language of	20%	
	Orders	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	1	25%	
		commission			
		Any non-adjudicated final court judgments or consent decrees containing			
	Judgments	a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
	and Consent	Any adjudicated final court judgments and default judgments, or			
	Decrees	non-adjudicated final court judgments or consent decrees without a denial	0	0%	
		of liability, of this state or the federal government			
	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%	
		Letters notifying the executive director of an intended audit conducted			
		under the Texas Environmental, Health, and Safety Audit Privilege Act,	0	0%	
	Audits	74th Legislature, 1995 (number of audits for which notices were Disclosures of violations under the Texas Environmental, Health, and			
		Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for	- 0	0%	
		which violations were disclosed)			
[Please En Environmental management systems in place for one year or more	ter Yes or No	0%	
		Voluntary on-site compliance assessments conducted by the executive	the Children and Children		
	Other	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%	
. 1		Adjustment Percen	togo (Sub	total 2	56%
0387 <u>21</u> 741	enderen er en er		laye (Sul		307
Re	peat Violator				
l	No	Adjustment Percen	tage (Suk	ototal 3)	0%
Co	mpliance His	tory Person Classification (Subtotal 7)			
ſ	Average Perfo	ormer K Adjustment Percen	tage (Sub	ototal 7)	0%
L ANTERNA	Tworuge i ent				San san an
Co	mpliance His	tory.Summary ***	an a		
	a an			्रिक्ट्रे	-
		Respondent received one same or similar NOV, 3 unrelated NOVs, an Ac	areed Order	Docket	
	Compliance	No. 2002-0860-PST-E effective April 5, 2004, and a Default Order	Docket No.		
H	istory Notes	2003-0997-PST-E effective August 28, 2004			
				a provinsion of the	•
	L	<u>a an an</u>		المشتشمة	
		Total Adjustment Percentage (Subt		r	56%

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Page 3 of 16 C	3/21/07 C:\WINN	T\Temp\UppalE	rosInc-SaveWayFoodMart-	Rev3.6.07_1.v	vb3
Screening Date	01-Oct-2003	Docke	t No: 2003-1165-PST-E		PCW
Respondent	Uppal Bros., Inc. db	a Save Way Fo	od Mart	Policy Revisi	on 2 (September 2002)
Case ID No.				PCW R	evision March 02, 2005
Reg. Ent. Reference No.				•	
Additional ID No(s).	-	-	No. 44704		
Media [Statute] Enf. Coordinator	-	lank			
Violation Number	······				
Primary Rule Cite(s)		30 Tex. Admin.	Code § 334.49(a)		
Secondary Rule Cite(s)		the second se	ode § 26.3475(d)		
Violation Description	Respondent failed t	o install a meth sys	od of corrosion protection fo	or the UST	
•		·	Ва	se Penalty	\$10,000
>> Environmental, Pro	perty and Huma	n Health Mat	rix		
	Harm	AND 224 CANADON AND CANADOR PARTICIPAL CANADA SANDON	una menteri di kanan kanan kanan kanan dalam dalam kanan	er.	
Release	Major Moderate	Minor			
	x	and the first sector of the se	Percent 25%]	
				-	
>> Programmatic Matri					
Falsification	Major Moderate	Minor	Percent	1	
			· · · · · · · · · · · · · · · · · · ·]	
Failure to i	nstall a corrosion pro	otection system	could result in undetected		
			and the environment to		
	protective of human		d exceed levels that are ntal receptors.		
	Alexandria (Alexandria) (Alexandria) Alexandria	فللأسري بالطير للملأ الرير برايات		J	aller D'
			Adjustment	-\$7,500	
			Base Penalt	y Subtotal	\$2,500
Violation Events					
Number of Violation	n Events 2		•		37.
	daily				
	monthly		· · · · ·		
mark only one	quarterly emiannual X		Violation Bas	se Penalty	\$5,000
use a small x is	annual				
S	ingle,event		•		
	<u> </u>			1	
Two semia	annual events are re	commended fro	m the inspection date of		
			ment period of December ate with the situation.		
Economic Benefit (E	B) for this viola	tion	Statutory Limit T	est	
Estimated EB ,	Amount \$1,225		Violation Final Pen	alty Total	\$7,800
	This vio	lation Final As	sessed Penalty (adjusted	for limits)	\$7,800

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Respondent Case ID No Reg. Ent. Reference No.	Uppal Bros., 9684	Conomic B Inc. dba Save V	alagere water and the second state of the seco	ksh	eet		
Additional ID No(s).			ility ID No. 4470)4			
Media [Statute]	2	•	•			Percent	Years of
Violation No.	1	a wante francés autor an binarte à line (24, 200 million)	naro bana kota na produktata kata ka	and a state of the	ala in si mula na katalar ya se anang		Depreciation
						5.0	15]
Item	Item	Date	Final	Yrs	Interest	Onetime Costs	
Description	Cost	Required	Date		Saved	COSIS	Amount
Description	SIND CONTINASION	Φ1	HERARDEN DER MAL	lonnesses			Mary Print More Controls
Delayed Costs							
Equipment	\$10,00	0 28-Jan-2003	28-Oct-2004	1.8	\$58	\$1,167	\$1,225
Buildings	andar Marine Marine and Angeland			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	5	C. C. State Production	and and a state of the second	0.0	\$0	\$0	\$0
Land	1997 - 1944 a		The second s	0.0	\$0		\$0
Record Keeping System		$= \sum_{i=1}^{n-1} \frac{1}{i_{i_{i_{i_{i_{i_{i_{i_{i_{i_{i_{i_{i_{$		0.0	\$0	n/a	\$0
Training/Sampling			an Tangan Bartan Jawa Kasar Mangan Bartan Jawa Kasar Mangan Bartan Jawa Kasar	0.0	\$0	ju, n/a	\$0
Remediation/Disposal				0.0	\$0	n i i i in/a i i i i i	\$0
Permit Costs	24 - 1952 			0.0	\$0	w v¦in/a − r	\$0
Other (as needed)	i is Suisitist			0.0	\$0	sa tin/an⊴ pri	\$0
Notes for DELAYED costs		Approximate cos	for the installa	tion of	f a corrosion pr	otection system	
	Carlo caracter delaterismo.						ۇ. مەرە ئەمەلەت بىر مەرەپ بىر مەر
Avoided Costs	ΔΝ	NUALIZE [1] avoide	licosts before ent	ering it	em lexcent for or	e-time avoided cos	fs)
Disposal				0.0	\$0	\$0	\$0
Personnel		A second s	davrženet i za dras	0.0	\$0 \$0	• \$0	\$0
Inspection/Reporting/Sampling	· Contra de la con		State Street States	0.0		\$0	\$0
Supplies/equipment	lan an a			0.0	\$0	÷ \$0	\$0
Financial Assurance [2]	ې د د د د د د د د د د د د د د د د د د د		2020 - 2020	0.0	\$0 \$0	\$0	\$0
ONE-TIME avoided costs [3]		 Material Control Control (1997) Material Control (1997) 		0.0	\$0	\$0	\$0
Other (as needed)	an ar an			0.0	\$0 \$0	\$0	\$0
Notes for AVOIDED costs			mennen mennen til solle, som skallandle				
Approx. Cost of Compliance	\$10,000)			į	TOTAL	\$1,225

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Screening Date	01-Oct-2003	Docket No. 2	2003-1165-PST-E		PGW
Respondent	Uppal Bros., Inc. dba	Save Way Food Mart		Policy Revision 2	(September 2002)
Case ID No.				PCW Revisi	on March 02, 2005
Reg. Ent. Reference No.					
Additional ID No(s).			04		
	Petroleum Storage Ta	ank ·		•	
Enf. Coordinator					
Violation Number Primary Rule Cite(s)	2 30 T	ex. Admin. Code § 37.	815(a) and (b).		
Secondary Rule Cite(s)		on <u>Autor</u>	0.10(d) d. d. (2)		
Violation Description	action and for comp	e acceptable financial a censating third parties y accidental releases a petroleum UST	for bodily injury and p rising from the opera	roperty	
			Base	Penalty	\$10,000
>> Environmental, Pro	pertvand Human	Health Matrix			
	Harm	<u>Inpound and Anna an</u>			
Release	Major Moderate	Minor			
OR Actual			Percent		
Potential	<u> </u>				
>> Programmatic Matr	ix				
Falsification	Major Moderate	Minor			-
	X		Percent 10%		
Matrix Notes	100% of the rule	requirement was not n	net		691 s.a.
			Adjustment	-\$9,000	
			Base Penalty	Subtotal	\$1,000
Violation Events					
Number of Violatio	on Events 5				
	daily				
	monthly quarterly semiannual wannual single event		Violation Base	Penalty	\$5,000
		ended for the five UST: conducted on January			
Economic Benefit (I	B) for this violat	ionS	tatutory Limit Te	Student	en protest. Pri seper Se protest de second
Estimated EB	Amount \$3,413		Violation Final Pena	Ity Total	\$7,800
	This viola	ation Final Assessed	Penalty (adjusted fo	r limits)	\$7,800

Respondent L Case ID No: 9	בו וppal Bros., I 684	conomic E nc. dba Save V	NUppalBrosInc- Benefit Woi Vay Food Mart				
Reg. Ent. Reference No. R Additional ID No(s). P Media [Statute] P Violation No. 2	etroleum Sto	orage Tank Fac	ility ID No. 447	04		Percent Interest D	Years of epreciatio
,item Description: N	Item Cost ocommasion \$	Date Required	Final Date	Yrs:	Interest Saved	5.0 Onetime Costs	Control of the second second second
Delayed Costs			NARY STALL STRAGE				
Equipment				0.0	\$0	\$0	\$
Buildings			A CONTRACTOR OF THE	0.0	\$0	\$0	\$
Other (as needed)			ana a mana ang mana	0.0	\$0	\$0	\$
Engineering/construction		A Provident		0.0	\$0	\$0	\$
Land			24.4.4.4 mil	0.0	\$0 \$ 0	n/a	\$
Record Keeping System				0.0	\$0	n/a	\$
Training/Sampling				0.0	\$0	n/a 🦾	\$
Remediation/Disposal				0.0	\$0 👯	n/ar	\$
Permit Costs			المعادية ومعاليات المترا	0.0	\$0	lidm/ar si	\$
Other (as needed)	·			0.0	\$0	m/a	\$
Notes for DELAYED costs							
Avoided Costs	ANN	JALIZE [1] avoide	d costs before ent			water and the second	
Disposal				0.0	\$0	\$0	\$(
Personnel	en galanti Matakan Matakan	nandrig († 1977) stalanska fil Generales Johnsteinska filmer		0.0	\$0	\$0	.\$(
nspection/Reporting/Sampling			And a second second	0.0	\$0	\$0	\$(
Supplies/equipment	AC 050			0.0	\$0	\$0	\$(
Financial Assurance [2]	\$3,250	28-Jan-2002	28-Jan-2003	1.0	\$163	\$3,250	\$3,413
ONE-TIME avoided costs [3]				0.0	\$0 \$0	\$0 \$0	\$(\$(
Other (as needed)							
Notes for AVOIDED costs			financial assuration financial assuration for the			US IS IOF UIE 1	
<u> </u>	\$3,250						\$3,413

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Screening Date	01-Oct-2003	Docket No. 2003-1	165-PST-E		PCW
Respondent	Uppal Bros., Inc. dba Sa	ive Way Food Mart		Policy Revision	2 (September 2002)
Case ID No.				PCW Revis	ion March 02, 2005
Reg. Ent. Reference No.	6				
1.5.2.5.1.5.1.5.4.5.4.6.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4	Petroleum Storage Tank	-			
Enf. Coordinator	Petroleum Storage Tank	•			
Violation Number					
Primary Rule Cite(s)		de §§ 334.50(b)(1)(A) and	1 334.50(d)(1)(B	i)(ii)	
Secondary Rule Cite(s)		<. Water Code § 26.3475(c)(1)	and the second sec	
Violation Description	once every month (no Specifically, Respond inventory control records detect a release as si	onitor USTs for releases a of to exceed 35 days betwe dent failed to conduct reco at least once each month mall as the sum of 1.0% o igh for the month plus 130	een each monit onciliation of de 1, sufficiently ac of the total subs	oring). tailed curate to	•
•			Base	Penalty	\$10,000
	perity and Human H	Solido Motel V			
22 CINTONNELLA, FAC	Harm	Calthinathia			
Release	Major Moderate M	Minor			
OR Actual		Perce	ent 25%	•	
Potential		Recta Perce	ant 2376		
>> Programmatic Mati	ix the second second second				
Falsification		Minor			·(3)
	<u> Gereinen en sole in sole</u>	Perce	ent		6
					u
Matrix Notes that we	ould expose human health of pollutants which would	es could result in undetec and the environment to s d exceed levels that are p onmental receptors.	significant	a	193 1972 -
			Adjustment	-\$7,500	•
			Base Penalty S	Subtotal	\$2,500
Violation Events					
wiolation Events					
Number of Violati	on Events 2				
	daily				
	monthly.				
mark only one use a small x	semiannual X		Violation Base	Penalty	\$5,000
	single event			•	
[•	······		
January 28	3, 2003 to the end of the 6	nmended from the inspect 60 day settlement period c commensurate with the sit	of December		
<u> </u>	· · · · · · · · · · · · · · · · · · ·	· ·]	4-11 - 1 - 11 - 11 - 11 - 11 - 11 - 11	ار من معادر (میں قرار (انتظار اور اور کر اور اور اور اور اور اور اور اور اور او
Economic Benefit (I	∃B) for this violation	n Statut	ory Ŀimit Te	st	
Estimated EB	Amount \$13	Violati	ion Final Penal	ty Total	\$7,800
	This violatio	on Final Assessed Penal	ty (adjusted fo	r limits)	\$7,800
				A TAKE A A STORE OF BRIDE	ALC: N. M. M. MARKER

Page 8 of 16	03/21/07 C	winnin i tiemp	OppaiBrosinc-	Saver	wayroodiviai -i	Rev3.6.07_1.wd			
6	E.	ronomic B	enefit Wo	ksh	eet 👘				
Despendent	A REAL PROPERTY AND A REAL	services a subject to the service sub-	Care county to American Providence and a providence of the provide	Assessed a					
Case ID No.	Uppal Bros., Inc. dba Save Way Food Mart								
- 把制行了在第二次的新闻的时期的公司的问题是我们的公司的任何必须通知的最后的法律和认识的公司。	4 * * *								
Reg. Ent. Reference No.									
Additional ID No(s).			ility ID No. 4470	J4		for the second	and the second		
Media [Statute]	Petroleum Sto	rage Tank				Percent	Years of		
Violation No.	3	ia neta da la mara esta encanación de case activados	e databa en constituição interior d	21.52752775	an and the same of the second departments	Survey at a survey of the second second second second second	Depreciation		
	n an an the Charles And States An 1984 - Philippine Charles	a de la companya de La companya de la comp				5.0	15]		
	ltem	Date	Final	Yrs	Interest	Onetime	EB		
ltem	Cost	Required	Date		Saved	Costs	Amount		
Description	No commas or \$						22224 (14) 2238 (14)		
Delayed Costs.									
Equipment				0.0	\$0	\$0	\$0		
Buildings		le many toys i Cres da la G This ha toget	MASINIAL	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	iner en la recher de	·····		0.0	\$0	, in/a⊤	\$0		
Training/Sampling			and a state of the second s	0.0	\$0	ratin/at si	\$0		
Remediation/Disposal	la constanta de la constanta d En el constanta de la constanta			0.0	\$0	n/a	\$0		
Permit Costs				0.0	\$0	n/a.	\$0		
Other (as needed)	\$150	28-Jan-2003	28-Oct-2004	1.8	\$13	n/a	\$13		
Other (as needed)	deservations of the dynamic	البين <u>المحد المحيمة المحد ا</u>	الغنوني بينيا بينيا مصحفاتها حد	in Sy that	The second second second	AN A STREET			
Notes for DELAYED costs	A	pproximate cos	t to monitor US	Ts fo	r releases on a	monthly basis.			
			مرید (می در ۲۵ ماند. مربع (۲۵ ماند) می	-73124/					
							•		
an na amin'ny fanisa amin'ny tanàna mandritra mandritra dia kaominina dia kaominina dia kaominina dia kaominina				192.92 3 399	-				
Avoided Costs	ANNU	JALIZE [1] avoide	d costs before ent		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	e-time avoided co			
Disposal	and a second			0.0	\$0	\$0	\$0		
Personnel	an a	ONTRACTOR 7	ng ang kang pang pang kang kang pang pang pang pang pang pang pang p	0.0	\$0	\$0	\$0		
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0		
Supplies/equipment		erin Alder Beite, 1923b		0.0	\$0	\$0	\$0		
Financial Assurance [2]				0.0	\$0	\$0	\$0		
ONE-TIME avoided costs [3]	MARK MARK 201			0.0	\$0	\$0	\$0		
Other (as needed)	Contraction Additional (Addition of			0.0	\$0	\$0	\$0		
Notes for AVOIDED costs									
	alah keringkan di k Keringkan di keringkan di keringka]		
	CAE O				1	TOTAL	\$13		
Approx. Cost of Compliance	\$150				ŝ		ې		
							·		

Page 9 of 16	03/21/07 C:\WINNT	\Temp\UppalBrosl	nc-SaveWayFoodMart-F	Rev3.6.07_1.wb	3
Screening Date	01-Oct-2003	Docket N	2003-1165-PST-E		PCW
Respondent	Uppal Bros., Inc. dba	Save Way Food N	art	Policy Revision	1 2 (September 2002)
Case ID No.				PCW Rev	ision March 02, 2005
Reg. Ent. Reference No.	G.				
Additional ID No(s).			44704		
「「いい」は、「「「「「「「「」」」」、「「」」、「「」」、「「」」、「」、「」、「」、「」	Petroleum Storage Ta	ank			
Enf. Coordinator					
Violation Number		O Tex Admin Coc	e § 334.48(c)		
Primary Rule Cite(s) Secondary Rule Cite(s)		o rex. Aumin. Coc	6 9 004.40(0)		
Violation Description	Respondent failed t	to conduct effective of procedures for th	manual or automatic in é UST systems:	ventory	
			Bas	e Penalty	\$10,000
		Uperide Medic			
>> <u>Environmental, Pro</u>	peny and human Harm	snealth matrix.			
Release	Major Moderate	Minor			
OR: P Actual		and a final of the			
Potential		and the second	Percent 25%		
>>> Programmatic Mat					· ·
Falsification	Major Moderate	Minor			
		en en ante en a	Percent		
				1	
Matrix Notes und environ	conduct proper inventor elected releases that w ment to significant amo that are protective of h	ory control measur ould expose huma ounts of pollutants	ements could result in n health and the which would exceed		Agest.
			Adjustment	-\$7,500	739 .
			Base Penalty	Subtotal	\$2,500
Violation Events			1999 - 1999 - 1999 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -		
				arar men av samer far som	
Number of Violati	on Events 2				
mark only one use a small x	dally imonthy quartery semjannual annual single event		Violation Base	e Penalty	\$5,000
January 2	hannual events are rec 3, 2003 to the end of th 003 to make the penalt	e 60 day settlemer	nt period of December		
Economic Benefit (EB) for this violati	on	Statutory Limit Te	est	
Estimated EE			Violation Final Pena	alty Total	\$7,800
	This viola	tion Final Assess	ed Penalty (adjusted for	or limits)	\$7,800
			APPENDENT OF THE PARTY OF		

Page 10 of 16	03/21/07	:\WINNT\Tem	p\UppalBrosInc	-SaveW	/ayFoodMart-F	Rev3.6.07_1.w	b3
Case ID No. Reg: Ent. Reference No. Additional ID No(s). Media [Statute]	Uppal Bros., I 9684 RN102035367 Petroleum Sto Petroleum Sto	nc. dba Save V 7 prage Tank Fac	Senefit Wo Vay Food Mart sility ID No. 447	an a	et	Percent	Years:of
Violation No.	4		entrational in the construction		NO UNIVERSITE OF AND	The second s	Depreciation
	ltem	Date	Final	Yrs	Interest	5.0 Onetime	15] EB
Item Description	Cost No:commasior \$	Required	Date	113	Saved	Costs	Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings		an na ang taong		0.0	\$0	\$0	\$0
Other (as needed)	a taga da			0.0	\$0	\$0	\$0
Engineering/construction			Constant of the second	0.0	\$0	\$0	\$0
Land	A. S. Martin	- and the state of		0.0	\$0	. n/a	\$0
Record Keeping System	1994-1992 N. (* 1995-1975) 1997 - 1992 N. (* 1995-1975-1975)	A.A. STO ALGANC		0.0	\$0	. n/a −	\$0 \$0
Training/Sampling	-			0.0	<u>\$0</u> \$0	n/ac	\$0 \$0
Remediation/Disposal				0.0	\$0 \$0	n/a	\$0 \$0
Permit Costs	\$1,000	28-Jan-2003	28-Oct-2004	1.8	\$0 \$88	n/a ∞n/a	\$0
Other (as needed)		1.20-Jan-2003	<u>[20-001-200+]</u>	1.01	φ Ο Οφ	Carry and I II a line and it	
Notes for DELAYED costs		, Ar	oproximate cost	for inve	entory control.		
	27. 19. 14. 14. 27. 27. 27. 27. 27. 27. 27. 27. 27. 27			nin fan stialde in	<u>dia Chi</u>		
Avoided Costs	ANNI	JALIZE [1] avoide	d costs before ent		and the second se		
Disposal Personnel			anger strive in strive in a se	0.0	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling	ing and the state of the state	and Sense all sinds the average Transformer and statements	an an than a start and a s	0.0	. \$0	\$0	\$0 \$0
Supplies/equipment	Andreas and Albert	un parateria de la companya de la co Este de la companya d		0.0	<u> </u>	\$0	\$0
Financial Assurance [2]			na mort can the second s	0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]			ekseller selle soll	0.0	\$0	\$0 \$0	\$0
Other (as needed)	1.227.010.51.74.21			0.0	\$0	\$0	\$0
Notes for AVOIDED costs	an sing		Leaster and a second second second			ดงาวราง (1996) เมื่อไ ป	
Approx. Cost of Compliance	\$1,000		<u>weentry,</u>		TEL Xi	TOTAL	\$88

Page 11 of 16 03/2	1/07 C:\WINNT\Tem	p\UppalBrosInc-SaveWayFoodMart-	Rev3.6.07_1.wb3
Screening Date 01-0	Dct-2003	Docket No. 2003-1165-PST-E	PCW
	al Bros., Inc. dba Save	AND THE PART OF THE PARTY	Policy Revision 2 (September 2002)
Case ID No. 9684			PCW Revision March 02, 2005
Reg. Ent. Reference No. RN1			-
Additional ID No(s). Petr		acility ID No. 44704	
Media [Statute] Petr	-	······, ······························	
Enf. Coordinator Judy			
The second	5		
Primary Rule Cite(s)	30 Tex. A	Admin. Code § 334.8(c)(5)(C)	
Secondary Rule Cite(s)			
tank	number is permanently tube or to a nonremova	re that a legible tag, label, or markin / applied upon or affixed to either the ble point in the immediate area of th T registration and self-certification fo	e top of the e fill tube
		Bas	se Penalty \$10,000
>>=== Environmental, Proper	wand Human Hea	lth Matrix	
n an	Harm	in and the second s	۵
Release Ma	ajor Moderate Mino)r	
OR Actual			
Potential		Percent	
>>x Programmatic Matrix			
Falsification Ma	ijor Moderate Mino	r	
		Percent 10%] . [
			n
Matrix Notes	100% of the rule requir	ement was not met.	*** *:
		Adjustment	-\$9,000
		Base Penalty	y Subtotal \$1,000
Violation Events			in the second
Number of Violation Ev	rents 1		-
100 A 100	daily		
	onthly		•
Sector Sect	brterlý.	Violation Bas	e Penalty \$1,000
use a small x semia	nnual		
all (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	nnual;		
isingle	event X		
One single eve	nt is recommended has	sed on the investigation conducted	
	on January 2		
1; rA			· ·
Economic:Benefit (EB)	for this violation	Statutory Limit T	est
Estimated EB Amo	ount \$4	Violation Final Pen	alty Total \$1,560
	This violation I	Final Assessed Penalty (adjusted t	for limits) \$1,560
			a a faile anns anns a' starachta

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CONSTRUCT OF REACTING AND ADDRESS OF MARKED ADDRESS ADDRESS ADDRESS ADDRESS ADDRESS ADDRESS ADDRESS ADDRESS ADDR	03/21/07 C		o\OppaiBrosinc	-SaveV	vay⊢oodMart-	Rev3.6.07_1.w	03
Case ID No: Reg. Ent. Reference No. Additional ID No(s).	Uppal Bros., I 9684 RN102035367 Petroleum Sto	orage Tank Fac	Vay Food Mart		et.	- -	
Media [Statute]		orage Tank				Percent	Years of
Violation No.	5					Interest 5.0	Depreciation
	ltem	Date	Final	Yrs	Interest	Onetime	EB
Item <u>Description</u>	Cost	Required	Date		Saved	Costs	Amount
Delayed Costs				长期 过来			
Equipment			TOP SO VERSE	0.0	\$0	\$0	\$0
Buildings	REFERENCES		NG CENTRE ST	0.0	\$0	\$0	·\$C
Other (as needed)				0.0	\$0	\$0	\$C
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$C
Training/Sampling	and a standard the			0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	in/a	\$0
Permit Costs	*****	00 1++ 0000		0.0	<u>\$0</u>	n/a	\$C
Permit Costs Other (as needed)		28-Jan-2003	28-Oct-2004	0.0	\$0 \$4	n/a n/a	
		28-Jan-2003	28-Oct-2004 oximate cost it	1.8	\$4	n/at si	
Other (as needed) Notes for DELAYED costs	\$50 Anni	28-Jan-2003 Appr JALIZE (1) avoide	oximate cost it	1.8 5 label ering ite	\$4 the≀UST fill pi m≀(except for or	Des.	\$4 ssts)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	\$50 	28-Jan-2003 Appr JALIZE [1] avoide	oximate cost it	1.8 Dilabel eringilte 0.0	\$4 the UST fill pi m (except for or \$0	pes, e-time avoided.cc \$0	\$4
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	\$50 ANNI	28-Jan-2003 Appr JALIZE [1] avoide	oximate cost it	1.8 c label ering ite 0.0 0.0	\$4 the UST fill pi m (except for or \$0 \$0	e-time avoided.cc \$0 \$0	\$4 .sts) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	\$50 ANNI	28-Jan-2003 Appr JALIZE [1] avoide	oximate cost it	1.8 5 label ering ite 0.0 0.0 0.0	\$4 the UST fill pi m/except for or \$0 \$0 \$0	e-time avoided .cc \$0 \$0 \$0 \$0 \$0	\$4 sts) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	\$50 ANNI	28-Jan-2003 Appr JALIZE [1] avoide	oximate cost it	1.8 p*label ering.ite 0.0 0.0 0.0 0.0	\$4 the UST fill pi m(except for or \$0 \$0 \$0 \$0 \$0	e-time avoided ccc \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$4 sts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	\$50 ANNI	28-Jan-2003 Appr JALIZE [1] avoide	oximate cost it	1.8 pilabel ering ite 0.0 0.0 0.0 0.0 0.0 0.0	\$4 the UST fill pi m(except for or \$0 \$0 \$0 \$0 \$0 \$0 \$0	e-time avoided icc \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$4 (sts) (\$0 (\$0 (\$0 (\$0 (\$0) (\$0) (\$0) (\$0) (\$
Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$50 ANNI	28-Jan-2003 Appr JALIZE [1] avoide	oximate cost it	1.8 p:label o.label 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	\$4 the UST fill pi m(except for or \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	e-time avoided co \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$4 (sts) (st
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	\$50 ANNI	28-Jan-2003 Appr JALIZE [1] avoide	oximate cost it	1.8 pilabel ering ite 0.0 0.0 0.0 0.0 0.0 0.0	\$4 the UST fill pi m(except for or \$0 \$0 \$0 \$0 \$0 \$0 \$0	e-time avoided icc \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$4 ssts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

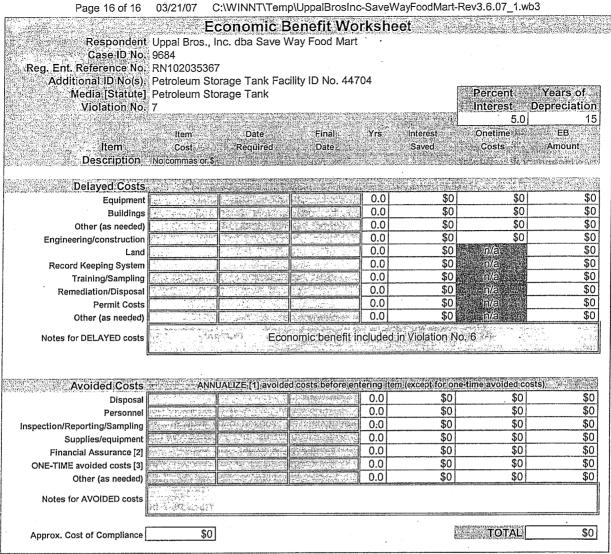
Page 13 of 16	03/21/07 C:\\	WINNT\Temp\Upp	alBrosinc-SaveWayFoodMart-I	Rev3.6.07_1.wb3
Screening Date	01-Oct-2003	Doc	ket No. 2003-1165-PST-E	PCW
- 中国人名英格兰英格兰英语英格兰英语 法法律法律法 计算机器 化分子		c. dba Save Way I	and the second of the second	Policy Revision 2 (September 2002)
Case ID No.				PCW Revision March 02, 2005
Reg. Ent. Reference No.	. /	,		
Additional ID No(s).		age Tank Facility i	ID No. 44704	
Media [Statute]				· · · · · · · · · · · · · · · · · · ·
Enf. Coordinator	Judy Kluge			
Violation Number	6			
Primary Rule Cite(s)	30 Te:	x. Admin. Code §	334.8(c)(4)(A)(vii) and (5)(B)(ii	
Secondary Rule Cite(s)		Tex. Water	Code § 26.346(c)(3)	
Violation Description	properly comple days before the	eted UST registration date illed to renew the	w the delivery certificate by sub tion and self-certification form a of the delivery certificate. Spe delivery certificate prior to the e ugust 31, 2002.	t least 30 cifically,
			Bas	e Penalty\$10,000
>>Environmental, Pro	boorty and Hi	iman Health M	atrix	
	Hai			
Release	Major Mode	erate Minor	,	
ORI Actual			Devee wet	
Potential			Percent	
>>>> Programmatic Matr	ix.			
Falsification	Major Mode	erate Minor	all and a state of the second s	
	×		Percent 10%	
		· ·		, ⁴ 72 2.
Matrix Notes	100% of th	e rule requiremen	t was not met.	
	**************************************		al a bridge to a subsequent a source of subsequences	хđ
			Adjustment	-\$9,000
			Base Penalty	Subtotal \$1,000
, ,				••••••••••••••••••••••••••••••••••••••
Violation Events				27 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)
		· · · · ·		
Number of Violati	on Events 1			
	dally	· · · ·		
	monthly			
mark only one	duarterly	· 2	Violation Bas	e Penalty \$1,000
use a small x	semiannual iannual			
	single event X	-		
		······································	·····	
One singl		mended based or on January 28, 200	the investigation conducted	
Economic Benefit (EB) for this v	iolation	Statutory Limit To	est
Estimated EE	Amount	\$9	Violation Final Pen	alty Total \$1,560
	This	s violation Final	Assessed Penalty (adjusted f	or limits) \$1,560

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Page 14 of 16	03/21/07	C:\WINNT\Tem	p\UppalBrosInc	-Save	WayFoodMart-	Rev3.6.07_1.wb	3
Respondent Case ID No. Reg. Ent. Reference No. Additional ID No(s). Media [Statute] Violation No. Item Description-	Uppal Bros. 9684 RN1020353 Petroleum S 6 Item Cost	torage Tank Fac torage Tank Date Required	Vay Food Mart	Erthuinsteat of	eet	Percent Interest [5.0] Onetime Costs	15
Delayed Costs			Service and the service of the servic				
Equipment				0.0	\$0	\$0	\$0
Buildings		Canada and a state of the second state of the		0.0	\$0	\$0	\$0
Other (as needed)	I manufacture and a second			0.0	\$0	\$0	\$0
Engineering/construction			5 M 45 1989 - 51	0.0	\$0	\$0	\$0
Land				. 0.0	. \$0	n/a	\$0
Record Keeping System		e kelendi 1977.		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal			a the state of the	0.0	\$0	si En/as sta	\$0
Permit Costs	1.		Real Sector (Sector)	0.0	\$0	n/ax	\$0
Other (as needed)			28-Oct-2004	1.8	\$9	hin /an o ni	\$9
Notes for DELAYED costs		Appro	ximate⊧cost∶to r	enew	a delivery certil	icate	
Avoided Costs	ÂN	NUALIZE [1] avoide	d costs before ent	ering it	em (except/for/on	e-time avoided cos	ts)
Disposal				0.0	\$0	\$0	\$0
Personnel	Contraction of the second s	14 5 Contractor		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	ni kast⊊tingesett ^{er} Mar			0.0	\$0	\$0	\$0
Supplies/equipment	Augusta and a second			0.0	\$0	\$0	\$0
Financial Assurance [2]	l'- c-il in containe			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	्राः स्त्र-क्रथम् स्टब्स्ट्			0.0	\$0	\$0	\$0
Other (as needed)	All Antonia and Antonia Aliana a grandali an mata a si			0.0	\$0	\$0	\$0
Notes for AVOIDED costs	ne dia 1990 North Contraction North Contraction (Contraction (Contract			1		n ang panganan ang sang sang sang sang sang san	
Approx. Cost of Compliance	\$100	<u>]</u>				TOTAL	\$9

-	03/21/07 C:WINN	T\Temp\UppalBrosInc-SaveWayFoc		
Screening Date	01-Oct-2003	Docket No: 2003-1165-Ps	ST-E	PCW
Respondent	Uppal Bros., Inc. dba	Save Way Food Mart	Policy Revisio	n 2 (September 2002
Case ID No.	- 1		PCW Rei	ision March 02, 200
Reg. Ent. Reference No.	*			
Additional ID No(s).	Petroleum Storage Ta	ank Facility ID No. 44704		
Media [Statute]	Petroleum Storage Ta	ank		
Enf. Coordinator				
Violation Number				
Primary Rule Cite(s)		ex. Admin. Code § 334.8(c)(5)(A)(i)		
Secondary Rule Cite(s)		Tex. Water Code § 26.3467(a)		
Violation Description	TCEQ delivery co substance into th	o make available to a common carrie ertificate before accepting delivery o the USTs. Specifically, Respondent a ary 17, 2003 and January 25, 2003 of current delivery certificate.	f a regulated	
			Base Penalty	\$10,000
> Environmental, Pro	operity and Human	Health Matrix		
	Harm			
Release	Major Moderate	Minor		
DR Lo Actual Potential		Percent	5%	
>Programmatic Mati	ί Χ			
Falsification	Major Moderate	Minor		
	그는 것 같은 사람이 가지?	Percent		
	e . The second se			
Humar	thealth or the environm	ment could be exposed to insignifica	int	
		Id not exceed levels that are protect al receptors as a result of the violation		
			1991 Walter and	
		Δdine	tment -\$9,500	- Eu.
		- AUJUS	unene -\$9,500	
		Base F	Penalty Subtotal	\$500
Violation Events				3"
			•	1.16
Number of Violati	on Events			
	dellu			
	monthly			
mark only one	guarterly.	Violatio	on Base Penalty	\$500
use a small x	semiannual			
	co, annual			
l. I	single:event X			
One-singl	e event is recommend	ed based on the investigation condu	icted :	
		uary 28, 2003.		
	Un Jan	しん かんしょう しんしん たいしん ひとう しんかく しんかく しんしょう かんしょう しんしょう	and the second s	
Economic Benefit (Ion	mit Tiest	
	EB) for this violat		mit Test	\$780

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Compliance History

Custome	/Respondent/Owner-Operator:	CN601107444	Uppal Brothers, Inc.		Classification: A	VERAGE	Rating: 28.330
Regulated	d Entity:	RN102035367	SAVE WAY FOOD MART	·	Classification: A	VERAGE	Site Rating: 28.33
ID Numbe	er(s):	PETROLEUM STO REGISTRATION	DRAGE TANK	REGISTRATIC	ON		44704
Location:		6620 BRENTWOO 76112	DD STAIR RD, FORT WORTH,	, TX,	Rating Date: 9/1	I/04 Repeat Vi	iolator: NO
TCEQ Re	gion:	REGION 04 - DFW	METROPLEX				
Date Con	pliance History Prepared:	March 17, 2005					
Agency D	ecision Requiring Compliance H	History: Enforcement	· · · · ·		1		
Complian	ce Period:	March 17, 2000 to	March 17, 2005				
TCEQ Sta	aff Member to Contact for Additi	ional Information Regarding this	Compliance History				
Name:	Judy Kluge	Pho	one: (817) 588-5825				
		Site C	Compliance History Compo	onents			
1 Has the	site been in existence and/or o	operation for the full five year con		Yes			
		wnership of the site during the co		No			
3. If Yes,	who is the current owner?			N/A		•	
4. if Yes,	who was/were the prior owner(s	s)?	×	N/A	· · · · · · · · · · · · · · · · · · ·		
5. When	did the change(s) in ownership	occur?		N/A			
	ents (Multimedia) for the Si	· .	• •				
А.		urt judgements, and consent dec		-	ment.		
	Effective Date: 8/28/0		ADMINORDER 2003-09	97-PST-E			•
	Classification: M		97 945(-)101				
	en an en a) TAC Chapter 37, SubChapter I) TAC Chapter 37, SubChapter I					
		lure to demonstrate acceptable fi		×			
	Effective Date: 4/5/04	4	ADMINORDER 2002-086	60-PST-E			
	Classification: M	loderate					
	onwiden.	TAC Chapter 115, SubChapter THC Chapter 382, SubChapter					
	Description: Fail	lure to maintain the Stage II vapo	or recovery system in proper op	perating condition.			
	Classification: M	linor	· · ·			•	
	onadon	TAC Chapter 115, SubChapter THC Chapter 382, SubChapter		Ŷ		» '	·
D		lure to post clear and legible ope with Stage II vapor recovery sys	-	information on gase	oline		
	Classification: M						
	Official official	TAC Chapter 115, SubChapter					
		CTHC Chapter 382, SubChapter lure to perform the annual pressu	• •				
	Classification: M	• •					
	O Real of the	TAC Chapter 115, SubChapter					
	Description: Fail of the Stage II va	THC Chapter 382, SubChapter ure to successfully perform 5 yr l upor recovery system.		o verify proper ope	ration		
	Charlen I	linor TAC Chapter 334, SubChapter I ed to pay outstanding fees assoc		55418U.			
В.	Any criminal convictions of the	state of Texas and the federal g	overnment.				
	N/A						
с.	Chronic excessive emissions e	events.					
-	N/A						
	11/1	•					

D.

E.

F.

G.

H.

I.

J.

The approval dates of investigations. (CCEDS Inv. Track. No.)

	1	03/04/2003	(23394)
	2	05/05/2003	(146700)
	3	02/19/2003	(20841)
	4	12/05/2001	(IE0018243001001)
	5	05/13/2003	(33646)
	6	09/27/2002	(133880)
	7	08/08/2000	(45491)
	8	04/11/2003	(31577)
itt∈	n 1	notices of violati	ions (NOV). (CCEDS
te:	ÓS	9/27/2002	(133880)
۰ د	_ 1f	Banarda NO	

Date: 09/27/2002	(133880)	•
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: Failed to demonstrate FA beginning 8/9/0	2.
Date: 01/28/2003	(20841)	
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.245(2)	
,	Description: 30TAC 115.245(2) - failure to successfully preceding 12 months.	y perform verfication tests (ex., A/L) within the
Self Report? NO		Classification: Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.222(3)	•
	30 TAC Chapter 115, SubChapter C 115.242(4)	
	Description: 30TAC 115.242(4) - No gasoline leaks, as	
Date: 11/09/2000	exist anywhere in the dispensing equipment or Stage II (115050)	recovery system.
		Classification: Moderate
Self Report? NO		
Citation:	30 TAC Chapter 115, SubChapter C 115.242(3)(I) Description: FAILURE TO COMPLY	
Date: 08/07/2000	(115050)	
•		Classification: Moderate
Self Report? NO	20 TAO Oberlas 445, DubOberlas O 445 040/0/001	Olassilication. Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.242(9)[G] Description: FAILURE TO COMPLY	
Environmental audits.	· · · · · · · · · · · · · · · · · · ·	
N/A		
	Description:	
Type of environmenta	l management systems (EMSs).	•
N/A	•	
	pliance assessment dates.	-
Volumary on one com		
rancipation in a volu	ntary pollution reduction program.	
N/A		·
Early compliance.		

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION AGAINST UPPAL BROS., INC. DBA SAVE WAY FOOD MART; RN102035367

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2003-1165-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 Uppal Bros., Inc. dba Save Way Food Mart ("Uppal") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Uppal appear before the Commission and together stipulate that:

- 1. Uppal owns and operates a convenience store with retail sales of gasoline located at 6620 Brentwood Stair Road, Fort Worth, Tarrant County, Texas (the "Facility"). Uppal's five underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Uppal's USTs contain a regulated petroleum substance as defined in the rules of the Commission.
- 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 Uppal agree that the Commission has jurisdiction to enter this Agreed Order, and that Uppal is subject to the Commission's jurisdiction.
- 4. Uppal received notice of enforcement of the violations alleged in Section II ("Allegations") on or about March 9, 2003.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Uppal of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

Uppal Bros., Inc. dba Save Way Food Mart TCEQ Docket No. 2003-1165-PST-E Page 2

- 6. An administrative penalty in the amount of thirty-five thousand one hundred dollars (\$35,100.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Uppal has paid one thousand eight hundred fifty dollars (\$1,850.00) of the administrative penalty. The remaining amount of thirty-three thousand two hundred fifty dollars (\$33,250.00) of the administrative penalty shall be payable in thirty-five monthly payments of nine hundred fifty dollars (\$950.00) each. The next monthly payment shall be made 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 Uppal 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 Uppal to meet the payment schedule of this Agreed Order constitutes the failure of Uppal 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 Uppal 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 Uppal has implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. Uppal has renewed its delivery certificate by submitting a properly completed UST registration and self-certification form.
- 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 Uppal 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

Uppal is alleged to have violated:

- 1. 30 TEX. ADMIN. CODE § 334.49(a) and TEX. WATER CODE § 26.3475(d) by failing to install a method of corrosion protection for the UST systems as documented during an inspection conducted on January 28, 2003, by a TCEQ Dallas/Fort Worth Regional Office investigator.
- 2. 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 petroleum USTs on or about January 28, 2003, as documented during an inspection conducted on January 28, 2003, by a TCEQ Dallas/Fort Worth Regional Office investigator.
- 3. 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and (d)(1)(B)(ii), 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, Uppal failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons, as documented during an inspection conducted on January 28, 2003, by a TCEQ Dallas/Fort Worth Regional Office investigator.
- 4. 30 TEX. ADMIN. CODE § 334.48(c) by failing to conduct effective manual or automatic inventory control procedures for the UST systems, as documented during an inspection conducted on January 28, 2003, by a TCEQ Dallas/Fort Worth Regional Office investigator.
- 30 TEX. ADMIN. CODE § 334.8(c)(5)(C) by failing to ensure that a legible tag, label, or marking with the tank number was permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube according to the UST registration and self-certification form, as documented during an inspection conducted on January 28, 2003, by a TCEQ Dallas/Fort Worth Regional Office investigator.
- 6. 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii), and TEX. WATER CODE § 26.346(c)(3) by failing to timely renew the delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date of the delivery certificate. Specifically, Uppal failed to renew the delivery certificate prior to the expiration date of August 31, 2002, as documented during an inspection conducted on January 28, 2003, by a TCEQ Dallas/Fort Worth Regional Office investigator.
- 7. 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a) by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, Uppal accepted fuel deliveries on January 17, 2003, and January 25, 2003, without a valid, current delivery

certificate, as documented during an inspection conducted on January 28, 2003, by a TCEQ Dallas/Fort Worth Regional Office investigator.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Uppal pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Uppal'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: Uppal Bros., Inc. dba Save Way Food Mart, Docket No. 2003-1165-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. Uppal shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, Uppal shall begin conducting effective manual or automatic inventory control procedures for all USTs in accordance with 30 TEX. ADMIN. CODE § 334.48(c) (relating to Inventory Control).
 - b. Within 30 days after the effective date of this Agreed Order, Uppal shall:
 - i. Install a corrosion protection method in accordance with 30 TEX. ADMIN. CODE § 334.49(a) (relating to Corrosion Protection).
 - ii. Submit documentation that demonstrates current 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 30 TEX. ADMIN. CODE § 37.815(a) and (b).

- iii. Install or implement a release detection method in accordance with 30 TEX. ADMIN. CODE § 334.50 (relating to Release Detection).
- iv. Appropriately mark the top of each fill tube or non-removable point in the immediate area of the fill tube of each UST, in accordance with 30 TEX. ADMIN. CODE § 334.8 (relating to Certification for USTs and UST Systems).
- c. Within 45 days after the effective date of this Agreed Order, Uppal shall submit written certification as described below and include detailed supporting logs and other documents to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b.iv.

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 fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Sam Barrett, Waste Section Manager Dallas/Fort Worth Regional Office Texas Commission on Environmental Quality 2309 Gravel Drive Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Uppal. Uppal 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.

Uppal Bros., Inc. dba Save Way Food Mart TCEQ Docket No. 2003-1165-PST-E Page 6

- 4. If Uppal 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, Uppal's failure to comply is not a violation of this Agreed Order. Uppal shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Uppal shall notify the Executive Director within seven days after becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. 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 Uppal shall be made in writing to the Executive Director. Extensions are not effective until Uppal receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Uppal 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.
- 7. 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.
- 8. 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 Uppal, or three days after the date on which the Commission mails notice of the Order to Uppal, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Uppal Bros., Inc. dba Save Way Food Mart TCEQ Docket No. 2003-1165-PST-E Page 7

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

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 TCEO, 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 penaltics, 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 relicf as authorized by law.

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

Signature

RASHPAL SINGH

Name (Printed or typed) Authorized representative of Uppal Bros., Inc. dba Save Way Food Mart

03-2707 Date OWNER

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