EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-1366-PST-E **TCEQ ID:** RN102370582 **CASE NO.:** 26387

RESPONDENT NAME: Amal Dana dba Rivercrest Service Station

ORDER TYPE:

X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__AMENDED ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__SHUTDOWN ORDER	__FINDINGS DEFAULT ORDER	__EMERGENCY ORDER	

CASE TYPE:

__AGRICULTURE	__AIR	__INDUSTRIAL AND HAZARDOUS WASTE	__MUNICIPAL SOLID WASTE
__OCCUPATIONAL CERTIFICATION	X 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		

SITE WHERE VIOLATION(S) OCCURRED: Rivercrest Service Station, 4621 Camp Bowie Boulevard, Fort Worth, Tarrant County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: __X__ Yes ____ No

OTHER SIGNIFICANT MATTERS: A complaint was received June 27, 2005, alleging that gasoline saturated soil was discovered during a construction activity next to the Rivercrest Service Center. The soil was disposed of at an approved landfill and the hole was filled with clean soil by a contractor. Therefore, the allegation was unable to be confirmed. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: A complaint was received but the complainant has not expressed a desire to protest this action or speak at Agenda.

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 10, 2006. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Judy Kluge, Enforcement Division, Enforcement Section II, MC R-04, (817) 588-5825; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, MC 219, (512) 239-1896
TCEQ Field Investigator: Ms. Paddi Farmer, DFW Regional Office, MC R-04, (817) 588-5800
Respondent: Ms. Amal Dana, Owner, Rivercrest Service Station, 4621 Camp Bowie Boulevard, Fort Worth, Texas 76107
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: _X_ Complaint ___ Routine ___ Enforcement Follow-up ___ Records Review **Date of Complaint Relating to this Case:** June 27, 2005 **Date of Investigation Relating to this Case:** June 27, 2005 **Date of NOE Relating to this Case:** July 29, 2005 (NOE) **Background Facts:** This was a complaint investigation. Eight violations were documented. The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay part of the administrative penalty. **WASTE** 1) Failed to provide copies of all required Stage I and Stage II records pertaining to an underground storage tank (UST) system for inspection by Commission personnel [30 TEX. ADMIN. CODE §§ 115.226(1), 115.246(1), (6), and (7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 2) Failed to have a release detection method capable of detecting a release from any portion of the UST system which contained regulated substances including the tanks, piping, and other ancillary equipment [30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)]. 3) Failed to conduct proper release detection for the piping associated with the UST system [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)]. 4) Failed to test the line leak detectors on an annual basis for performance and operational reliability [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a)]. 5) Failed to conduct a manual or automatic inventory control procedures for all USTs at the Station [30 TEX. ADMIN. CODE § 334.48(c)].	**Total Assessed:** $8,832 **Total Deferred:** $2,451 __Expedited Settlement _X_ Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid (Due) to General Revenue:** $186 (remaining $6,195 due in 35 monthly payments of $177 each) **Site Compliance History Classification:** __High _X_ Avg. __Poor **Person Compliance History Classification:** __High _X_ Avg. __Poor **Major Source:** ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken** The Executive Director recognizes that Amal Dana has implemented the following corrective measures at the Station: a. As of July 1, 2005, conducted tank tightness and line leak detector tests at the Station with passing test results for the UST system; b. As of July 12, 2005, conducted an annual passing Stage II Vapor Recovery system test at the Station; c. As of August 1, 2005, documentation was received at the TCEQ Dallas/Fort Worth Regional office of Statistical Inventory Reports indicating inventory control procedures are being conducted; d. As of August 5, 2005, documentation was received at the TCEQ Dallas/Fort Worth Regional office of all the required records including proof of Financial Assurance coverage pertaining to the UST system; e. As of August 6, 2005, the TCEQ Dallas/Fort Worth Regional office received documentation that release detection requirements were met; and f. As of August 9, 2005, the TCEQ Dallas/Fort Worth Regional office received photos confirming the tanks have been labeled and numbered as required.

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
6) Failed to permanently tag or label each UST fill tube at the Station with the number used to identify the tank on the registration and self-certification form filed with the Commission [30 TEX. ADMIN. CODE § 334.8(c)(5)(C)]. 7) Failed to verify proper operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification, whichever occurs first [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 8) Failed to maintain the UST records as required. Specifically, the Station did not have a copy of the Financial Assurance records [30 TEX. ADMIN. CODE § 334.10(b)].		

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES **Assigned** 01-Aug-2005
PCW 09-Aug-2005 **Screening** 05-Aug-2005 **EPA Due**

RESPONDENT/FACILITY INFORMATION

Respondent Amal Dana dba Rivercrest Service Station
Reg. Ent. Ref. No. RN102370582
Facility/Site Region 4-Dallas/Fort Worth **Major/Minor Source** Minor Source

CASE INFORMATION

Enf./Case ID No. 26387 **No. of Violations** 6
Docket No. 2005-1366-PST-E **Order Type** 1660
Media Program(s) Petroleum Storage Tank **Enf. Coordinator** Judy Kluge
Multi-Media **EC's Team** Enforcement Team 3
Admin. Penalty $ Limit Minimum $0 **Maximum** $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) ***Subtotal 1*** **$9,600**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **2%** Enhancement ***Subtotals 2, 3, & 7*** **$192**

Notes: Respondent has one NOV without same or similar violations.

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

Notes: Respondent does not meet culpability criteria.

Good Faith Effort to Comply **10%** Reduction ***Subtotal 5*** **-$960**

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

Notes: The respondent is in full compliance as of August 9, 2005.

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

**Capped at the Total EB $ Amount*

Total EB Amounts $123
Approx. Cost of Compliance $1,650

SUM OF SUBTOTALS 1-7 **Final Subtotal** **$8,832**

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 **$8,832**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **$8,832**

DEFERRAL **20%** Reduction **Adjustment** **-$1,766**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$7,066**

Screening Date 05-Aug-2005 **Docket No.** 2005-1366-PST-E **PCW**
Respondent Amal Dana dba Rivercrest Service Station *Policy Revision 2 (September 2002)*
Case ID No. 26387 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102370582
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Judy Kluge

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)*	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government *(number of judgements or consent decrees meeting criteria)*	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **2%**

>> **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 Respondent has one NOV without same or similar violations.

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

Screening Date 05-Aug-2005 **Docket No.** 2005-1366-PST-E **PCW**

Respondent Amal Dana dba Rivercrest Service Station *Policy Revision 2 (September 2002)*

Case ID No. 26387 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102370582

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 115.226(1), 115.246(1), (6), and (7)(A)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to provide copies of all required Stage I and Stage II records pertaining to a UST system for inspection by Commission personnel. Specifically, there were no records available for review at the time of the investigation including no gasoline delivery records, a copy of the applicable California Air Resources Board (CARB) Executive Order for the Stage II Vapor Recovery system, records of the results of daily and monthly inspections conducted, and employee Stage II awareness training records.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended based on the investigation date of June 27, 2005.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $920

This violation Final Assessed Penalty (adjusted for limits) $920

Economic Benefit Worksheet

Respondent Amal Dana dba Rivercrest Service Station
Case ID No. 26387
Reg. Ent. Reference No. RN102370582
Media [Statute] Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$100	27-Jun-2005	05-Aug-2005	0.1	$1	n/a	$1
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 Estimated cost to maintain Stage I and Stage II records as required. Date required is the date of the investigation and the final date is the date of compliance.

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

Approx. Cost of Compliance $100

TOTAL $1

PCW

Policy Revision 2 (September 2002)
PCW Revision May 19, 2005

Screening Date 05-Aug-2005 **Docket No.** 2005-1366-PST-E
Respondent Amal Dana dba Rivercrest Service Station
Case ID No. 26387
Reg. Ent. Reference No. RN102370582
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Judy Kluge

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.50(a)(1)(A), (b)(2), and (b)(2)(A)(i)(III)

Secondary Rule Cite(s) Tex. Water Code § 26.3475(a) and (c)(1)

Violation Description Failed to have a release detection method capable of detecting a release from any portion of the UST system which contained regulated substances including the tanks, piping, and other ancillary equipment, failed to conduct proper release detection for piping associated with the UST system, and failed to test the line leak detectors on an annual basis for performance and operational reliability.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failing to monitor the UST system for releases could expose human health or the environment to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended based on documentation of the violation during the June 27, 2005 investigation to the August 6, 2005 compliance date.

Economic Benefit (EB) for this violation

Estimated EB Amount $5

Statutory Limit Test

Violation Final Penalty Total $2,300

This violation Final Assessed Penalty (adjusted for limits) $2,300

Economic Benefit Worksheet

Respondent Amal Dana dba Rivercrest Service Station
Case ID No. 26387
Reg. Ent. Reference No. RN102370582
Media [Statute] Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$1,000	27-Jun-2005	06-Aug-2005	0.1	$5	n/a	$5

Notes for DELAYED costs Estimated cost to ensure a proper release detection method in is place, to monitor piping for releases, and conduct annual line leak detector tests. Date required is the date of investigation. The final date is the date of full compliance.

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

Approx. Cost of Compliance $1,000

TOTAL $5

Screening Date 05-Aug-2005 **Docket No.** 2005-1366-PST-E **PCW**

Respondent Amal Dana dba Rivercrest Service Station *Policy Revision 2 (September 2002)*

Case ID No. 26387 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102370582

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.48(c)

Secondary Rule Cite(s)

Violation Description Failed to conduct a manual or automatic inventory control procedures for all USTs at the retail service station.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,500

One quarterly event is recommended based on documentation of the violation during the June 27, 2005 investigation, to the August 1, 2005 date of compliance.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $2,300

This violation Final Assessed Penalty (adjusted for limits) $2,300

Economic Benefit Worksheet

Respondent Amal Dana dba Rivercrest Service Station
Case ID No. 26387
Reg. Ent. Reference No. RN102370582
Media [Statute] Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$250	27-Jun-2005	01-Aug-2005	0.1	$1	n/a	$1
Notes for DELAYED costs	Estimated cost to conduct inventory control for all USTs. Required date is the date of the investigation and final date is the date of compliance.						
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							

Approx. Cost of Compliance $250

TOTAL $1

Screening Date 05-Aug-2005 **Docket No.** 2005-1366-PST-E **PCW**

Respondent Amal Dana dba Rivercrest Service Station *Policy Revision 2 (September 2002)*

Case ID No. 26387 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102370582

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(5)(C)

Secondary Rule Cite(s)

Violation Description Failed to permanently tag or label each UST fill tube at the Station with the number used to identify the tank on the registration and self-certification form filed with the Commission.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $1,000

One single event is recommended based on documentation of the violation during the June 27, 2005 investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $920

This violation Final Assessed Penalty (adjusted for limits) $920

Economic Benefit Worksheet

Respondent Amal Dana dba Rivercrest Service Station
Case ID No. 26387
Reg. Ent. Reference No. RN102370582
Media [Statute] Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$100	27-Jun-2005	09-Aug-2005	0.1	$1	n/a	$1

Notes for DELAYED costs The estimated cost includes the amount required to permanently affix a metal label to each UST fill tube, calculated for the time frame from the date of the investigation to the date of compliance.

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

Approx. Cost of Compliance $100

TOTAL $1

Screening Date 05-Aug-2005 **Docket No.** 2005-1366-PST-E **PCW**

Respondent Amal Dana dba Rivercrest Service Station *Policy Revision 2 (September 2002)*

Case ID No. 26387 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102370582

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 115.245(2)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description Failure to verify proper operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification, whichever occurs first. Specifically, during the investigation, it was documented that the last successfully completed annual compliance testing was performed on May 2, 2003.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to verify proper operation of the Stage II equipment could result in the release of a significant amount of gasoline vapors which would exceed levels that are protective of human health or environmental receptors.

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $2,500

One annual event is recommended for the 12 month period preceding the June 27, 2005 investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $115

Statutory Limit Test

Violation Final Penalty Total $2,300

This violation Final Assessed Penalty (adjusted for limits) $2,300

Economic Benefit Worksheet

Respondent Amal Dana dba Rivercrest Service Station
Case ID No. 26387
Reg. Ent. Reference No. RN102370582
Media [Statute] Petroleum Storage Tank
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)	$100	02-May-2003	12-Jul-2005	3.0	$15	$100	$115
Notes for AVOIDED costs	This is an estimated cost to conduct a test to verify proper operation of the Stage II equipment. The date required (May 2, 2003) is the date annual compliance testing was due and final date is the actual date of compliance (July 12, 2005).						

Approx. Cost of Compliance $100 **TOTAL** $115

PCW

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Screening Date 05-Aug-2005 **Docket No.** 2005-1366-PST-E

Respondent Amal Dana dba Rivercrest Service Station

Case ID No. 26387

Reg. Ent. Reference No. RN102370582

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.10(b)

Secondary Rule Cite(s)

Violation Description Failed to maintain the UST records as required. Specifically, the Station did not have a copy of their Financial Assurance coverage.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes: Less than 30% of the rule requirement was met.

Adjustment -$9,900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $92

This violation Final Assessed Penalty (adjusted for limits) $92

Economic Benefit Worksheet

Respondent Amal Dana dba Rivercrest Service Station
Case ID No. 26387
Reg. Ent. Reference No. RN102370582
Media [Statute] Petroleum Storage Tank
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$100	27-Jul-2005	05-Aug-2005	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 Estimated cost to maintain UST records. Date Required is the investigation date and Final Date is the date the respondent submitted proof of Financial Assurance policy.

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

Approx. Cost of Compliance $100

TOTAL $0

Compliance History

Customer/Respondent/Owner-Operator:	Amal Dana CN602928418	Classification: AVERAGE	Rating: 1.08
Regulated Entity:	RIVERCREST SERVICE STATION RN102370582	Classification: AVERAGE	Site Rating: 1.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	17713

Location: 4621 CAMP BOWIE BLVD, FORT WORTH, TX, 76107

Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: September 9, 2005

Enforcement Agency Decision Requiring Compliance History: TCEQ

Compliance Period: September 9, 2001 to September 9, 2005

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

Name: Judy Kluge Phone: (817) 588-5825

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?	Yes
3.	If Yes, who is the current owner?	Amal Dana
4.	if Yes, who was/were the prior owner(s)?	Nasif, Inc.
5.	When did the change(s) in ownership occur?	February 15, 2002

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 04/17/2003 (31339)
2 08/19/2004 (288191)
3 02/25/2003 (275477)
4 06/28/2005 (398786)

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

Date: 02/25/2003 (275477)

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	
AMAL DANA DBA RIVERCREST	§	**TEXAS COMMISSION ON**
SERVICE STATION	§	
RN102370582	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2005-1366-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Amal Dana dba Rivercrest Service Station ("Amal Dana") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Amal Dana appear before the Commission and together stipulate that:

1. Amal Dana owns and operates a convenience store with retail sales of gasoline at 4621 Camp Bowie Boulevard in Fort Worth, Tarrant County, Texas (the "Station").

2. Amal Dana's three (3) underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

3. The Commission and Amal Dana agree that the Commission has jurisdiction to enter this Agreed Order, and that Amal Dana is subject to the Commission's jurisdiction.

4. Amal Dana received notice of the violations alleged in Section II ("Allegations") on or about August 3, 2005.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Amal Dana of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Eight Thousand Eight Hundred Thirty-Two Dollars ($8,832) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by Amal Dana and determined that Amal Dana is unable to pay part of the administrative penalty. Therefore, Two Thousand Four Hundred Fifty-One Dollars ($2,451) of the penalty is deferred contingent upon Amal Dana's timely and satisfactory

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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CHIEF CLERKS OFFICE

compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Amal Dana fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Amal Dana to pay all or part of the deferred penalty.

Amal Dana has paid One Hundred Eighty-Six Dollars ($186) of the undeferred administrative penalty. The remaining amount of Six Thousand One Hundred Ninety-Five Dollars ($6,195) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Seventy-Seven Dollars ($177) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If Amal Dana fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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 Amal Dana to meet the payment schedule of this Agreed Order constitutes the failure by Amal Dana to timely and satisfactorily comply with all 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 Amal Dana 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 Amal Dana has implemented the following corrective measures at the Station:

   a. As of July 1, 2005, conducted tank tightness and line leak detector tests at the Station with passing test results for the UST system;

   b. As of July 12, 2005, conducted an annual passing Stage II Vapor Recovery system test at the Station;

   c. As of August 1, 2005, documentation was received at the TCEQ Dallas/Fort Worth Regional office of Statistical Inventory Reports indicating inventory control procedures are being conducted;

   d. As of August 5, 2005, documentation was received at the TCEQ Dallas/Fort Worth Regional office of all the required records including proof of Financial Assurance coverage pertaining to the UST system;

   e. As of August 6, 2005, the TCEQ Dallas/Fort Worth Regional office received documentation that release detection requirements were met; and

   f. As of August 9, 2005, the TCEQ Dallas/Fort Worth Regional office received photos confirming the tanks have been labeled and numbered as required.

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 Amal Dana 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

As owner and operator of the Station, Amal Dana is alleged to have:

1. Failed to provide copies of all required Stage I and Stage II records pertaining to a UST system for inspection by Commission personnel, in violation of 30 TEX. ADMIN. CODE §§ 115.226(1), 115.246(1), (6), and (7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 27, 2005.

2. Failed to have a release detection method capable of detecting a release from any portion of the UST system which contained regulated substances including the tanks, piping, and other ancillary equipment, in violation of 30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on June 27, 2005.

3. Failed to conduct proper release detection for the piping associated with the UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on June 27, 2005.

4. Failed to test the line leak detectors on an annual basis for performance and operational reliability, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on June 27, 2005.

5. Failed to conduct a manual or automatic inventory control procedures for all USTs at the Station, in violation of 30 TEX. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on June 27, 2005.

6. Failed to permanently tag or label each UST fill tube at the Station with the number used to identify the tank on the registration and self-certification form filed with the Commission, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(C), as documented during an investigation conducted on June 27, 2005.

7. Failed to verify proper operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification, whichever occurs first, in violation of 30 TEX. ADMIN.

CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 27, 2005.

8. Failed to maintain the UST records as required, in violation of 30 TEX. ADMIN. CODE § 334.10(b), as documented during an investigation conducted on June 27, 2005. Specifically, the Station did not have a copy of the Financial Assurance records.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Amal Dana pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Amal Dana'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 requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Amal Dana dba Rivercrest Service Station, Docket No. 2005-1366-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 Amal Dana Amal Dana is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.

3. If Amal Dana 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, Amal Dana's failure to comply is not a violation of this Agreed Order. Amal Dana shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Amal Dana shall notify the Executive Director within seven days after Amal Dana 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 Amal Dana shall be made in writing to the Executive Director. Extensions are not effective until Amal Dana 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 Amal Dana 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), the effective date is the date of hand-delivery of the Order to Amal Dana, or three days after the date on which the Commission mails notice of the Order to Amal Dana, 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

Robert Pendleton
For the Executive Director

3/6/06
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 further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Signature

12-27-05
Date

AMAL DANA
Name (Printed or typed)
Authorized Representative of
Amal Dana dba Rivercrest Service Station

OWNER
Title

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