

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-0123-PST-E

TCEQ ID: RN101534790

CASE NO.: 11519

RESPONDENT NAME: INARA CONVENIENCE, INC. DBA ROSEDALE TEXACO

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 6101 East Rosedale Street, Fort Worth, Tarrant County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 15, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney: Ms. Kathleen Decker, Litigation Division, MC 175, (512) 239-6500 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873</p> <p>TCEQ Enforcement Coordinator: Ms. Shontay Wilcher, Waste Enforcement Section, MC 128, (512) 239-2136</p> <p>TCEQ Regional Contact: Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903</p> <p>Respondent: Mr. Shehzad Dhanani, Vice President and Director, 1833 Pelican, Azle, Texas 76020</p> <p>Respondent's Attorney: Mr. William F. Brown, Attorney and Counselor at Law, 210 North Sixth Street, Waco, Texas 76701</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: December 19, 2005.</p> <p>Date of NOE Relating to this Case: January 2, 2006</p> <p>Background Facts:</p> <p>An EDRP was filed on April 6, 2006. No Answer was filed so a default order and shutdown was scheduled for an agenda. The Respondent filed an Answer on October 30, 2006 prior to the agenda on which the default was to be considered by the Commission. The matter was subsequently referred to SOAH on December 5, 2006 and set for a contested case hearing on May 22, 2007. On May 18, 2007 the Executive Director received a signed Agreed Order and payment of administrative penalties.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>PST:</p> <ol style="list-style-type: none"> Failed to monitor its underground storage tanks (USTs) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) by using one or more of the release detection methods and, by failing to monitor pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system. The Respondent also failed to have the line leak detectors tested at least once per year for performance and operational reliability. Specifically, the Respondent did not have a proper release detection method for the USTs at the Facility [30 TEX. ADMIN. CODE § 334.50(b), (b)(1)(A), (b)(2) and (b)(2)(A)(i)(III); TEX. WATER CODE § 26.3475(a) and (c)(1) and Agreed Order Docket No. 2003-1588-PST-E, Ordering Provision No. 2.b.]. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel [30 TEX. ADMIN. CODE 334.48(c) and Agreed Order Docket No. 2003-1588-PST-E, Ordering Provision No. 2.a.]. 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 non-removable point in 	<p>Total Assessed: \$40,610</p> <p>Total Deferred: \$0</p> <p>Total Paid/Due to General Revenue: \$1,235/\$39,375</p> <p>The Respondent has paid \$1,235 of the assessed penalty. The remaining amount of \$39,375 of the administrative penalty shall be payable in 35 monthly payments of \$1,125 each.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Action(s) Taken:</p> <p>The Executive Director recognizes that the Respondent:</p> <ol style="list-style-type: none"> Began conducting effective manual or automatic inventory control procedures for all USTs on September 1, 2005. Numbered the tanks according to the UST registration and self-certification form as of October 30, 2006. <p>Ordering Provision(s):</p> <ol style="list-style-type: none"> Within 30 days, install or implement a release detection method. 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 with Ordering Provision No. 1.

the immediate area of the fill tube according to the UST Registration and Self-Certification Form. Specifically, the Respondent did not number the tanks according to the UST Registration and Self-Certification Form [30 TEX. ADMIN. CODE § 334.8(c)(5)(C)].



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	02-Jan-2006	Screening	01-Feb-2006	EPA Due	
	PCW	16-May-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Inara Convenience Inc. dba Rosedale Texaco
Reg. Ent. Ref. No.	RN101534790
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	11519	No. of Violations	3
Docket No.	2006-0123-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Shontay Wilcher
Multi-Media		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 31% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability 0% Enhancement **Subtotal 4**

Notes

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

Before NOV. NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

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

Total EB Amounts	<input type="text" value="\$304"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$2,600"/>	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL 0% Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 01-Feb-2006

Docket No. 2006-0123-PST-E

PCW

Respondent Inara Convenience Inc. dba Rosedale Texaco

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101534790

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
Other	<i>Please Enter Yes or No</i>		
	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)

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3)

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7)

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one Notice of Violation with same or similar violations, three Notice of Violations without same or similar violations, and one 1660 Agreed Order.

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

Screening Date 01-Feb-2006 Docket No. 2006-0123-PST-E PCW

Respondent Inara Convenience Inc. dba Rosedale Texaco Policy Revision 2 (September 2002)

Case ID No. 11519 PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101534790

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number 1

Primary Rule Cite(s) Agreed Order Docket No. 2003-1588-PST-E, Ordering Provision No. 2.b., 30 Tex. Admin. Code § 334.50(b)(1)(A), 334.50(b), 334.50(b)(2), and 334.50(b)(2)(A)(I)(III)

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

Violation Description Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) by using one or more of the release detection methods and failed to monitor pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system. Specifically, the respondent did not have a proper release detection method for the USTs at the Facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes Failure to provide a proper release detection method could result in the release of significant amounts of pollutants that would exceed levels that are protective of human health or the environment.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 7

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

Violation Base Penalty \$17,500

Seven quarterly events are recommended for the period from the July 30, 2004 order effective date to February 1, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$224

Violation Final Penalty Total \$22,925

This violation Final Assessed Penalty (adjusted for limits) \$22,925

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Rosedale Texaco
 Case ID No. 11519
 Reg. Ent. Reference No. RN101534790
 Media [Statute] Petroleum Storage Tank
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	30-Jul-2004	15-Sep-2006	2.1	\$11	\$213	\$224
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: Estimated cost to provide a proper release detection method. Date Required is the effective date of the previous order and Final Date is the estimated 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 **\$1,500**

TOTAL \$224

Screening Date 01-Feb-2006

Docket No. 2006-0123-PST-E

PCW

Respondent Inara Convenience Inc. dba Rosedale Texaco

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101534790

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number

Primary Rule Cite(s)

Agreed Order Docket No. 2003-1588-PST-E, Ordering Provision No. 2.a. and 30 Tex. Admin Code § 334.48(c)

Secondary Rule Cite(s)

Violation Description

Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel. Specifically, the respondent did not begin conducting effective manual or automatic inventory control procedures for all USTs.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>				

Matrix Notes

Failure to conduct effective inventory control could result in the release of significant amounts of pollutants that would exceed levels that are protective of human health or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Five quarterly events are recommended for the period from the July 30, 2004 order effective date to the September 1, 2005 compliance date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Rosedale Texaco
 Case ID No. 11519
 Reg. Ent. Reference No. RN101534790
 Media [Statute] Petroleum Storage Tank
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	30-Jul-2004	01-Sep-2005	1.1	\$4	\$73	\$76
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: Estimated cost to conduct effective inventory control. Date Required is the effective date of the previous order and Final Date is the date of compliance.

Item	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

TOTAL

Screening Date 01-Feb-2006

Docket No. 2006-0123-PST-E

PCW

Respondent Inara Convenience Inc. dba Rosedale Texaco

Policy Revision 2 (September 2002)

Case ID No. 11519

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101534790

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Shontay Wilcher

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code § 334.8(c)(5)(C)

Secondary Rule Cite(s)

Violation Description

Failed to ensure that a legible tag, label, or marking with the tank number is 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. Specifically, the respondent did not number the tanks according to the UST registration and self-certification form.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

100% of the rule requirement was not met.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event is recommended based on documentation of the violation during the December 19, 2005 investigation date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Inara Convenience Inc. dba Rosedale Texaco
 Case ID No. 11519
 Reg. Ent. Reference No. RN101534790
 Media [Statute] Petroleum Storage Tank
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	19-Dec-2005	15-Oct-2006	0.8	\$4	n/a	\$4

Notes for DELAYED costs: Estimated cost to label the tank fill ports. The Date Required is the date of the investigation and the Final Date is the estimated 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 TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600805808 Inara Convenience Inc.	Classification: AVERAGE	Rating: 6.75
Regulated Entity:	RN101534790 ROSEDALE TEXACO	Classification: AVERAGE	Site Rating: 13.50
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	5590
Location:	6101 E ROSEDALE ST, FORT WORTH, TX, 76112	Rating Date: 9/1/2005	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	February 10, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 10, 2001 to February 10, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Shontay Wilcher	Phone:	(512) 239-2136

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.
- | | | |
|-----|---|----------------------------|
| N/A | Effective Date: 07/30/2004 | ADMINORDER 2003-1588-PST-E |
| | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1) | |
| | 30 TAC Chapter 334, SubChapter C 334.48(c) | |
| | 30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(ii) | |
| | Description: Failed to conduct effective manual or automatic inventory control procedures for the UST systems. | |
| | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a) | |
| | 2D TWC Chapter 26, SubChapter A 26.3475(c)(1) | |
| | 30 TAC Chapter 334, SubChapter C 334.50(b) | |
| | 30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A) | |
| | 30 TAC Chapter 334, SubChapter C 334.50(b)(2)(A)(i)(III) | |
| | 30 TAC Chapter 334, SubChapter C 334.50(b)(2)[G] | |
| | Description: Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). | |
- 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 | 09/16/2005 | (398024) |
| 2 | 01/02/2006 | (449707) |
| 3 | 05/20/2003 | (35339) |
| 4 | 06/24/2003 | (277436) |
| 5 | 09/28/2004 | (285817) |
| 6 | 07/10/2002 | (4398) |
| 7 | 06/28/2004 | (273217) |
| 8 | 02/17/2005 | (351077) |
| 9 | 03/03/2005 | (372564) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 05/30/2002 (4398) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 115, SubChapter C 115.245(3)[G]
Description: At the time of this inspection, the facility had not successfully performed the required 5-year testing.

Date: 06/24/2003 (277436) Classification: Moderate
Self Report? NO
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.

Date: 09/13/2005 (398024) Classification: Moderate
Self Report? NO
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.48(c)
30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(ii)
Description: Failed to conduct effective manual or automatic inventory control procedures for the UST systems.

Classification: Moderate
Self Report? NO
Citation: 2D TWC Chapter 26, SubChapter A 26.3475(a)
2D TWC Chapter 26, SubChapter A 26.3475(c)(1)
30 TAC Chapter 334, SubChapter C 334.50(b)
30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
30 TAC Chapter 334, SubChapter C 334.50(b)(2)(A)(i)(III)
30 TAC Chapter 334, SubChapter C 334.50(b)(2)[G]
Description: Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring).

Classification: Major
Self Report? NO
Citation: 2A TWC Chapter 7, SubChapter A 7.101
Rqmt Prov: ORDER IA
Description: Failure to comply with Commission Order Docket No. 2003-1588-PST-E.

Date: 06/28/2004 (273217) Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)
Description: Failure to maintain a record of daily inspections according to 115.244 (Inspection Requirements).

Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)
Description: Failure to maintain a record of maintenance conducted on any part of the Stage II equipment.

Classification: Moderate
Self Report? NO
Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)
Description: Failure to maintain a record of the results of testing conducted at the facility according to 115.245 (Testing Requirements).

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
AGAINST
INARA CONVENIENCE, INC. DBA
ROSEDALE TEXACO;
RN101534790

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-0123-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 Inara Convenience, Inc. dba Rosedale Texaco ("Inara") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Inara, represented by Mr. William F. Brown, appear before the Commission and together stipulate that:

1. Inara owns and operates a convenience store with retail sales of gasoline located at 6101 East Rosedale Street, Fort Worth, Tarrant County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
3. The Commission and Inara agree that the Commission has jurisdiction to enter this Agreed Order, and that Inara is subject to the Commission's jurisdiction.
4. Inara received notice of the violations alleged in Section II ("Allegations") on or about January 7, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Inara of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of forty thousand six hundred ten dollars (\$40,610.00) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). Inara has paid one thousand two hundred thirty-five dollars (\$1,235.00) of the administrative penalty. The remaining amount of thirty-nine thousand three hundred seventy-five dollars (\$39,375.00) of the administrative penalty shall be payable in thirty-five monthly payments of one thousand one hundred twenty-five dollars (\$1,125.00) 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 until paid in full. If Inara 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 Inara to meet the payment schedule of this Agreed Order constitutes the failure of Inara 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 Inara 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 Inara :
 - a. Began conducting effective manual or automatic inventory control procedures for all USTs in accordance with 30 TEX. ADMIN. CODE § 334.48(c) on September 1, 2005.
 - b. Numbered the tanks according to the UST registration and self-certification form as of October 30, 2006.
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 Inara 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

Inara is alleged to have violated:

- a. 30 TEX. ADMIN. CODE § 334.50(b), (b)(1)(A), (b)(2) and (b)(2)(A)(i)(III); TEX. WATER CODE § 26.3475(a) and (c)(1); and Agreed Order Docket No. 2003-1588-PST-E, Ordering Provision No. 2.b., by failing to monitor its underground storage tanks (USTs) for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) by using one or more of the release detection methods and, by failing to monitor pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system. Specifically, the respondent did not have a proper release detection method for the USTs at the Facility.
- b. 30 TEX. ADMIN. CODE § 334.48(c) and Agreed Order Docket No. 2003-1588-PST-E, Ordering Provision No. 2.a., by failing to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel. The respondent did not begin conducting effective manual or automatic inventory control procedures for all USTs as required by the Order.
- c. 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. Specifically, the respondent did not number the tanks according to the UST registration and self-certification form.

III. DENIALS

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

IV. ORDER

1. It is, therefore, ordered by the TCEQ that Inara pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Inara'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: Inara Convenience, Inc. dba Rosedale Texaco, Docket No. 2006-0123-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. Within 30 days after the effective date of this Agreed Order, Inara shall install or implement a release detection method in accordance with 30 TEX. ADMIN. CODE § 334.50 (relating to Release Detection).
3. Within 45 days after the effective date of this Agreed Order, Inara shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.

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

and

Mr. Samuel Barrett,
Waste Section Manager
Dallas Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Inara. Inara 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.
4. If Inara 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, Inara's failure to comply is not a violation of this Agreed Order. Inara shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Inara shall notify the Executive Director within seven days after Inara 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 Inara shall be made in writing to the Executive Director. Extensions are not effective until Inara 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 Inara 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 Inara, or three days after the date on which the Commission mails notice of the Order to Inara, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Inara Convenience, Inc. dba Rosedale Texaco
Docket No. 2006-0123-PST-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Handwritten Signature]

7/17/07

For the Executive Director

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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

[Handwritten Signature]

Signature

5/18/07

Date

SHEHZAD DHANAWAI

Inara (Printed or typed)

Authorized representative of

Inara Convenience, Inc. dba Rosedale Texaco

manager (operator)

Title