

Page 1 of 3

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2005-1522-PST-E TCEQ ID: RN101434314 CASE NO.: 26723**  
**RESPONDENT NAME: JOGESH AMIN DBA SEMA TEXACO**

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 8580 North MacArthur Boulevard, Irving, Dallas County</p> <p><b>TYPE OF OPERATION:</b> convenience store with retail sales of gasoline</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 17, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney: Mr. Shawn Slack, Litigation Division, MC 175, (512) 239-0063  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  TCEQ Enforcement Coordinator: Ms. Judy Kluge, Air Enforcement Section, MC R-4, (817) 588-5825  TCEQ Regional Contact: Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903  Respondent: Mr. Jogesh Amin, Owner, Sema Texaco, 8580 North MacArthur Boulevard, Irving, Texas 75063  Respondent's Attorney: Mr. William Willis, Attorney at Law, 502 West Earl Street, Cleburne, Texas 76033</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> June 8, 2005, and July 27, 2005</p> <p><b>Date of NOE Relating to this Case:</b> August 15, 2005</p> <p><b>Background Facts:</b></p> <p>An EDRP was filed in this matter on January 17, 2006. The case was referred to SOAH on October 11, 2006. A settlement agreement was reached with the Respondent and the case was remanded from SOAH on or about May 10, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>PST:</b></p> <ol style="list-style-type: none"> <li>Failed to maintain Stage II records on-site during business hours [30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>Failed to report to the agency within 24 hours, the results from a Petroleum Storage Tank (PST) release detection method conducted on June 18, 2005, that indicated a release had occurred [30 TEX. ADMIN. CODE § 334.72(3)].</li> <li>Failed to immediately investigate and confirm a suspected release of regulated substance requiring reporting under 30 TEX. ADMIN. CODE § 334.72, within 30 days, using either the steps outlined in 30 TEX. ADMIN. CODE § 334.74 or other procedures and schedules approved by the TCBEQ.</li> </ol>	<p><b>Total Assessed:</b> \$9,350</p> <p><b>Total Deferred:</b> \$0</p> <p><b>Total Paid/Due to General Revenue:</b> \$600/\$8,750</p> <p>The Respondent has paid \$600 of the administrative penalty. The remaining amount of \$8,750 of the administrative penalty shall be payable in thirty-five monthly payments of \$250 each.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Action(s) Taken</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:</p> <ol style="list-style-type: none"> <li>Provided current copies of Stage II records and certified that Stage II records are maintained on-site during business hours as of July 28, 2005.</li> <li>On July 29, 2005, began investigating a potential release suspected on June 18, 2005, from dispenser 7/8 and subsequently filed a Release Determination Report form.</li> <li>On August 1, 2005, performed a monthly test for substance loss with inventory control for proper release detection using the automatic tank gauging equipment.</li> <li>Provided documentation demonstrating the Station is conducting inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel as of August 1, 2005.</li> </ol>

<p>Specifically, the Respondent failed to investigate a potential release suspected on June 18, 2005 from dispenser 7/8 within 30 days and subsequently file a release Determination Report form within 45 days [30 TEX. ADMIN. CODE § 334.74].</p> <p>4. 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 use automatic tank gauging equipment to perform a monthly test for substance loss with inventory control for proper release detection [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>5. Failed to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel [30 TEX. ADMIN. CODE § 334.48(c)].</p>		
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Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	22-Aug-2005	Screening	31-Aug-2005	EPA Due	
	PCW	14-Nov-2005				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Jogesh Amin dba Sema Texaco
Reg. Ent. Ref. No.	RN101434314
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	26723	No. of Violations	5
Docket No.	2005-1522-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Judy Kluge
Multi-Media		EC's Team	Enforcement Team 7
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**  **Subtotals 2, 3, & 7**

Notes

**Culpability**   **Subtotal 4**

Notes

**Good Faith Effort to Comply**  **Subtotal 5**

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

Notes

**Economic Benefit**  **Subtotal 6**

Total EB Amounts	<input type="text" value="\$19"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$3,900"/>	

**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**  **Adjustment**

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

Notes

**PAYABLE PENALTY**

Screening Date 31-Aug-2005

Docket No. 2005-1522-PST-E

PCW

Respondent Jogesh Amin dba Sema Texaco

Policy Revision 2 (September 2002)

Case ID No. 26723

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101434314

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

## Compliance History Worksheet

## &gt;&gt; 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> )	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events (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 ( <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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

## &gt;&gt; Repeat Violator (Subtotal 3)

No 

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer 

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Adjustment for two NOVs with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 10%

**Screening Date** 31-Aug-2005

**Docket No.** 2005-1522-PST-E

**PCW**

**Respondent** Jogesh Amin dba Sema Texaco

*Policy Revision 2 (September 2002)*

**Case ID No.** 26723

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN101434314

**Media [Statute]** Petroleum Storage Tank

**Enf. Coordinator** Judy Kluge

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

**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	
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

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

**Violation Base Penalty**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent Jogesh Amin dba Sema Texaco  
 Case ID No. 26723  
 Reg. Ent. Reference No. RN101434314  
 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
<b>Delayed Costs</b>							
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	\$200	27-Jul-2005	01-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 establish a record keeping system to maintain Stage II records. The required date is the investigation date 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  TOTAL

**Screening Date** 31-Aug-2005

**Docket No.** 2005-1522-PST-E

**PCW**

**Respondent** Jogesh Amin dba Sema Texaco

*Policy Revision 2 (September 2002)*

**Case ID No.** 26723

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN101434314

**Media [Statute]** Petroleum Storage Tank

**Enf. Coordinator** Judy Kluge

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

<i>mark only one use a small x</i>	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**

**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 Jogesh Amin dba Sema Texaco  
 Case ID No. 26723  
 Reg. Ent. Reference No. RN101434314  
 Media [Statute] Petroleum Storage Tank  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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)					
Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	18-Jun-2005	19-Jun-2005	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  
 Estimated cost to notify the agency that a release may have occurred. Date required is date the release was detected, and final date is the date notification was required to TCEQ.

Approx. Cost of Compliance **\$100** TOTAL **\$0**

**Screening Date** 31-Aug-2005

**Docket No.** 2005-1522-PST-E

**PCW**

**Respondent** Jogesh Amin dba Sema Texaco

*Policy Revision 2 (September 2002)*

**Case ID No.** 26723

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN101434314

**Media [Statute]** Petroleum Storage Tank

**Enf. Coordinator** Judy Kluge

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

<i>mark only one use a small x</i>	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**

**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 Jogesh Amin dba Sema Texaco  
 Case ID No. 26723  
 Reg. Ent. Reference No. RN101434314  
 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
<b>Delayed Costs</b>							
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-Jul-2005	01-Aug-2005	0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated operational cost for printer paper, electricity and maintenance. The date required is the investigation date and the final date is the date of compliance.

<b>Avoided Costs</b>		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 31-Aug-2005

Docket No. 2005-1522-PST-E

PCW

Respondent Jogesh Amin dba Sema Texaco

Policy Revision 2 (September 2002)

Case ID No. 26723

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101434314

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

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" 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

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

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** Jogesh Amin dba Sema Texaco  
**Case ID No.** 26723  
**Reg. Ent. Reference No.** RN101434314  
**Media [Statute]** Petroleum Storage Tank  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

<b>Item Description</b>	<b>Item Cost</b>	<b>Date Required</b>	<b>Final Date</b>	<b>Yrs</b>	<b>Interest Saved</b>	<b>Onetime Costs</b>	<b>EB Amount</b>
<b>Delayed Costs</b>							
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	\$500	27-Jul-2005	01-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 conduct inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel. The date required is the investigation date and the final date is the date of compliance.

<b>Avoided Costs</b>	<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>						
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** 31-Aug-2005 **Docket No.** 2005-1522-PST-E **PCW**  
**Respondent** Jogesh Amin dba Sema Texaco *Policy Revision 2 (September 2002)*  
**Case ID No.** 26723 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101434314  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Judy Kluge  
**Violation Number** 5  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 334.74  
**Secondary Rule Cite(s)**  
**Violation Description**  
 Failed to immediately investigate and confirm a suspected release of regulated substance requiring reporting under 30 Tex. Admin. Code § 334.72 within 30 days, using either the steps outlined in 30 Tex. Admin. Code § 334.74 or other procedures and schedules approved by the TCEQ. Specifically, the Station failed to investigate a potential release suspected on June 18, 2005 from dispenser 7/8 within 30 days and subsequently file a Release Determination Report form within 45 days.  
**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> **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

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$2,500

One quarterly event is recommended based on the July 27, 2005 investigation date to the August 1, 2005 compliance date.

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$18

**Statutory Limit Test**

**Violation Final Penalty Total** \$2,125

**This violation Final Assessed Penalty (adjusted for limits)** \$2,125

### Economic Benefit Worksheet

Respondent Jogesh Amin dba Sema Texaco  
 Case ID No. 26723  
 Reg. Ent. Reference No. RN101434314  
 Media [Statute] Petroleum Storage Tank  
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
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)	\$3,000	18-Jun-2005	01-Aug-2005	0.1	\$18	n/a	\$18

Notes for DELAYED costs: Estimated cost to conduct an adequate site investigation and submit the Release Determination Report form to the TCEQ. The date required is the investigation date 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

**TOTAL**

# Compliance History

Customer/Respondent/Owner-Operator: CN601262132 AMIN, JOGESH Classification: AVERAGE Rating: 44.33  
 Regulated Entity: RN101434314 SEMA TEXACO Classification: AVERAGE Site Rating: 4.67  
 ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 69861  
 Location: 8580 N MACARTHUR BLVD, IRVING, TX, 75063 RATING DATE: 9/1/05 REPEAT VIOLATOR: NO  
 TCEQ Region: REGION 04 - DFW METROPLEX  
 Date Compliance History Prepared: September 20, 2005  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: September 20, 2000 to September 20, 2005

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

Name: Steven Lopez Phone: 512-239-1896

### 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? Amin, Jogesh
4. If Yes, who was/were the prior owner(s)?  
Sema Texaco  
Khawaja Investments, Inc.  
ECP Properties, Inc.
5. When did the change(s) in ownership occur? 04/20/2005

### 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 date of investigations. (CCEDS Inv. Track. No.)
  - 1 02/08/2001 (407423)
  - 2 05/17/2001 (407419)
  - 3 03/25/2002 (407420)
  - 4 08/15/2005 (402269)
  - 5 04/25/2002 (407422)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 

Date: 03/25/2002 (407420)

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter C 115.246(1)  
 Description: Failure to maintain a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II vapor recovery system and any related components installed at the facility.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.242(4)  
 Description: Failure to ensure that no gasoline leaks, as detected by sampling, sight, sound, or smell exist anywhere in the dispensing equipment or Stage II vapor recovery system.

Date: 02/08/2001 (407423)

Self Report? NO Classification: Minor  
 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.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 115, SubChapter C 115.246(1)  
 Description: Failure to maintain a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II vapor recovery system and any related components installed at the facility.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.244(1)  
 Description: Failure to conduct daily inspections of the Stage II vapor recovery system for the defects specified in §115.242(3)(A) - (F), (H), and (K).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.244(3)  
 Description: Failure to conduct a monthly inspection of the components listed in 115.242(3)(J).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.248(1)[G]  
 Description: Failure to ensure at least one facility representative receive training and instruction in the operation and maintenance of the Stage II vapor recovery system by successfully completing a training course approved by the TNRCC.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(E)  
 Description: Failure to maintain the stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resources Board (CARB) Executive Order(s) and free of defects that would impair the effectiveness of the system, including for bottled nozzles in vacuum assist system.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.222(3)  
 Description: Failure to eliminate any avoidable gasoline leaks, as detected by sight, sound, and smell exist anywhere in the liquid transfer or vapor balance system.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)  
 Description: failure to provide and maintain that Stage II vapor recovery system in proper operating condition, as specified by California Air Resources Board (CARB) Executive order(s) and free of defects that would impair the effectiveness of the approved system, including the absence or disconnection of any component that is a part of the approved system.

Self Report? NO Classification: Minor  
 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).

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)  
 Description: Failure to conduct pressure decay testing annually an in accordance with test procedures referenced in 115.245(1).

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING JOGESH AMIN  
DBA SEMA TEXACO;  
RN101434314

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2005-1522-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 Jogesh Amin dba Sema Texaco ("Mr. Amin") under the authority of TEX. WATER CODE chs. 7 and 26, and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Amin, represented by Mr. William Willis, Attorney at Law, appear before the Commission and together stipulate that:

1. Mr. Amin owns and operates a convenience store with retail sales of gasoline located at 8580 North MacArthur Boulevard, Irving, Dallas County, Texas (the "Station").
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, TEX. HEALTH & SAFETY CODE ch. 382, and the TCEQ rules.
3. The Commission and Mr. Amin agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Amin is subject to the Commission's jurisdiction.
4. Mr. Amin received notice of the violations alleged in Section II ("Allegations") on or about August 20, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Amin of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of nine thousand three hundred fifty dollars (\$9,350.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Amin has paid six hundred dollars (\$600.00) of the administrative penalty. The remaining amount of eight thousand seven hundred fifty dollars (\$8,750.00) of the administrative penalty shall be payable in thirty-five monthly payments of two hundred fifty dollars (\$250.00) 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 Mr. Amin fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Amin to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Amin to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Amin 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 Mr. Amin has implemented the following corrective measures at the Station in response to this enforcement action:
  - a. Provided current copies of Stage II records and certified that Stage II records are maintained on-site during business hours as of July 28, 2005.
  - b. On July 29, 2005, began investigating a potential release suspected on June 18, 2005, from dispenser 7/8 and subsequently filed a Release Determination Report form.
  - c. On August 1, 2005, Mr. Amin performed a monthly test for substance loss with inventory control for proper release detection using the automatic tank gauging equipment.
  - d. Provided documentation demonstrating the Station is conducting inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel as of August 1, 2005.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Amin has not complied with one or more of the terms or conditions in this Agreed Order.

11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

Mr. Amin is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain Stage II records on-site during business hours, as documented on July 27, 2005.
2. 30 TEX. ADMIN. CODE § 334.72(3), by failing to report to the agency within 24 hours, the results from a Petroleum Storage Tank (PST) release detection method conducted on June 18, 2005, that indicated a release had occurred, as documented on July 27, 2005.
3. 30 TEX. ADMIN. CODE § 334.74, by failing to immediately investigate and confirm a suspected release of regulated substance requiring reporting under 30 TEX. ADMIN. CODE § 334.72 within 30 days, using either the steps outlined in 30 TEX. ADMIN. CODE § 334.74 or other procedures and schedules approved by the TCEQ. Specifically, Mr. Amin failed to investigate a potential release suspected on June 18, 2005 from dispenser 7/8 within 30 days and subsequently file a Release Determination Report form within 45 days, as documented on July 27, 2005.
4. 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) 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, Mr. Amin failed to use automatic tank gauging equipment to perform a monthly test for substance loss with inventory control for proper release detection, as documented on July 27, 2005.
5. 30 TEX. ADMIN. CODE § 334.48(c), by failing to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel, as documented on July 27, 2005.

## III. DENIALS

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

#### IV. ORDER

1. It is, therefore, ordered by the TCEQ that Mr. Amin pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Amin'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: Jogesh Amin dba Sema Texaco, Docket No. 2005-1522-PST-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Mr. Amin. Mr. Amin 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. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Amin shall be made in writing to the Executive Director. Extensions are not effective until Mr. Amin receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
4. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Mr. Amin, or three days after the date on which the Commission mails notice of the Order to Mr. Amin, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

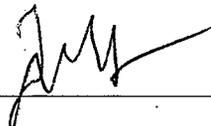
11/28/07  
\_\_\_\_\_  
Date

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 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:

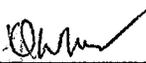
- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future 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

4/20/07  
\_\_\_\_\_  
Date

JOE AMIN  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
Jogesh Amin dba Sema Texaco

  
\_\_\_\_\_  
Title