

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-0154-PST-E TCEQ ID NO.: RN102092624 CASE NO.: 28247

RESPONDENT NAME: DALLAS AOS ENTERPRISES INC. DBA SANIYAS GROCERY & GRILL

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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: 4020 West Northgate Drive, Irving, Dallas 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 January 21, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST:</p> <p>TCEQ Attorney: Ms. Jacquelyn Boutwell, Litigation Division, MC 175, (512) 239-5846 Ms. Lena Roberts, Litigation Division, MC 175; (512) 239-0019</p> <p>TCEQ Enforcement Coordinator: Ms. Judy Kluge, Waste Enforcement Section, MC R-4, (817) 588-5825</p> <p>TCEQ Regional Contact: Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903</p> <p>Respondent: Mr. Affaq Siddiqui, Director, Dallas AOS Enterprises Inc., 1304 Branch Hollow Drive, Carrollton, Texas 75007</p> <p>Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 13, 2006</p> <p>Date of NOE Relating to this Case: February 11, 2006</p> <p>Background Facts:</p> <p>The EDPRP was filed on October 27, 2006 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The Respondent received the EDPRP on November 16, 2006, as evidenced by the signature on the green card. The Respondent has failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status:</p> <p>The Respondent no longer owns or operates the Facility as of August 1, 2008.</p> <p>PST:</p> <p>1) Failed 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 the absence or disconnection of any component, and failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II Vapor Recovery System [30 TEX. ADMIN. CODE § 115.242(3)(A), (E), (K), and 115.242(9), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failed to verify proper operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$16,800</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$16,800</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty, but will be required to do so under the terms of this Order.</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>Technical Requirements:</p> <p>The Respondent no longer owns or operates the Facility as of August 1, 2008.</p>

3) Failed ensure that all spill and overfill prevention devices are maintained in good operating condition and that such devices are inspected and serviced in accordance with the manufacturers specifications [30 TEX. ADMIN. CODE § 334.51(a)(6) and TEX. WATER CODE § 26.3475(c)(2)].

4) Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances including tanks, piping, and other ancillary equipment, and failed to test the line leak detectors at least once per year for performance and operational reliability [30 TEX. ADMIN. CODE § 334.50(a)(1)(A), (b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a) and (c)(1)].

5) 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 each operating day [30 TEX. ADMIN. CODE § 334.48(c)].

6) Failed to ensure that all USTs are properly identified as listed on the Station's UST Registration and Self Certification form by a legible tag, label, or marking [30 TEX. ADMIN. CODE § 334.8(c)(5)(C)].

7) Failed to maintain Stage II records at the motor vehicle fuel dispensing Station [30 TEX. ADMIN. CODE § 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

8) Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II Vapor Recovery System [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

9) Failed to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition [30 TEX. ADMIN. CODE § 334.7(d)(3)].

10) Failed to maintain all UST records at the Station and make readily accessible and available for inspection upon request by Commission personnel [30 TEX. ADMIN. CODE § 334.10(b)].



Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

Penalty Calculation Worksheet (PCW)

DATES	Assigned	06-Feb-2006	Screening	07-Feb-2006	EPA Due	
	PCW	25-Oct-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill		
Reg. Ent. Ref. No.	RN102092624		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	28247	No. of Violations	10
Docket No.	2006-0154-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	\$16,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5% Enhancement	Subtotals 2, 3, & 7	\$800
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Notes: Enhancement for one NOV with same or similar violations in the past five years.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The respondent does not meet culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: Respondent is not yet in compliance.

Economic Benefit	0% Enhancement	Subtotal 6	\$0
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Total EB Amounts	\$286	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,900	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$16,800
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount **\$16,800**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,800
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: This is not an expedited case.

PAYABLE PENALTY	\$16,800
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Screening Date 07-Feb-2006

Docket No. 2006-0154-PST-E

PCW

Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill

Policy Revision 2 (September 2002)

Case ID No. 28247

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102092624

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)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one NOV with same or similar violations in the past five years.

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

PCW

Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill *Policy Revision 2 (September 2002)*
Case ID No. 28247 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102092624
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Judy Kluge

Violation Number 1
Primary Rule Cite(s) 30 Tex. Admin. Code § 115.242(3)(A), (E), and (K) and 115.242(9)
Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to maintain the Stage II Vapor Recovery System in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system, including the absence or disconnection of any component. Specifically, at the time of the investigation, the gasket was missing from the Stage I dry break dust cap, the flexible cone on the Dispenser No. 4 nozzle was damaged greater than 1/4 of the cone, and the Healy system monitor was out of paper. Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system. Specifically, at the time of the investigation, the proper operating instructions were not observed on any of the dispensers.

Base Penalty \$10,000

Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes
 Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors.

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	X
	semiannual	
	annual	

Violation Base Penalty \$1,000

One quarterly event is recommended based on the January 13, 2006 investigation date to the February 7, 2006 screening date.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$11

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent: Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill
Case ID No.: 28247
Reg. Ent. Reference No.: RN102092624
Media [Statute]: Petroleum Storage Tank
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Percent Interest	
						Onetime Costs	EB Amount
Delayed Costs							
Equipment/Gasket	\$150	13-Jan-2006	28-Nov-2006	0.9	\$0	\$9	\$9
Healy Monitor Paper	\$100	13-Jan-2006	02-Feb-2006	0.1	\$0	\$0	\$0
Vapor Guard	\$250	13-Jan-2006	08-Feb-2006	0.1	\$0	\$1	\$1
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 replace the gasket on the Stage I Dry Break and to post operating instructions on the dispensers. Date required is the investigation date and the final date is the estimated date of compliance. Estimated cost to replace the vapor guard on the dispenser and to maintain paper in the Healy System Monitor. Date required is the investigation date and the final dates are the dates 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 07-Feb-2006

Docket No. 2006-0154-PST-E

PCW

Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill

Policy Revision 2 (September 2002)

Case ID No. 28247

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102092624

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

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 checked="" type="checkbox"/>
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: Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill

Case ID No.: 28247

Reg. Ent. Reference No.: RN102092624

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)				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				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	13-Jan-2005	13-Jan-2006	1.0	\$5	\$100	\$105

Notes for AVOIDED costs

This is an estimated cost to conduct compliance testing to verify proper operation of the Stage II equipment. The date required is 12 months prior to the investigation date and final date is the investigation date.

Approx. Cost of Compliance \$100

TOTAL \$105

Screening Date 07-Feb-2006

Docket No. 2006-0154-PST-E

PCW

Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill

Policy Revision 2 (September 2002)

Case ID No. 28247

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102092624

Media [Statute] Petroleum Storage Tank

Inf. Coordinator Judy Kluge

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.51(a)(6)

Secondary Rule Cite(s) Tex. Water Code § 26.3475(c)(2)

Violation Description

Failed to ensure that all spill and overfill prevention devices are maintained in good operating condition and that such devices are inspected and serviced in accordance with the manufacturers' specifications. Specifically, at the time of the investigation, the spill buckets were damaged and no longer able to contain any spills of fuel at the fill risers.

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

Failure to assure that all spill and overfill prevention devices are maintained in good operating condition may result in the release of petroleum product during the transfer of the regulated substance into the tank, which may exceed levels protective of human health and the environment.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$2,500

One monthly event is recommended based on the January 13, 2006 investigation date to the February 7, 2006 screening date.

Economic Benefit (EB) for this violation Statutory/Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

Economic Benefit Worksheet

Respondent: Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill
Case ID No.: 28247
Reg. Ent. Reference No.: RN102092624
Media [Statute]: Petroleum Storage Tank
Violation No.: 3

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	\$1,000	13-Jan-2006	17-Feb-2006	0.1	\$0	\$6	\$7
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
 The estimated cost of maintaining all installed spill and overfill prevention devices in good operating condition and ensuring that such devices are inspected and serviced in accordance with the manufacturers' specifications. 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 \$1,000

TOTAL \$7

PCW

Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill
 Case ID No. 28247

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

Reg. Ent. Reference No. RN102092624
 Media [Statute] Petroleum Storage Tank
 Enf. Coordinator Judy Kluge

Violation Number
 Primary Rule Cite(s) 30 Tex. Admin. Code § 334.50(a)(1)(A) and (b)(2)(A)(i)(III)
 Secondary Rule Cite(s) Tex. Water Code § 26.3475(a) and (c)(1)

Violation Description
 Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances including tanks, piping, and other ancillary equipment. Specifically, at the time of the investigation, the Station was not providing release detection for the UST compartments or the product piping. Failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, at the time of the investigation, the line leak detectors had not been performance tested.

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
 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

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One monthly event is recommended based on documentation of the violation during the January 13, 2006 investigation to the February 7, 2006 screening 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: Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill
Case ID No. 28247
Reg. Ent. Reference No. RN102092624
Media [Statute]: Petroleum Storage Tank
Violation No. 4

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	13-Jan-2006	28-Apr-2007	1.3	\$4	\$86	\$90
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 method of release detection for the UST, monitor piping for releases and to conduct annual line leak detector tests. Date required is the investigation date and the final date is the estimated 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 \$1,000

TOTAL \$90

Screening Date 07-Feb-2006

Docket No. 2006-0154-PST-E

PCW

Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill

Policy Revision 2 (September 2002)

Case ID No. 28247

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102092624

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 5

Primary Rule Cite(s) 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 each operating day. Specifically, at the time of the investigation, the operator stated the Station does not gauge the tanks every operating day.

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 could be exposed to significant amounts of contaminants which may exceed levels that are protective of human health and 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	X
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One monthly event is recommended from the date of the January 13, 2006 investigation date to the February 7, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$13

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

Economic Benefit Worksheet

Respondent: Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill
Case ID No.: 28247
Reg. Ent. Reference No.: RN102092624
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
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	\$200	13-Jan-2006	28-Apr-2007	1.3	\$13	n/a	\$13
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. Date required is the date of the investigation and 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

Screening Date 07-Feb-2006 Docket No. 2006-0154-PST-E PCW

Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill Policy Revision 2 (September 2002)
 Case ID No. 28247 PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102092624

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 6

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

Secondary Rule Cite(s)

Violation Description Failed to ensure that all USTs are properly identified as listed on the Station's UST registration & self-certification form by a legible tag, label, or marking. Specifically, at the time of the investigation, the Station had not properly identified all USTs as listed on the UST registration & self-certification form.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			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

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,000

One single event is recommended based on the January 13, 2006 investigation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent: Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill
Case ID No.: 28247
Reg. Ent. Reference No.: RN102092624
Media [Statute]: Petroleum Storage Tank
Violation No.: 6

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	13-Jan-2006	17-Feb-2006	0.1	\$0	n/a	\$0

Notes for DELAYED costs: The estimated cost includes the amount required to permanently affix a metal label to each UST fill tube. 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 \$100 TOTAL \$0

Screening Date 07-Feb-2006 Docket No. 2006-0154-PST-E PCW

Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill Policy Revision 2 (September 2002)

Case ID No. 28247 PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102092624

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 7

Primary Rule Cite(s) 30 Tex. Admin. Code § 115.246(6)

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

Violation Description Failed to maintain Stage II records at the motor vehicle fuel dispensing Station. Specifically, at the time of the investigation, daily inspection records were not available for review.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			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 January 13, 2006 investigation date.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$12 Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent: Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill
Case ID No.: 28247
Reg. Ent. Reference No.: RN102092624
Media [Statute]: Petroleum Storage Tank
Violation No.: 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Economic Benefit	
						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	\$200	13-Jan-2006	29-Mar-2007	1.2	\$12	n/a	\$12
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 records as required. Date required is the investigation date 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 \$200
TOTAL \$12

Screening Date 07-Feb-2006

Docket No. 2006-0154-PST-E

PCW

Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill

Policy Revision 2 (September 2002)

Case ID No. 28247

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102092624

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 8

Primary Rule Cite(s) 30 Tex. Admin. Code § 115.248(1)

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

Violation Description
 Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II Vapor Recovery System. Specifically, at the time of the investigation, the Station representative confirmed that Stage II training had not been completed by any one at the Station.

Base Penalty \$10,000

Environmental Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
Actual					Percent 10%
Potential			X		

Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Failure to ensure training is received in the operation and maintenance of the Stage II Vapor Recovery System can result in the exposure of a significant amount of pollutants which may not exceed levels that are protective of human health and the environment.

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	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended based on the January 13, 2006 investigation date to the February 7, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$32

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent: Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill
 Case ID No. 28247
 Reg. Ent. Reference No. RN102092624
 Media [Statute] Petroleum Storage Tank
 Violation No. 8

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	\$500	13-Jan-2006	28-Apr-2007	1.3	\$32	n/a	\$32
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 of training by a certified Stage II Station representative. The date required is the investigation date and the final date is the estimated date of compliance.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal		0.0	\$0	\$0	\$0
Personnel		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		0.0	\$0	\$0	\$0
Supplies/equipment		0.0	\$0	\$0	\$0
Financial Assurance [2]		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 **\$500** TOTAL **\$32**

PCW

Screening Date 07-Feb-2006
Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill *Policy Revision 2 (September 2002)*
Case ID No. 28247 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102092624
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Judy Kluge
Violation Number 9
Primary Rule Cite(s) 30 Tex. Admin. Code § 334.7(d)(3)
Secondary Rule Cite(s)
Violation Description
 Failed to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, at the time of the investigation, the Station's registration information had not been updated to indicate the current operator of the UST system.

Base Penalty \$10,000

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

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

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification	X			Percent <input type="text" value="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 January 13, 2005 investigation date.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$9

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill

Case ID No. 28247

Reg. Ent. Reference No. RN102092624

Media [Statute] Petroleum Storage Tank

Violation No. 9

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
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Amended Registration	\$100	13-Jan-2006	28-Apr-2007	1.3	\$0	\$9	\$9
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 submit an amended UST registration 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 \$100

TOTAL \$9

Screening Date 07-Feb-2006

Docket No. 2006-0154-PST-E

PCW

Respondent Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill

Policy Revision 2 (September 2002)

Case ID No. 28247

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102092624

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failed to maintain all UST records at the Station and make readily accessible and available for inspection upon request by Commission personnel. Specifically, at the time of the investigation, a record of overfill prevention, corrosion protection, shear valve anchoring, and financial assurance was not available for review.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<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 the January 13, 2006 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 Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill
Case ID No. 28247
Reg. Ent. Reference No. RN102092624
Media [Statute] Petroleum Storage Tank
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Financial Assurance paperwork	\$100	13-Jan-2006	02-Feb-2006	0.1	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Other Records	\$100	13-Jan-2006	28-Apr-2007	1.3	\$6	n/a	\$6
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 to include a record of overfill prevention, corrosion protection, shear valve anchoring, and financial assurance. The date required is the investigation date and the final date is the estimated of compliance. The final date is the actual date the Regional Office received verification of the financial assurance coverage.

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 \$200

TOTAL \$7

Compliance History

Customer/Respondent/Owner-Operator:	CN602973562 DALLAS AOS ENTERPRISES INC	Classification: AVERAGE	Rating: 2.33
Regulated Entity:	RN102092624 SANIYAS GROCERY & GRILL	Classification: AVERAGE	Site Rating: 2.33
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	70705
Location:	4020 W NORTHGATE DR, IRVING, TX, 75062	Rating Date: 9/1/2005	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	February 09, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 09, 2001 to February 09, 2006		
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? | 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 judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

- | | | |
|---|------------|----------|
| 1 | 02/02/2006 | (452043) |
| 2 | 10/22/2002 | (10255) |
| 3 | 05/14/2002 | (1265) |

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

Date: 05/15/2002 (1265)

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A)

Description: Failure to maintain records on-site at facilities ordinarily manned during business hours, and made immediately available for review upon request by authorized representatives of the Texas Natural Resource Conservation Commission (TNRCC), the U.S. Environmental Protection Agency (EPA), or any local air pollution contro

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(iii)

Description: Failure to ensure that a valid, current TNRCC delivery certificate is posted at the facility in a location where the document is clearly visible at all times.

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)

Description: Failure to provide and maintain the Stage II vapor recovery system in proper operating condition, as specified by CARB Executive Order, and free of defects that would impair the effectiveness of the system, including the absence or disconnection of any component that is a part of the approved system.

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 §
 § TEXAS COMMISSION ON
CONCERNING §
DALLAS AOS ENTERPRISES INC. §
DBA SANIYAS GROCERY & GRILL; § ENVIRONMENTAL QUALITY
RN102092624

DEFAULT ORDER

DOCKET NO. 2006-0154-PST-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this order is Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill ("Dallas AOS Enterprises").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Dallas AOS Enterprises owned and operated a convenience store with retail sales of gasoline, located at 4020 West Northgate Drive in Irving, Dallas County, Texas (the "Station").
2. The UST at the Station contained regulated substances as defined in the Commission's rules. The UST is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Facility consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.0003(12).
3. On January 13, 2006, an investigator from the TCEQ Dallas/ Fort Worth Regional Office documented that Dallas AOS Enterprises:
 - a. Failed 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 the absence or disconnection of any component. Specifically, at the time of the investigation, the gasket was missing from the Stage I dry break dust cap, the flexible cone on the Dispenser No. 4 nozzle was damaged greater than 1/4 of the cone, and the Healy system monitor was out of paper. Dallas AOS Enterprises also failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system. Specifically, at the time of the investigation, the proper operating instructions were not observed on any of the dispensers;

- b. Failed to verify proper operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification. Specifically, at the time of the investigation, the Station had not performed the required Stage II vapor recovery system tests;
- c. Failed to ensure that all spill and overfill prevention devices are maintained in good operating condition and that such devices are inspected and serviced in accordance with the manufacturers' specifications. Specifically, at the time of the investigation, the spill buckets were damaged and no longer able to contain any spills of fuel at the fill risers;
- d. Failed to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances including tanks, piping, and other ancillary equipment. Specifically, at the time of the investigation, the Station was not providing release detection for the UST compartments or the product piping. Failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, at the time of the investigation, the line leak detectors had not been performance tested;
- e. 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 each operating day. Specifically, at the time of the investigation, the operator stated the Station did not gauge the tanks every operating day;
- f. Failed to ensure that all USTs are properly identified as listed on the Station's UST registration and self-certification form by a legible tag, label, or marking. Specifically, at the time of the investigation, the Station had not properly identified all USTs as listed on the UST registration and self-certification form;

- g. Failed to maintain Stage II records at the motor vehicle fuel dispensing Station. Specifically, at the time of the investigation, daily inspection records were not available for review;
 - h. Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II Vapor Recovery System. Specifically, at the time of the investigation, the Station representative confirmed that Stage II training had not been completed by any one at the Station;
 - i. Failed to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition. Specifically, at the time of the investigation, the Station's registration information had not been updated to indicate the current operator information of the UST system; and
 - j. Failed to maintain all UST records at the Station and make readily accessible and available for inspection upon request by Commission personnel. Specifically, at the time of the investigation, a record of overfill prevention, corrosion protection, shear valve anchoring, and financial assurance was not available for review.
4. Dallas AOS Enterprises received notice of the violations on or about February 11, 2006.
 5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill" (the "EDPRP") in the TCEQ Chief Clerk's office on October 27, 2006.
 6. By letter dated October 27, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Dallas AOS Enterprises with notice of the EDPRP. According to the return receipt "green card," Dallas AOS Enterprises received notice of the EDPRP on November 16, 2006, as evidenced by the signature on the card.
 7. More than 20 days have elapsed since Dallas AOS Enterprises received notice of the EDPRP, provided by the Executive Director. Dallas AOS Enterprises failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Dallas AOS Enterprises' USTs are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, and the rules of the Commission.
2. As evidenced by Finding of Fact Number 3.a., Dallas AOS Enterprises violated 30 TEX. ADMIN. CODE § 115.242(3)(A), (E), (K), and 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing 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 the absence or disconnection of any component, and failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system.
3. As evidenced by Finding of Fact Number 3.b., Dallas AOS Enterprises violated 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to verify proper operation of the Stage II equipment at least once every 12 months or upon major system replacement or modification.
4. As evidenced by Finding of Fact Number 3.c., Dallas AOS Enterprises violated 30 TEX. ADMIN. CODE § 334.51(a)(6) and TEX. WATER CODE § 26.3475(c)(2), by failing to ensure that all spill and overfill prevention devices are maintained in good operating condition and that such devices are inspected and serviced in accordance with the manufacturers' specifications.
5. As evidenced by Finding of Fact Number 3.d., Dallas AOS Enterprises violated 30 TEX. ADMIN. CODE § 334.50(a)(1)(A), (b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a) and(c)(1), by failing to provide a method of release detection capable of detecting a release from any portion of the UST system which contained regulated substances including tanks, piping, and other ancillary equipment and failed to test the line leak detectors at least once per year for performance and operational reliability.
6. As evidenced by Finding of Fact Number 3.e., Dallas AOS Enterprises violated 30 TEX. ADMIN. CODE § 334.48(c), 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 each operating day.
7. As evidenced by Finding of Fact Number 3.f., Dallas AOS Enterprises violated 30 TEX. ADMIN. CODE § 334.8(c)(5)(C), by failing to ensure that all USTs are properly identified as

- listed on the Station's UST registration and self-certification form by a legible tag, label, or marking.
8. As evidenced by Finding of Fact Number 3.g., Dallas AOS Enterprises violated 30 TEX. ADMIN. CODE § 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain Stage II records at the motor vehicle fuel dispensing Station.
 9. As evidenced by Finding of Fact Number 3.h., Dallas AOS Enterprises violated 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to ensure that at least one Station representative received training in the operation and maintenance of the Stage II Vapor Recovery System.
 10. As evidenced by Finding of Fact Number 3.i., Dallas AOS Enterprises 30 TEX. ADMIN. CODE § 334.7(d)(3), by failing to provide an amended UST registration to the Commission for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition.
 11. As evidenced by Finding of Fact Number 3.j., Dallas AOS Enterprises violated 30 TEX. ADMIN. CODE § 334.10(b), by failing to maintain all UST records at the Station and make readily accessible and available for inspection upon request by Commission personnel.
 12. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director has timely served Dallas AOS Enterprises with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
 13. As evidenced by Finding of Fact No. 7, Dallas AOS Enterprises has failed to file a timely answer to the EDPRP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Dallas AOS Enterprises and assess the penalty recommended by the Executive Director.
 14. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Dallas AOS Enterprises for violations of the Texas Water Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
 15. An administrative penalty in the amount of sixteen thousand eight hundred dollars (\$16,800.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

16. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. Dallas AOS Enterprises is assessed an administrative penalty in the amount of sixteen thousand eight hundred dollars (\$16,800.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Dallas AOS Enterprises' compliance with all the terms and conditions set forth in this Order completely resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill; Docket No. 2006-0154-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. All relief not expressly granted in this Order is denied.
3. The provisions of this Order shall apply to and be binding upon Dallas AOS Enterprises.
4. If Dallas AOS Enterprises fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Dallas AOS Enterprises' failure to comply is not a violation of this Order. Dallas AOS shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Dallas AOS Enterprises shall notify the Executive Director within seven days after Dallas AOS Enterprises 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 Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Dallas AOS Enterprises shall be made in writing to the Executive Director. Extensions are not effective until Dallas AOS Enterprises receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Dallas AOS Enterprises if the Executive Director determines that Dallas AOS Enterprises is noncompliant with or in violation of any of the terms and conditions set forth in this Order.
7. This Order shall terminate five years from its effective date or when Dallas AOS Enterprises demonstrates to the satisfaction of the Executive Director that it has corrected all of the violations noted herein.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order is the date this decision was rendered, pursuant to TEX. GOV'T CODE § 2001.144(a)(3).

Dallas AOS Enterprises, Inc. dba Saniyas Grocery and Grill
TCEQ Docket No. 2006-0154-PST-E
Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF JACQUELYN BOUTWELL

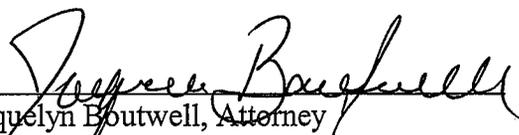
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Jacquelyn Boutwell. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Dallas AOS Enterprises Inc. dba Saniyas Grocery & Grill” (the “EDPRP”) was filed with the Office of the Chief Clerk on October 27, 2006.

The EDPRP was mailed to Dallas AOS Enterprises at its last known address on October 27, 2006, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Dallas AOS Enterprises received notice of the EDPRP on November 16, 2006, as evidenced by the signature on the card.

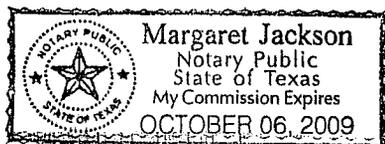
More than 20 days have elapsed since Dallas AOS Enterprises received notice of the EDPRP. Dallas AOS Enterprises failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.



Jacquelyn Boutwell, Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jacquelyn Boutwell, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 30 day of January, A.D., 2009.





Notary Signature