

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-1557-PST-E TCEQ ID: RN101539716 CASE NO.: 26712
RESPONDENT NAME: NISAR AHMAD DBA C-STORE

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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: 1510 W. Eules Blvd., Eules, Tarrant County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: One complaint was received, alleging that a UST at the Facility may have been leaking diesel fuel. 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 expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 18, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Thomas Greimel, Waste Enforcement Section, MC 128, (512) 239-5690 TCEQ Regional Contact: Mr. Sam Barrett, DFW Regional Office, MC R-4, (817) 588-5903 Respondent: Mr. Nisar Ahmad, Owner, C-Store, 1510 W. Eules, Eules, Texas 76040 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: June 10, 2005</p> <p>Date of Investigation Relating to this Case: June 16, 2005</p> <p>Date of NOE Relating to this Case: July 19, 2005</p> <p>Background Facts: The EDP RP was filed April 34, 2007. The Respondent requested a hearing and the case was referred to SOAH. The preliminary hearing was waived and the parties engaged in discovery. The evidentiary hearing was scheduled for March 20, 2009. The Respondent signed an Agreed Order on March 19, 2009.</p> <p>Current Compliance Status: The Respondent is not yet in compliance with all technical requirements.</p> <p>PST:</p> <ol style="list-style-type: none"> Failed to maintain all required Stage II records on-site and make immediately available for review upon request by TCEQ representative [30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to maintain all components of 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 [30 TEX. ADMIN. CODE § 115.242(3), (3)(A) and (3)(E), and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to verify the proper operation of the Stage II equipment at least once every 12 months [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. 	<p>Total Assessed: \$17,655</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 Paid/Due to General Revenue: \$500/\$17,155</p> <p>The Respondent paid \$500 of the administrative penalty. The remaining amount of \$17,155 of the administrative penalty shall be payable in 47 monthly payments of \$365 each.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures at the Station:</p> <ol style="list-style-type: none"> As of July 13, 2005, began properly maintaining records of daily and monthly inspections related to required Stage II records; As of July 13, 2005, all vapor guards were in good condition; As of July 13, 2005, no gasoline hoses were in contact with the fuel island or ground for more than six inches; As of March 13, 2007, an Onboard Refueling Vapor Recovery compatible nozzle was installed on the Stage II Vapor Recovery system at the Station; Provided documentation indicating that the annual testing of the Stage II vapor recovery system was conducted on July 11, 2005; Provided documentation that the cathodic protection system was inspected and tested for operability and adequacy of protection on July 11, 2005; Provided documentation indicating that the line leak detectors were performance tested on December 5, 2006; On March 13, 2007, provided documentation indicating that annual line tightness testing was in place to provide release detection for the product piping, and monthly testing of the tanks was being conducted using an Incon automatic tank gauge; As of March 13, 2007, fuel leaks are were longer present underneath the dispensers; and On March 13, 2007, provided copies of all daily inventory control and monthly reconciliation records for 2007 to demonstrate that this activity was being accurately and completely conducted. <p>Corrective Actions Required:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately:

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components were operating properly, and failed to inspect and test the cathodic protection system for operability and adequacy of protection within three to six months after installation and at a subsequent frequency of at least once every three years [30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and (c)(4) and TEX. WATER CODE § 26.3475(d)].</p> <p>5. Failed to provide a release detection method capable of detecting a release from any portion of the underground storage tank ("UST") system which contained regulated substances including the 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) and (b)(2)(A)(i)(III), and TEX. WATER CODE § 26.3475(a) and (c)(1)].</p> <p>6. Failed to remove an existing UST system that had not been brought into timely compliance with the upgrade requirements [30 TEX. ADMIN. CODE § 334.47(a)(2)].</p> <p>7. Failed to register with the TCEQ , on authorized Commission forms, a UST in existence on or after September 1, 1987 [30 TEX. ADMIN. CODE § 334.7(a)(1)].</p> <p>8. Failed to ensure that the UST system is operated, maintained, and managed in a manner that will prevent releases of regulated substances from such systems [30 TEX. ADMIN. CODE § 334.48(a)].</p> <p>9. Failed to conduct effective manual or automatic inventory control procedures for the UST system [30 TEX. ADMIN. CODE § 334.48(c)].</p>		<p>a. Begin maintaining records at Station to indicate that the CARB Executive Order for the Healy 800 system, facility representative training, employee training, test results, and maintenance records are being maintained on-site and immediately available for review;</p> <p>b. Permanently remove the used oil UST system from service; and</p> <p>c. Submit an updated UST Registration and Self-Certification Form reflecting the current status of the used oil tank.</p> <p>2. Within 45 days, submit written certification demonstrating compliance.</p>



DATES	Assigned	25-Jul-2005	Screening	01-Aug-2005	EPA Due	
	PCW	18-Apr-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Nisar Ahmad dba C-Store
Reg. Ent. Ref. No.	RN101539716
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	26712	No. of Violations	9
Docket No.	2005-1557-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Thomas Greimel
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 7% Enhancement Subtotals 2, 3, & 7

Notes

Culpability No Subtotal 4

Notes

Good Faith Effort to Comply 0% Reduction Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

Economic Benefit 0% Enhancement* Subtotal 6

Total EB Amounts	<input type="text" value="\$3,975"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$12,292"/>	

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 Reduction Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 01-Aug-2005

Docket No. 2005-1557-PST-E

PCW

Respondent Nisar Ahmad dba C-Store

Policy Revision 2 (September 2002)

Case ID No. 26712

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539716

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	1	2%
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 (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<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) 7%

>> 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 and one NOV without same or similar violations.

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

Screening Date 01-Aug-2005

Docket No. 2005-1557-PST-E

PCW

Respondent Nisar Ahmad dba C-Store

Policy Revision 2 (September 2002)

Case ID No. 26712

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539716

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 1

Primary Rule Cite(s)

30 Tex. Admin. Code § 115.246(7)(A)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure to maintain all required Stage II records on-site and make immediately available for review upon request by a TCEQ representative. Specifically, the respondent failed to maintain a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II vapor recovery system, daily inspection log, maintenance log for all repairs/replacements conducted, record of any and all Stage II test results, and Stage II training records.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			Percent
Release		Major	Moderate	Minor	
OR	Actual				
	Potential				

>> Programmatic Matrix

		Major	Moderate	Minor	Percent
	Falsification	X			

Matrix Notes The respondent did not fulfill 100% of the rule requirement.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$1,000

One single event is recommended based on the June 16, 2005 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$119

Violation Final Penalty Total \$1,070

This violation Final Assessed Penalty (adjusted for limits) \$1,070

Economic Benefit Worksheet

Respondent Nisar Ahmad dba C-Store
 Case ID No. 26712
 Reg. Ent. Reference No. RN101539716
 Media [Statute] Petroleum Storage Tank
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	16-Jun-2005	01-Nov-2007	2.4	\$119	n/a	\$119
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 implement a record keeping system. 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 \$1,000
TOTAL \$119

Screening Date 01-Aug-2005

Docket No. 2005-1557-PST-E

PCW

Respondent Nisar Ahmad dba C-Store

Policy Revision 2 (September 2002)

Case ID No. 26712

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539716

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 115.242(3), 115.242(3)(A), and 115.242(3)(E)

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

Violation Description Failure to maintain all components of 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. Specifically, the length of hoses in contact with the fuel island when the nozzle is mounted to the dispenser, exceeded the six inches limit of the Healy 600 CARB Executive Order. Also, the Healy System monitor required for central vacuum system was not installed and the flexible cones on Dispensers 1-regular, 2-regular, and 4-super were damaged with greater than one-fourth of the cone missing.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to maintain the Stage II Vapor Recovery System in proper operating condition could expose human health or the environment to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$1,000

One quarterly event is recommended based on the June 16, 2005 investigation date to the August 1, 2005 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount \$90

Statutory Limit Test

Violation Final Penalty Total \$1,070

This violation Final Assessed Penalty (adjusted for limits) \$1,070

Economic Benefit Worksheet

Respondent Nisar Ahmad dba C-Store
Case ID No. 26712
Reg. Ent. Reference No. RN101539716
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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	16-Jun-2005	13-Jul-2005	0.1	\$0	\$2	\$3
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	16-Jun-2005	13-Mar-2007	1.7	\$87	n/a	\$87

Notes for DELAYED costs Estimated cost to repair the hoses and replace the flexible cones and maintain the Stage II vapor recovery components. 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 \$1,500

TOTAL \$90

Screening Date 01-Aug-2005

Docket No. 2005-1557-PST-E

PCW

Respondent Nisar Ahmad dba C-Store

Policy Revision 2 (September 2002)

Case ID No. 26712

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539716

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 3

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

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

Violation Description Failure to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the annual vapor recovery test had not been conducted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Major	Moderate	Minor	
	Falsification				Percent

Matrix Notes Violation could result in the exposure of human health or the environment to significant amounts of pollutants which would exceed levels that are protective of human health or the environment.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$2,500

One annual event is recommended for the 12-month period preceding the June 16, 2005 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$105

Violation Final Penalty Total \$2,675

This violation Final Assessed Penalty (adjusted for limits) \$2,675

Economic Benefit Worksheet

Respondent Nisar Ahmad dba C-Store
Case ID No. 26712
Reg. Ent. Reference No. RN101539716
Media [Statute] Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$100	16-Jun-2004	16-Jun-2005	1.0	\$5	\$100	\$105
Notes for AVOIDED costs							
Estimated cost to verify operation of the Stage II equipment. Date Required is one year prior to the investigation date and the Final Date is the investigation date.							

Approx. Cost of Compliance \$100

TOTAL \$105

Screening Date 01-Aug-2005

Docket No. 2005-1557-PST-E

PCW

Respondent Nisar Ahmad dba C-Store

Policy Revision 2 (September 2002)

Case ID No. 26712

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539716

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.49(c)(2)(C) and 334.49(c)(4)

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

Violation Description Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components were operating properly. The respondent also failed to inspect and test the cathodic protection system for operability and adequacy of protection within three to six months after installation and at a subsequent frequency of at least once every three years.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Failure to test and inspect the cathodic protection system could result in improper corrosion protection on the UST system and allow an undetected release of petroleum products which would exceed levels that are protective of human health or environmental receptors.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$2,500

One quarterly event is recommended based on the June 16, 2005 investigation date to the August 1, 2005 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,209

Violation Final Penalty Total \$2,675

This violation Final Assessed Penalty (adjusted for limits) \$2,675

Economic Benefit Worksheet

Respondent Nisar Ahmad dba C-Store
Case ID No. 26712
Reg. Ent. Reference No. RN101539716
Media [Statute] Petroleum Storage Tank
Violation No. 4

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)	\$500	16-Jun-2005	01-Nov-2007	2.4	\$59	n/a	\$59

Notes for DELAYED costs Estimated cost to inspect rectifier and other components of the impressed current cathodic protection system for the three USTs once every 60 days. 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)	\$1,000	16-Jun-2002	16-Jun-2005	3.0	\$150	\$1,000	\$1,150

Notes for AVOIDED costs Avoided cost of completing the triennial test. Date Required is three years before the investigation date and the Final Date is the investigation date.

Approx. Cost of Compliance \$1,500

TOTAL \$1,209

Screening Date 01-Aug-2005

Docket No. 2005-1557-PST-E

PCW

Respondent Nisar Ahmad dba C-Store

Policy Revision 2 (September 2002)

Case ID No. 26712

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539716

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 5

Primary Rule Cite(s)

30 Tex. Admin. Code § 334.50(a)(1)(A) and 334.50(b)(2)(A)(i)(III)

Secondary Rule Cite(s)

Tex. Water Code § 26.3475(c)(1) and 26.3475(a)

Violation Description

Failure to provide a release detection method capable of detecting a release from any portion of the UST system which contained regulated substances including the tanks, piping and other ancilliary equipment. Specifically, there was no power to the automatic tank gauging control panel. Also, the respondent failed to test the line leak detectors at least once per year for performance and operational reliability.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	Percent	

Matrix Notes

Failure to provide the proper release detection method for the UST system could result in the release of a significant amount of pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$2,500

One quarterly event is recommended based on the June 16, 2005 investigation date to the August 1, 2005 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$130

Violation Final Penalty Total \$2,675

This violation Final Assessed Penalty (adjusted for limits) \$2,675

Economic Benefit Worksheet

Respondent Nisar Ahmad dba C-Store
Case ID No. 26712
Reg. Ent. Reference No. RN101539716
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				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	16-Jun-2005	13-Mar-2007	1.7	\$130	n/a	\$130

Notes for DELAYED costs Estimated cost to implement a release detection method. Date Required is the investigation date. 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 \$1,500
TOTAL \$130

Screening Date 01-Aug-2005

Docket No. 2005-1557-PST-E

PCW

Respondent Nisar Ahmad dba C-Store

Policy Revision 2 (September 2002)

Case ID No. 26712

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539716

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 6

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.47(a)(2)
Secondary Rule Cite(s)

Violation Description Failed to remove an existing UST system that had not been brought into timely compliance with the upgrade requirements. Specifically, an unregistered out of service used oil tank was documented at the Station.

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 The failure to remove from service the non-compliant UST could result in the exposure of a significant amount of contaminants which may exceed levels that are protective of human health or the environment.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$2,500

One quarterly event is recommended based on the June 16, 2005 investigation date to the August 1, 2005 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,174

Violation Final Penalty Total \$2,675

This violation Final Assessed Penalty (adjusted for limits) \$2,675

Economic Benefit Worksheet

Respondent Nisar Ahmad dba C-Store
 Case ID No. 26712
 Reg. Ent. Reference No. RN101539716
 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)	\$5,000	22-Feb-1999	01-Nov-2007	8.7	\$2,174	n/a	\$2,174

Notes for DELAYED costs: Estimated cost to permanently remove the UST from service. Date Required is the date when the respondent was required to upgrade the UST. 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 \$5,000

TOTAL \$2,174

Screening Date 01-Aug-2005

Docket No. 2005-1557-PST-E

PCW

Respondent Nisar Ahmad dba C-Store

Policy Revision 2 (September 2002)

Case ID No. 26712

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539716

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 7

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.7(a)(1)

Secondary Rule Cite(s)

Violation Description Failed to register with the TCEQ, on authorized Commission forms, an underground storage tank (UST) in existence on or after September 1, 1987. Specifically, the used oil UST at the Facility was not registered with the TCEQ.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
			X			Percent 10%

Matrix Notes The respondent did not fulfill 100% of the rule requirement.

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 June 16, 2005 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$1,070

This violation Final Assessed Penalty (adjusted for limits) \$1,070

Economic Benefit Worksheet

Respondent Nisar Ahmad dba C-Store
Case ID No. 26712
Reg. Ent. Reference No. RN101539716
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	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	16-Jun-2005	14-Mar-2007	1.7	\$9	n/a	\$9

Notes for DELAYED costs: Estimated cost to register the UST. Date Required is the investigation date. 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 01-Aug-2005

Docket No. 2005-1557-PST-E

PCW

Respondent Nisar Ahmad dba C-Store

Policy Revision 2 (September 2002)

Case ID No. 26712

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539716

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 8

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

Secondary Rule Cite(s)

Violation Description Failure to ensure that the UST system is operated, maintained, and managed in a manner that will prevent releases of regulated substances from such systems. Specifically, diesel fuel was leaking underneath dispenser nos. 3 and 4. Also, the investigator observed staining on the soil beneath the fuel filter.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	Percent 10%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Violation resulted in the environment being exposed to insignificant amount of pollutants that did not exceed levels protective of human health or the environment.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$1,000

One quarterly event is recommended based on the June 16, 2005 investigation date to the August 1, 2005 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$43

Violation Final Penalty Total \$1,070

This violation Final Assessed Penalty (adjusted for limits) \$1,070

Economic Benefit Worksheet

Respondent Nisar Ahmad dba C-Store
Case ID No. 26712
Reg. Ent. Reference No. RN101539716
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				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)	\$500	16-Jun-2005	13-Mar-2007	1.7	\$43	n/a	\$43

Notes for DELAYED costs Estimated cost to repair or replace the dispensers and clean up the fuel spill. Date Required is the investigation date and the Final Date is the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 \$500
TOTAL \$43

Screening Date 01-Aug-2005

Docket No. 2005-1557-PST-E

PCW

Respondent Nisar Ahmad dba C-Store

Policy Revision 2 (September 2002)

Case ID No. 26712

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101539716

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 9

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

Secondary Rule Cite(s)

Violation Description Failure to conduct effective manual or automatic inventory control procedures for the UST system.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

Failure to provide the proper inventory control for the UST system could result in the release of a significant amount of pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$2,500

One quarterly event is recommended based on the June 16, 2005 investigation date to the August 1, 2005 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount \$95

Statutory Limit Test

Violation Final Penalty Total \$2,675

This violation Final Assessed Penalty (adjusted for limits) \$2,675

Economic Benefit Worksheet

Respondent Nisar Ahmad dba C-Store
Case ID No. 26712
Reg. Ent. Reference No. RN101539716
Media [Statute] Petroleum Storage Tank
Violation No. 9

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)	\$1,092	16-Jun-2005	13-Mar-2007	1.7	\$95	n/a	\$95

Notes for DELAYED costs

Estimated cost includes the amount to conduct effective inventory control per year. 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 \$1,092

TOTAL \$95

Compliance History

Customer/Respondent/Owner-Operator:	CN602708539 AHMAD, NISAR	Classification: AVERAGE	Rating: 1.80
Regulated Entity:	RN101539716 C-STORE	Classification: AVERAGE	Site Rating: 1.80
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	67047
Location:	1510 W EULESS BLVD, EULESS, TX, 76040	Rating Date: 9/1/2005	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	December 08, 2005		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 08, 2000 to December 08, 2005		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	A. Sunday Udoetok	Phone:	(512) 239 0739

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? | Nisar Ahmad |
| 4. If Yes, who was/were the prior owner(s)? | Q & Y Mini Mart |
| 5. When did the change(s) in ownership occur? | 08/23/04 |

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 | 06/18/2003 | (40979) | |
| 2 | 05/07/2001 | (257930) | |
| 3 | 09/27/2002 | (275187) | |
| 4 | 07/09/2004 | (279876) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|--|----------|--------------------------|
| Date: | 05/07/2001 | (257930) | |
| Self Report? | NO | | |
| Citation: | 30 TAC Chapter 115, SubChapter C 115.246(6) | | |
| Description: | Failure to maintain a record of daily inspections according to 30 Tex. Admin. Code Sec. 115.244. | | |
| | | | Classification: Moderate |
| Self Report? | NO | | |
| Citation: | 30 TAC Chapter 115, SubChapter C 115.245(2)
5C THC Chapter 382, SubChapter A 382.085(b) | | |
| Description: | Failure to successfully verify proper operation of the Stage II equipment at least every five years. | | |
| Date: | 09/27/2002 | (275187) | |
| Self Report? | NO | | |
| Citation: | 30 TAC Chapter 37, SubChapter I 37.815(a)[G]
30 TAC Chapter 37, SubChapter I 37.815(b)[G] | | |
| Description: | Failure to provide acceptable financial assurance | | |
| | | | Classification: Moderate |
- 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
NISAR AHMAD DBA C-STORE;
RN101539716

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-1557-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 Nisar Ahmad dba C-Store ("Mr. Ahmad") 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. Ahmad, appear before the Commission and together stipulate that:

1. Mr. Ahmad owns and operates a convenience store with retail sales of gasoline located at 1510 W. Eules Blvd., Eules, Tarrant 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. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 26, and TCEQ rules.
3. The Commission and Mr. Ahmad agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Ahmad is subject to the Commission's jurisdiction.
4. Mr. Ahmad received notice of the violations alleged in Section II ("Allegations") on or about July 24, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Ahmad of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of seventeen thousand six hundred fifty-five dollars (\$17,655.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Ahmad paid five hundred dollars (\$500.00) of the administrative penalty. The remaining amount of seventeen thousand one hundred fifty-five dollars (\$17,155.00) of the administrative penalty shall be payable in 47 monthly payments of three hundred sixty-five dollars (\$365.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Mr. Ahmad 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, Mr. Ahmad's failure to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Ahmad 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. Ahmad 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. Ahmad implemented the following corrective measures at the Station in response to this enforcement action:
 - a. During a follow-up investigation conducted at the Station on July 13, 2005, a TCEQ DFW Regional Office investigator documented that Mr. Ahmad had begun properly maintaining records of daily and monthly inspections related to required Stage II records. However, Mr. Ahmad has not provided documentation to show that the CARB Executive Order for the Healy 800 system, Station representative training, employee training, tests results and maintenance records are being maintained on-site and immediately available for review.
 - b. During an investigation conducted at the Station on July 13, 2005, a TCEQ DFW Regional Office investigator observed that all vapor guards were in good condition.
 - c. During an investigation conducted at the Station on July 13, 2005, a TCEQ DFW Regional Office investigator observed that no gasoline hoses were in contact with the fuel island or ground for more than six inches.

- d. During an investigation conducted at the Station on March 13, 2007, a TCEQ DFW Regional Office investigator documented that Mr. Ahmad had an onboard refueling vapor recovery compatible nozzle installed on the Stage II Vapor Recovery system at the Station.
 - e. Mr. Ahmad provided documentation indicating that the annual testing of the Stage II vapor recovery system was conducted on July 11, 2005.
 - f. Mr. Ahmad provided documentation indicating that the cathodic protection system was inspected and tested for operability and adequacy of protection on July 11, 2005. However, Mr. Ahmad has not provided documentation indicating that the rectifier box is being checked every 60 days to ensure operability.
 - g. During an investigation conducted at the Station on March 13, 2007, a TCEQ DFW Regional Office investigator documented that Mr. Ahmad provided documentation indicating that the line leak detectors were performance tested on December 5, 2006.
 - h. During an investigation conducted at the Station on March 13, 2007, a TCEQ DFW Regional Office investigator documented that Mr. Ahmad provided documentation indicating that annual line tightness testing was in place to provide release detection for the product piping, and monthly testing of the tanks was being conducted using an Incon automatic tank gauge.
 - i. During an investigation conducted at the Station on March 13, 2007, a TCEQ DFW Regional Office investigator observed that fuel leaks were no longer present underneath the dispensers.
 - j. During an investigation conducted at the Station on March 13, 2007, a TCEQ DFW Regional Office investigator documented that Mr. Ahmad provided copies of all daily inventory control and monthly reconciliation records for 2007 to demonstrate that this activity was being accurately and completely conducted.
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. Ahmad 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

1. During an investigation conducted on June 16, 2005, a TCEQ DFW Regional Office investigator documented that Mr. Ahmad violated:
 - a. 30 TEX. ADMIN. CODE § 115.246(7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain all required Stage II records on-site and make immediately available for review upon request by a TCEQ representative. Specifically, Mr. Ahmad failed to maintain a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II vapor recovery system, daily inspection log, maintenance log for all repairs/replacements conducted, record of any and all Stage II related test results, and Stage II training records.
 - b. 30 TEX. ADMIN. CODE § 115.242(3), (3)(A) and (3)(E) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain all components of 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. Specifically, the length of hoses in contact with the fuel island when the nozzle is mounted to the dispenser, exceeded the six-inch limit of the Healy 600 CARB Executive Order. Also, the Healy System monitor required for the central vacuum system was not installed and the flexible cones on Dispensers 1-regular, 2-regular, and 4-super were damaged with greater than one fourth of the cone missing.
 - c. 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to verify the proper operation of the Stage II equipment at least once every 12 months. Specifically, the annual vapor recovery test had not been conducted.
 - d. 30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and (c)(4) and TEX. WATER CODE § 26.3475(d) by failing to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components were operating properly. Mr. Ahmad also failed to inspect and test the cathodic protection system for operability and adequacy of protection within three to six months after installation and at a subsequent frequency of at least once every three years.

- e. 30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and (b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a) and (c)(1) by failing to provide a release detection method capable of detecting a release from any portion of the underground storage tank (“UST”) system which contained regulated substances including the tanks, piping and other ancillary equipment. Specifically, there was no power to the automatic tank gauging control panel. Also, Mr. Ahmad failed to test the line leak detectors at least once per year for performance and operational reliability.
- f. 30 TEX. ADMIN. CODE § 334.47(a)(2) by failing to remove an existing UST system that had not been brought into timely compliance with the upgrade requirements. Specifically, an unregistered out of service used oil tank was documented at the Station.
- g. 30 TEX. ADMIN. CODE § 334.7(a)(1) by failing to register with the TCEQ, on authorized Commission forms, a UST in existence on or after September 1, 1987. Specifically, the used oil UST at the Station was not registered with the TCEQ.
- h. 30 TEX. ADMIN. CODE § 334.48(a) by failing to ensure that the UST system is operated, maintained, and managed in a manner that will prevent releases of regulated substances from such systems. Specifically, diesel fuel was leaking underneath dispenser Nos. 3 and 4. Also, the investigator observed staining on the soil beneath the fuel filter.
- i. 30 TEX. ADMIN. CODE § 334.48(c) by failing to conduct effective manual or automatic inventory control procedures for the UST system.

III. DENIALS

Mr. Ahmad generally denies each allegation in Section II (“Allegations”).

IV. ORDERING PROVISIONS

- 1. It is, therefore, ordered by the TCEQ that Mr. Ahmad pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Ahmad’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 or 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: Nisar Ahmad dba C-Store, Docket No. 2005-1557-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. Mr. Ahmad shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Mr. Ahmad shall:
 - i. Begin maintaining records at the Station to indicate that the CARB Executive Order for the Healy 800 system, facility representative training, employee training, test results, and maintenance records are being maintained on-site and immediately available for review, in accordance with 30 TEX. ADMIN. CODE § 115.246;
 - ii. Permanently remove the used oil UST system from service, in accordance with 30 TEX. ADMIN. CODE § 334.55; and
 - iii. Submit an updated UST registration and self-certification form reflecting the current status of the used oil tank in accordance with 30 TEX. ADMIN. CODE § 334.7.
 - b. Within 45 days after the effective date of this Agreed Order, Mr. Ahmad shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii.. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Mr. Ahmad shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii. to:

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

and

Sam Barrett, Waste Section Manager, MC, R-4
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- c. Within 60 days after the effective date of this Agreed Order, Mr. Ahmad shall begin conducting inspections of the impressed current cathodic protection system at least once every 60 days, in accordance with 30 TEX. ADMIN. CODE § 334.49.
 - d. Within 75 days after the effective date of this Agreed Order, Mr. Ahmad shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision No. 2.c. as described in Ordering Provision No. 2.b. above.
3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Ahmad. Mr. Ahmad 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.
 4. If Mr. Ahmad fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Ahmad's failure to comply is not a violation of this Agreed Order. Mr. Ahmad shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Ahmad shall notify the Executive Director within seven days after Mr. Ahmad becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Ahmad shall be

made in writing to the Executive Director. Extensions are not effective until Mr. Ahmad receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Ahmad in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Mr. Ahmad, or three days after the date on which the Commission mails notice of the Order to Mr. Ahmad, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

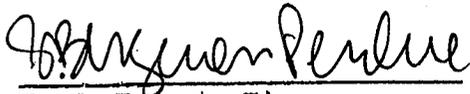
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Mar 19 2009

03/19/09 For the Commission



For the Executive Director

4/14/2009

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

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

Signature

TCEQ

NISAR AHMAD

Name (Printed or typed)

Authorized representative of
Nisar Ahmad dba C-Store

Date

03/19/09

Owner

Title