

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0368-MWD-E **TCEQ ID:** RN102080744 **CASE NO.:** 37301

RESPONDENT NAME: Indian Petro Corp.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" 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: Champion Travel Plaza, located approximately 1,500 feet southwest of the intersection of United States Highway 59 and Farm-to-Market Road 2914 and on the west side of United States Highway 59, approximately 4.2 miles south of Shepherd, San Jacinto County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 20, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Raghbir S. Sandhu, Director/Secretary, Indian Petro Corp., 10000 South Highway 59, Shepherd, Texas 77371 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: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 14, 2009</p> <p>Date of NOV/NOE Relating to this Case: March 6, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>Failure to maintain compliance with the permit effluent limits for total ammonia nitrogen [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014035001, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$4,640</p> <p>Total Deferred: \$928 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,712</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>Ordering Provisions:</p> <p>The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014035001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>

Additional ID No(s): MWD-14035-001-CO



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	9-Mar-2009			
	PCW	2-Apr-2009	Screening	13-Mar-2009	EPA Due

RESPONDENT/FACILITY INFORMATION			
Respondent	Indian Petro Corp.		
Reg. Ent. Ref. No.	RN102080744		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37301	No. of Violations	1
Docket No.	2009-0368-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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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	135.0% Enhancement	Subtotals 2, 3, & 7	\$2,700
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Notes: The Respondent self-reported 20 months of effluent violations, was issued one Notice of Violation ("NOV") for violations that are considered same or similar, was issued five NOVs for violations that are considered not to be same or similar, and received one Agreed Order with denial of liability language.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$908	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$7,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,700
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-1.3%	Adjustment	-\$60
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent double-enhancement of the penalty amount for same violations that were self-reported.

Final Penalty Amount	\$4,640
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,640
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DEFERRAL	20.0% Reduction	Adjustment	-\$928
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,712
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Screening Date 13-Mar-2009

Docket No. 2009-0368-MWD-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 37301

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

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>)	21	105%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</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) 135%

>> 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

The Respondent self-reported 20 months of effluent violations, was issued one Notice of Violation ("NOV") for violations that are considered same or similar, was issued five NOVs for violations that are considered not to be same or similar, and received one Agreed Order with denial of liability language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 135%

Screening Date 13-Mar-2009 **Docket No.** 2009-0368-MWD-E **PCW**
Respondent Indian Petro Corp. *Policy Revision 2 (September 2002)*
Case ID No. 37301 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN102080744
Media [Statute] Water Quality
Enf. Coordinator Heather Brister
Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014035001, Effluent Limitations and Monitoring Requirements No. 1
Violation Description Failed to maintain compliance with the permit effluent limits, as documented during a record review conducted on January 14, 2009, and as shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%

Matrix Notes
 A simplified model was used to evaluate 5-day carbonaceous biochemical oxygen demand ("CBOD₅"), total ammonia nitrogen ("NH₃-N") and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Good Faith Efforts to Comply Reduction

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

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: Indian Petro Corp.
Case ID No.: 37301
Reg. Ent. Reference No.: RN102080744
Media: Water Quality
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$7,500	30-Jun-2007	30-Nov-2009	2.42	\$908	n/a	\$908

Notes for DELAYED costs

Estimated cost to increase inspections and oversight and to make necessary adjustments at the Facility to achieve compliance with permitted effluent limits. Date Required is the initial month of noncompliance. Final Date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$7,500

TOTAL

\$908

Effluent Limit Violation Table

table rev.

Respondent Indian Petro Corp.

ID Number(S) WQ0014035001

Docket Number 2009-0368-MWD-E

Enf. Coordinator Heather Brister

Corresponds to Violation Number:

1

<i>EFFLUENT PARAMETER</i>			
<i>Permit Limit</i>			
	Total Ammonia Nitrogen Daily Average Loading 0.8 Pounds per Day	Total Ammonia Nitrogen Daily Average Concentration 3 Milligrams per Liter	Total Ammonia Nitrogen Single Grab 15 Milligrams per Liter
<i>Month/Year</i>			
Jun-07	c	8.30	26.00
Jul-07	1.31	13.30	40.00
Aug-07	0.95	13.40	18.20
Nov-07	c	3.40	c

c - compliant

Compliance History Report

Customer/Respondent/Owner-Operator: CN602931198 Indian Petro Corp. Classification: AVERAGE Rating: 2.64
 Regulated Entity: RN102080744 CHAMPION TRAVEL PLAZA Classification: AVERAGE Site Rating: 2.64

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2040064
 WASTEWATER PERMIT WQ0014035001
 WASTEWATER PERMIT TX0117196
 PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 74514

Location: Located approximately 1,500 feet southwest of the intersection of U.S. Highway 59 and Farm-to-Market Road 2914 and on the west side of U.S. Highway 59, approximately 4.2 miles south of Shepherd in San Jacinto County, Texas

TCEQ Region: REGION 10 - BEAUMONT
 Date Compliance History Prepared: March 12, 2009
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: March 12, 2004 to March 12, 2009
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Heather Brister Phone: 254-761-3034

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? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | J.P.M.Y. Enterprise, Inc. |
| 5. When did the change(s) in ownership occur? | 05/09/2007 |
| 6. Rating Date: 9/1/2008 Repeat Violator: NO | |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: **11/19/2007** ADMINORDER 2007-1286-PST-E
 Classification: Major
 Citation: 30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
 Description: Field Citation - Failure to provide proper release detection for the UST system.
- 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	03/18/2004	(259960)
2	04/15/2004	(326027)
3	05/14/2004	(366279)
4	06/07/2004	(366280)
5	07/12/2004	(366281)
6	08/09/2004	(366282)
7	09/23/2004	(366283)
8	10/15/2004	(366284)
9	11/18/2004	(389652)
10	12/29/2004	(343560)
11	01/11/2005	(389654)
12	03/14/2005	(389651)
13	04/06/2005	(389653)
14	04/11/2005	(430706)
15	04/18/2005	(377009)
16	05/10/2005	(430707)
17	06/10/2005	(430708)
18	07/11/2005	(447279)
19	08/15/2005	(447280)
20	09/12/2005	(447281)
21	10/09/2005	(491792)
22	11/17/2005	(491793)
23	12/12/2005	(491794)

24	01/09/2006	(491795)
25	02/07/2006	(491790)
26	03/15/2006	(491791)
27	05/10/2006	(505935)
28	06/15/2006	(505936)
29	07/14/2006	(528180)
30	08/14/2006	(630581)
31	09/12/2006	(528181)
32	10/16/2006	(630584)
33	11/16/2006	(630586)
34	12/12/2006	(630588)
35	01/10/2007	(630590)
36	02/11/2007	(630576)
37	02/14/2007	(630574)
38	03/08/2007	(540576)
39	03/20/2007	(630575)
40	04/16/2007	(630577)
41	05/14/2007	(630578)
42	05/18/2007	(560745)
43	05/18/2007	(560747)
44	06/05/2007	(557520)
45	06/05/2007	(561617)
46	06/11/2007	(630579)
47	07/06/2007	(562204)
48	07/17/2007	(630580)
49	09/10/2007	(630583)
50	09/26/2007	(630582)
51	10/15/2007	(630585)
52	11/16/2007	(630587)
53	12/12/2007	(630589)
54	01/15/2008	(677066)
55	02/25/2008	(677065)
56	03/17/2008	(695698)
57	04/14/2008	(695699)
58	06/16/2008	(717244)
59	06/16/2008	(717245)
60	07/21/2008	(695700)
61	01/29/2009	(721757)
62	03/06/2009	(723781)

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

Date:	3/17/2004	(259960)	CN602931198	
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(k)			
Description:	Failure to provide an adequate plant operations manual.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.39(h)(3)			
Description:	Failure to file the well completion report.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)			
Description:	Failure to obtain a sanitary control easement for the well at the water plant.			
Date:	08/31/2004	(366283)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/29/2004	(343560)	CN602931198	
Self Report?	NO		Classification:	Moderate
Citation:	OT 7 PERMIT			
Description:	Failure to submit the 2003 annual sludge report.			

Self Report?	NO	Classification:	Minor
Citation:	OT 7 PERMIT		
Description:	Failure to maintain properly completed grease trap and sludge disposal trip tickets.		
Self Report?	NO	Classification:	Moderate
Citation:	OpR 1 PERMIT		
Description:	Failure to maintain the effluent flow meter.		
Self Report?	NO	Classification:	Minor
Citation:	OpR 1 PERMIT		
Description:	The influent lift station does not maintain an audio-visual alarm and is not appropriately vented.		
Self Report?	NO	Classification:	Minor
Citation:	OpR 1 PERMIT		
Description:	The facility gate was not intruder resistant. The facility gate can be opened without removing the lock.		
Self Report?	NO	Classification:	Minor
Citation:	OpR 5 PERMIT		
Description:	The facility does not maintain a readily accessible sampling location.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 317 317.4(a)(7)		
Description:	The plant deck is accessed by a ladder, despite rising greater than four feet above ground level		
Self Report?	NO	Classification:	Minor
Citation:	OpR 1 PERMIT		
Description:	The effluent discharge piping was leaking in two places.		
Self Report?	NO	Classification:	Minor
Citation:	M&RR 2 PERMIT		
Description:	Mr. Holt stated that he does not perform correction for manganese interference with the total chlorine residual analyses.		
Self Report?	NO	Classification:	Minor
Citation:	M&RR 3c PERMIT		
Description:	Mr. Holt stated that he does not record the time of effluent flow measurement or of conducting total chlorine residual analyses.		
Date:	12/31/2004 (389654)	CN602931198	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2005 (430706)	CN602931198	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	05/31/2005 (430708)	CN602931198	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		

Date:	12/31/2005	(491795)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	01/31/2006	(491790)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	02/28/2006	(491791)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	03/31/2006	(630576)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	10/31/2006	(630586)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/30/2006	(630588)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2006	(630590)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	01/31/2007	(630574)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	02/28/2007	(630575)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	03/31/2007	(630577)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date: **05/21/2007** (560747) CN602931198
Self Report? NO Classification: Moderate
Citation: TWC Chapter 26 26.121(a)(1)
Description: Failure by Indian Petro Corporation to obtain permit authorization prior to discharging from a wastewater treatment plant serving the Champion Travel Plaza, located at 10000 Highway 59 South, Shepherd, (San Jacinto County), Texas.

Self Report? NO Classification: Moderate
Citation: 5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failure by Indian Petro Corporation to obtain authorization prior to operating Public Drinking Water System ID No. 2040064, serving the Champion Travel Plaza, located at 10000 Highway 59 South, Shepherd, (San Jacinto County), Texas.

Date: **05/31/2007** (630579) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **06/05/2007** (561617) CN602931198
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.51(b)(2)(C)
Description: Failure to install overflow prevention equipment.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.50(b)(2)(A)(i)(III)
Description: Failure to have a successful line leak detector test at least once per year for performance and operational reliability.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(iii)(I)
Description: Failure to conduct inventory volume measurements for regulated substance inputs, withdrawals, and amount still remaining in the tank each operating day.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(ii)
Description: Failure to reconcile inventory control records on a monthly basis which are sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flowthrough for the month plus 130 gallons.

Date: **06/30/2007** (630580) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: **07/06/2007** (562204) CN602931198
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(3)
Description: Failure to file the well completion report.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to obtain a sanitary control easement for the well at the water plant.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)
Description: Failure to have the hypochlorination solution container completely covered.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
Description: Failure to provide documentation that the chemicals being used for disinfection conform to ANSI/NSF standards.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)
Description: Failure to keep records of the amount of chemical used each week.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
Description: Failure to maintain records of the dates dead-end mains were flushed.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to have an up-to-date chemical and microbiological monitoring plan.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to perform the annual tank inspections on the ground and pressure tanks.

Date: 07/31/2007 (630582) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2007 (630583) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2007 (630589) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2008 CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

Date: 01/28/2009 (721757) CN602931198
Self Report? NO Classification: Moderate
Citation: OT 7, Pg. 26 PERMIT
Description: Failure by Indian Petro Corp. to submit the annual sludge report to the TCEQ Regional Office and the TCEQ Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1st of each year.

Self Report? NO Classification: Moderate
Citation: OpR 1 PERMIT
Description: Failure by Indian Petro Corp to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate
Citation: OpR 1, Pg. 9 PERMIT
Description: Failure by Indian Petro Corp to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report?	NO	Classification:	Moderate
Citation:	OpR 1, Pg. 9 PERMIT		
Description:	Failure by Indian Petro Corp to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(d)		
Description:	Failure by Indian Petro Corp to install flow measurement equipment prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation		
Self Report?	NO	Classification:	Moderate
Citation:	EL&MR 6, Pg. 2 PERMIT		
Description:	Failure by Indian Petro Corp to comply with effluent limitation for dissolved oxygen minimum of 4 mg/l		
Self Report?	NO	Classification:	Moderate
Citation:	D&SPC 2f, Pg. 4 PERMIT		
Description:	Failure by Indian Petro Corp to accurately calculate loading for carbonaceous biological oxygen demand (CBOD), ammonia (NH3), and total suspended solids (TSS) on the discharge monitoring reports.		
Self Report?	NO	Classification:	Minor
Citation:	D&SPC 1b, Pg. 3 PERMIT		
Description:	Failure by Indian Petro Corp to correctly calculate the daily average flow for the month of 4/2008.		
Self Report?	NO	Classification:	Moderate
Citation:	M&RR 7c, Pg. 6 PERMIT		
Description:	Failure by Indian Petro Corp to report in writing to the Region 10 office and the Enforcement Division (MC 224) any permitted effluent limitation exceedence of > 40% within 5 days of becoming aware of the non-compliance.		
Self Report?	NO	Classification:	Minor
Citation:	M&RR 4, Pg. 5 PERMIT		
Description:	Failure by Indian Petro Corp to include all monitoring results on the discharge monitoring reports.		
Self Report?	NO	Classification:	Moderate
Citation:	OT 8, Pg. 27 PERMIT		
Description:	Failure by Indian Petro Corp to clean the on-site grease trap at least twice/month, and maintain records of such activity including volume of grease disposed, dates of disposal, and location of disposal site.		
Self Report?	NO	Classification:	Minor
Citation:	M&RR 2, Pg. 5 PERMIT		
Description:	Failure by Indian Petro Corp to comply with test procedures for analysis of pollutants specified in 30 TAC 319.11-319.12.		

- 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
INDIAN PETRO CORP.
RN102080744

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0368-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Indian Petro Corp. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located approximately 1,500 feet southwest of the intersection of United States Highway 59 and Farm-to-Market Road 2914 and on the west side of United States Highway 59, approximately 4.2 miles south of Shepherd in San Jacinto County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 11, 2009.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Six Hundred Forty Dollars (\$4,640) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

The Respondent has paid Three Thousand Seven Hundred Twelve Dollars (\$3,712) of the administrative penalty and Nine Hundred Twenty-Eight Dollars (\$928) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

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 the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to maintain compliance with the permit effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014035001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on January 14, 2009, and as shown in the following table:

EFFLUENT PARAMETER			
Permit Limit			
	Total Ammonia Nitrogen Daily Average Loading 0.8 Pounds per Day	Total Ammonia Nitrogen Daily Average Concentration 3 Milligrams per Liter	Total Ammonia Nitrogen Single Grab 15 Milligrams per Liter
Month/Year			
Jun-07	c	8.30	26.00
Jul-07	1.31	13.30	40.00
Aug-07	0.95	13.40	18.20
Nov-07	c	3.40	c

c - compliant

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Indian Petro Corp., Docket No. 2009-0368-MWD-E" to:

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

2. The Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014035001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent 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, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 the Respondent 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 under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

7/2/2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

Signature

05/14/09
Date

RAGHBIR S. SANDHU
Name (Printed or typed)
Authorized Representative of
Indian Petro Corp.

Secretary
Title

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

