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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-1254-PST-E TCEQ ID: RN100860626 CASE NO.: 24699**  
**RESPONDENT NAME: SALIM AZIZ DOSSANI DBA SHORT TRIP FOOD MART**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

**SITE WHERE VIOLATION(S) OCCURRED:** 8703 Boone Road, Houston, Harris County

**TYPE OF OPERATION:** Convenience store with retail sales of gasoline

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility.

**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired January 18, 2010. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney:** Ms. Tammy L. Mitchell, Litigation Division, MC 175, (512) 239-0736  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  
**TCEQ Enforcement Coordinator:** Ms. Judy Kluge, Waste Enforcement Section, MC R-4, (817) 588-5825  
**TCEQ Regional Contact:** Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623  
**Respondent:** Mr. Salim Aziz Dossani, Owner, Short Trip Food Mart, 8703 Boone Road, Houston, Texas 77079  
**Respondent's Attorney:** Mr. Greg Cochran, Cochran & Associates, 5110 San Felipe St, Houston, Texas 77056-3656

**RESPONDENT NAME: SALIM AZIZ DOSSANI**  
**DBA SHORT TRIP FOOD MART**  
**DOCKET NO.: 2008-1254-PST-E**

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input checked="" type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 16, 2008</p> <p><b>Date of NOE Relating to this Case:</b> July 25, 2008</p> <p><b>Background Facts:</b> The EDPRP was filed on October 24, 2008. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on November 1, 2009. A revised agreed order was signed on January 5, 2010.</p> <p><b>Current Compliance Status:</b> Not yet in compliance. The Respondent's delivery certificate expires in June 2010.</p> <p><b>PST:</b></p> <ol style="list-style-type: none"> <li>Failed to verify proper operation of the Stage II equipment at least once every 12 months [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly, and failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years [30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and 334.49(c)(4) and TEX. WATER CODE § 26.3475(d)].</li> <li>Failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring); failed to test the line leak detectors at least once per year for performance and operational reliability; and failed to conduct reconciliation of detailed inventory control records at least</li> </ol>	<p><b>Total Assessed:</b> \$65,088</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$1,843/\$63,245</p> <p>The Respondent paid \$1,843 of the administrative penalty. The remaining amount of \$63,245 shall be payable in 35 monthly payments of \$1,807 each.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b> Indifference to legal duty based on violation of previous agreed order.</p>	<p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Immediately, begin conducting effective manual or automatic inventory control procedures for all USTs.</li> <li>Within 30 days: <ol style="list-style-type: none"> <li>Conduct the required annual testing of the Stage II equipment;</li> <li>Begin conducting bimonthly inspections of the impressed current cathodic protection system to ensure that the rectifier and other system components are functioning as designed, and conduct the required triennial testing of the corrosion protection system;</li> <li>Implement a release detection method for all USTs, test the line leak detectors for performance and operational reliability, and begin conducting reconciliation of inventory control records; and</li> <li>Begin maintaining the Stage II vapor recovery system in proper operating condition, this shall include, but not be limited to installing an approved ORVR compatible Stage II vapor recovery system and conducting successful Stage II vapor recovery tests after completing the ORVR upgrade.</li> </ol> </li> <li>Within 45 days, conduct an investigation of the suspected release and implement appropriate corrective measures.</li> <li>Within 60 days, submit written certification demonstrating compliance.</li> </ol>

**RESPONDENT NAME: SALIM AZIZ DOSSANI**  
**DBA SHORT TRIP FOOD MART**  
**DOCKET NO.: 2008-1254-PST-E**

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p>once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(b)(1)(A), 334.50(b)(2)(A)(i)(III) and 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(a) and 26.3475(c)(1)].</p> <p>4. Failed to investigate a suspected release within 30 days of discovery [TCEQ Agreed Order Docket No. 2005-0365-PST-E, Ordering Provision No. 2.b. and 30 TEX. ADMIN. CODE § 334.74(2)].</p> <p>5. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel [TCEQ Agreed Order Docket No. 2005-0365-PST-E, Ordering Provision No. 2.a. and 30 TEX. ADMIN. CODE § 334.48(c)].</p> <p>6. Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems [30 TEX. ADMIN. CODE § 115.242(1)(C) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>		



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	28-Jul-2008			
	<b>PCW</b>	6-Aug-2008	<b>Screening</b>	1-Aug-2008	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	Salim Aziz Dossani dba Short Trip Food Mart				
<b>Reg. Ent. Ref. No.</b>	RN100860626				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	24699	<b>No. of Violations</b>	6		
<b>Docket No.</b>	2008-1254-PST-E	<b>Order Type</b>	Findings		
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Judy Kluge		
		<b>EC's Team</b>	Enforcement Team 6		
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$48,500
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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.

<b>Compliance History</b>	27.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$13,095
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Notes: Enhancement for one prior NOV with same or similar violations, one NOV with dissimilar violations, and one 1660 Order.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$3,837	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$9,600	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$61,595
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	5.7%	<b>Adjustment</b>	\$3,493
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided costs of compliance associated with violation nos. 2, 3, and 4.

**Final Penalty Amount** \$65,088

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$65,088
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: This case is direct referral to litigation.

<b>PAYABLE PENALTY</b>	\$65,088
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Screening Date 1-Aug-2008

Docket No. 2008-1254-PST-E

PCW

Respondent Salim Aziz Dossani dba Short Trip Food Mart

Policy Revision 2 (September 2002)

Case ID No. 24699

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN100860626

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

#### >> 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 prior NOV with same or similar violations, one NOV with dissimilar violations, and one 1660 Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

**Screening Date** 1-Aug-2008 **Docket No.** 2008-1254-PST-E **PCW**  
**Respondent** Salim Aziz Dossani dba Short Trip Food Mart *Policy Revision 2 (September 2002)*  
**Case ID No.** 24699 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN100860626  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Judy Kluge

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 115.245(2) and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual system compliance testing had not been conducted.

**Base Penalty** \$10,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$7,500  
\$2,500

**Violation Events**

Number of Violation Events 1 365 Number of violation days  
 mark only one with an 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 May 16, 2008 investigation.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/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** \$2,500

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

**Estimated EB Amount** \$1,096 **Violation Final Penalty Total** \$3,355

**This violation Final Assessed Penalty (adjusted for limits)** \$3,355

## Economic Benefit Worksheet

**Respondent** Salim Aziz Dossani dba Short Trip Food Mart

**Case ID No.** 24699

**Reg. Ent. Reference No.** RN100860626

**Media** 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
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$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]	\$1,000	16-May-2007	16-May-2008	1.92	\$96	\$1,000	\$1,096
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost for annual testing to verify proper operation of the Stage II equipment. The date required is the one year prior to the investigation date and the final date is the investigation date.

Approx. Cost of Compliance \$1,000

**TOTAL** \$1,096

**Screening Date** 1-Aug-2008 **Docket No.** 2008-1254-PST-E **PCW**  
**Respondent** Salim Aziz Dossani dba Short Trip Food Mart *Policy Revision 2 (September 2002)*  
**Case ID No.** 24699 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN100860626  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Judy Kluge

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 334.49(c)(2)(C) and (c)(4) and 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 are operating properly. Specifically, bimonthly inspections of the impressed current cathodic protection system were not being conducted. Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the triennial test had not been conducted.

**Base Penalty** \$10,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 1 77 Number of violation days

*mark only one with an x*

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

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

One quarterly event is recommended based on the documentation of the violation during the May 16, 2008 investigation to the August 1, 2008 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	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** \$2,500

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

**Estimated EB Amount** \$1,301 **Violation Final Penalty Total** \$3,355

**This violation Final Assessed Penalty (adjusted for limits)** \$3,355

## Economic Benefit Worksheet

**Respondent** Salim Aziz Dossani dba Short Trip Food Mart

**Case ID No.** 24699

**Reg. Ent. Reference No.** RN100860626

**Media** 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
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$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]	\$1,000	16-May-2005	16-May-2008	3.92	\$196	\$1,000	\$1,196
Other (as needed)	\$100	17-Mar-2008	16-May-2008	1.08	\$5	\$100	\$105

Notes for AVOIDED costs

Avoided cost for conducting bimonthly inspections (\$100) and completing the triennial test (\$1,000). The dates required are 60 days before the investigation and three years before the investigation respectively and the final date is the investigation date.

Approx. Cost of Compliance \$1,100

**TOTAL** \$1,301

**Screening Date** 1-Aug-2008 **Docket No.** 2008-1254-PST-E **PCW**  
**Respondent** Salim Aziz Dossani dba Short Trip Food Mart *Policy Revision 2 (September 2002)*  
**Case ID No.** 24699 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN100860626  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Judy Kluge

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 334.50(b)(1)(A), (b)(2)(A)(i)(III), (d)(1)(B)(ii) and Tex. Water Code § 26.3475(a) and (c)(1)

**Violation Description**  
 Failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, the automatic tank gauge was not being put into test mode monthly. Failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detectors had not been performance tested annually. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons.

**Base Penalty** \$10,000

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

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes**  
 Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events: 1      77 Number of violation days

*mark only one with an x*

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

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

One quarterly event is recommended based on the documentation of the violation during the May 16, 2008 investigation to the August 1, 2008 screening date.

**Good Faith Efforts to Comply**      **0.0%** Reduction      \$0

	Before NOV	NOV to EDPRP/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** \$2,500

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

**Estimated EB Amount** \$1,151      **Violation Final Penalty Total** \$3,355

**This violation Final Assessed Penalty (adjusted for limits)** \$3,355

## Economic Benefit Worksheet

**Respondent** Salim Aziz Dossani dba Short Trip Food Mart

**Case ID No.** 24699

**Reg. Ent. Reference No.** RN100860626

**Media** 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
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)	\$1,500	16-May-2008	6-Feb-2009	0.73	\$55	n/a	\$55

Notes for DELAYED costs

The estimated cost of monitoring all USTs for releases and monthly reconciliation of inventory control records. The date required is the investigation date and the final date is date 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]	\$1,000	16-May-2007	16-May-2008	1.92	\$96	\$1,000	\$1,096
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided costs for conducting the annual line leak detector test. The date required is one year prior to the investigation date and the final date is the investigation date.

Approx. Cost of Compliance	\$2,500	<b>TOTAL</b>	\$1,151
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**Screening Date** 1-Aug-2008 **Docket No.** 2008-1254-PST-E **PCW**  
**Respondent** Salim Aziz Dossani dba Short Trip Food Mart *Policy Revision 2 (September 2002)*  
**Case ID No.** 24699 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN100860626  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Judy Kluge

**Violation Number** 4  
**Rule Cite(s)** TCEQ Agreed Order Docket No. 2005-0365-PST-E, Ordering Provision No. 2.b. and 30 Tex. Admin. Code § 334.74(2)  
**Violation Description** Failed to investigate a suspected release within 30 days of discovery.

**Base Penalty** \$10,000

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

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 12      357 Number of violation days

*mark only one with an x*

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$30,000

Twelve monthly events are recommended from the order effective date of August 10, 2007 to the August 1, 2008 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Reduction	
	Before NOV	NOV to EDPRP/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** \$30,000

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

**Estimated EB Amount** \$75      **Violation Final Penalty Total** \$40,261

**This violation Final Assessed Penalty (adjusted for limits)** \$40,261

## Economic Benefit Worksheet

**Respondent** Salim Aziz Dossani dba Short Trip Food Mart

**Case ID No.** 24699

**Reg. Ent. Reference No.** RN100860626

**Media** 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)	\$1,000	10-Aug-2007	6-Feb-2009	1.50	\$75	n/a	\$75

**Notes for DELAYED costs**  
 Estimated personnel costs of submitting the necessary documentation of a suspected release to the TCEQ and estimated cost for performing a site check to measure for the presence of a release where contamination is most likely present. The date required is the ordering effective 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				0.00	\$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

**TOTAL**

**Screening Date** 1-Aug-2008 **Docket No.** 2008-1254-PST-E **PCW**  
**Respondent** Salim Aziz Dossani dba Short Trip Food Mart *Policy Revision 2 (September 2002)*  
**Case ID No.** 24699 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN100860626  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Judy Kluge

**Violation Number** 5  
**Rule Cite(s)** TCEQ Agreed Order Docket No. 2005-0365-PST-E, Ordering Provision No. 2.a. and 30 Tex. Admin. Code § 334.48(c)  
**Violation Description** Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel.

**Base Penalty** \$10,000

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

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

**Matrix Notes** Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 4 357 Number of violation days

*mark only one with an x*

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$10,000

Four quarterly events are recommended from the order effective date of August 10, 2007 to the August 1, 2008 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	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** \$10,000

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

**Estimated EB Amount** \$35 **Violation Final Penalty Total** \$13,420

**This violation Final Assessed Penalty (adjusted for limits)** \$13,420

## Economic Benefit Worksheet

**Respondent** Salim Aziz Dossani dba Short Trip Food Mart

**Case ID No.** 24699

**Reg. Ent. Reference No.** RN100860626

**Media** 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
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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	\$500	10-Aug-2007	6-Jan-2009	1.41	\$35	n/a	\$35
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)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** Estimated cost to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel. The date required is the order effective date and the 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 \$500

**TOTAL** \$35

**Screening Date** 1-Aug-2008 **Docket No.** 2008-1254-PST-E **PCW**  
**Respondent** Salim Aziz Dossani dba Short Trip Food Mart *Policy Revision 2 (September 2002)*  
**Case ID No.** 24699 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN100860626  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Judy Kluge

**Violation Number** 6  
**Rule Cite(s)** 30 Tex. Admin. Code § 115.242(1)(C) and Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems.

**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0%

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

**Adjustment** \$9,000

\$1,000

**Violation Events**

	1	77	Number of violation days	
<i>mark only one with an x</i>	daily			<b>Violation Base Penalty</b> \$1,000
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

One quarterly event is recommended based on documentation of the violation during the May 16, 2008 investigation to the August 1, 2008 screening date.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	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** \$1,000

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

**Estimated EB Amount** \$179 **Violation Final Penalty Total** \$1,342

**This violation Final Assessed Penalty (adjusted for limits)** \$1,342

## Economic Benefit Worksheet

**Respondent** Salim Aziz Dossani dba Short Trip Food Mart

**Case ID No.** 24699

**Reg. Ent. Reference No.** RN100860626

**Media** 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
No commas or \$							

### Delayed Costs

Equipment	\$3,500	16-May-2008	6-Feb-2009	0.73	\$9	\$170	\$179
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to upgrade the Stage II equipment to ORVR compatible systems. The date required is the investigation date and the final date is the expected compliance date.

### 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	\$3,500	<b>TOTAL</b>	\$179
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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	11/10/2004	(335642)
2	12/17/2004	(341184)
3	06/11/2006	(481082)
4	10/09/2006	(514746)
5	05/14/2007	(555336)
6	07/25/2008	(686665)

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

Date: 11/10/2004 (335642)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)

Description: Documentation/certification for the Stage II Facility Representative was not available for review.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)

Description: Failure to provide a record of the results of Stage II Vapor Recovery system testing conducted at the facility.

Self Report? NO Classification: Moderate

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

Description: Failure to have installed the appropriate type of nozzles for all dispensers on Stage II system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.222(3)

30 TAC Chapter 115, SubChapter C 115.242(4)

Description: Gasoline leaks were detected from the dispensing equipment or vapor recovery system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)

Description: Failure to successfully complete Stage II Annual testing.

Date: 10/09/2006 (514746)

Self Report? NO Classification: Moderate

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

Description: 30 Tex. Admin. Code Section 115.242 (3)(G) - Failure to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system, including vapor return lines, includin

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  
SALIM AZIZ DOSSANI DBA  
SHORT TRIP FOOD MART;  
RN100860626**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2008-1254-PST-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Salim Aziz Dossani dba Short Trip Food Mart (“Mr. Dossani”) 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. Dossani, represented by Gregory Cochran of the law firm Cochran & Associates, presented this agreement to the Commission.

Mr. Dossani understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Mr. Dossani agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Mr. Dossani.

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

**FINDINGS OF FACT**

1. Mr. Dossani owns and operates a convenience store with retail sales of gasoline located at 8703 Boone Road, Houston, Harris County, Texas (the “Station”).
2. Mr. Dossani’s three underground storage tanks (“USTs”) are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Mr. Dossani’s USTs contain a regulated petroleum substance as defined in the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE

§ 382.003(12).

3. During an investigation conducted on May 16, 2008, a TCEQ Houston Regional Office investigator documented that Mr. Dossani:
  - a. Failed to verify proper operation of the Stage II equipment at least once every 12 months;
  - b. Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly and failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years;
  - c. Failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring), failed to test the line leak detectors at least once per year for performance and operational reliability, and failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons;
  - d. Failed to investigate a suspected release within 30 days of discovery;
  - e. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel; and
  - f. Failed to upgrade the Stage II equipment to onboard refuelling vapor recovery (“ORVR”) compatible systems.
4. Mr. Dossani received notice of the violations on or about July 30, 2008.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact Nos. 1 and 2, Mr. Dossani is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Mr. Dossani failed to verify proper operation of the Stage II equipment at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).

3. As evidenced by Finding of Fact No. 3.b., Mr. Dossani failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly and failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and 334.49(c)(4) and TEX. WATER CODE § 26.3475(d).
4. As evidenced by Finding of Fact No. 3.c., Mr. Dossani failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring); failed to test the line leak detectors at least once per year for performance and operational reliability; and failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A), 334.50(b)(2)(A)(i)(III) and 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(a) and 26.3475(c)(1).
5. As evidenced by Finding of Fact No. 3.d., Mr. Dossani failed to investigate a suspected release within 30 days of discovery, in violation of TCEQ Agreed Order Docket No. 2005-0365-PST-E, Ordering Provision No. 2.b. and 30 TEX. ADMIN. CODE § 334.74(2).
6. As evidenced by Finding of Fact No. 3.e., Mr. Dossani failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel, in violation of TCEQ Agreed Order Docket No. 2005-0365-PST-E, Ordering Provision No. 2.a. and 30 TEX. ADMIN. CODE § 334.48(c).
7. As evidenced by Finding of Fact No. 3.f., Mr. Dossani failed to upgrade the Stage II equipment to ORVR compatible systems, in violation of 30 TEX. ADMIN. CODE § 115.242(1)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b).
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Mr. Dossani for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of sixty-five thousand eighty-eight dollars (\$65,088.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Mr. Dossani has paid one thousand eight hundred forty-three dollars (\$1,843.00) of the administrative penalty. The remaining amount

of sixty-three thousand two hundred forty-five dollars (\$63,245.00) of the administrative penalty shall be payable in 35 monthly payments of one thousand eight hundred seven dollars (\$1,807.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be remitted not later than 30 days following the due date of the previous payment. If Mr. Dossani fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Mr. Dossani to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Dossani to timely and satisfactorily comply with all of the terms of this Agreed Order.

### **ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Mr. Dossani is assessed an administrative penalty in the amount of sixty-five thousand eighty-eight dollars (\$65,088.00) as set forth in Conclusion of Law No. 9 for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Mr. Dossani's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that 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: Salim Aziz Dossani dba Short Trip Food Mart; Docket No. 2008-1254-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. Dossani shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, Mr. Dossani shall begin conducting effective manual or automatic inventory control procedures for all USTs, in accordance with 30 TEX. ADMIN. CODE § 334.48;

- b. Within 30 days after the effective date of this Agreed Order, Mr. Dossani shall:
- i. Conduct the required annual testing of the Stage II equipment, in accordance with 30 TEX. ADMIN. CODE § 115.245;
  - ii. Begin conducting bimonthly inspections of the impressed current cathodic protection system to ensure that the rectifier and other system components are functioning as designed, and conduct the required triennial testing of the corrosion protection system, in accordance with 30 TEX. ADMIN. CODE § 334.49;
  - iii. Implement a release detection method for all USTs, test the line leak detectors for performance and operational reliability, and begin conducting reconciliation of inventory control records, in accordance with 30 TEX. ADMIN. CODE § 334.50; and
  - iv. Begin maintaining the Stage II vapor recovery system in proper operating condition, this shall include, but not be limited to installing an approved ORVR compatible Stage II vapor recovery system and conducting successful Stage II vapor recovery tests after completing the ORVR upgrade, in accordance with 30 TEX. ADMIN. CODE § 115.242.
- c. Within 45 days after the effective date of this Agreed Order, Mr. Dossani shall conduct an investigation of the suspected release and implement appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74.
- d. Within 60 days after the effective date of this Agreed Order, Mr. Dossani shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:
- “I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information,

including the possibility of fine and imprisonment for knowing violations.”

The certification shall be submitted to:

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

with a copy to:

Nicole Bealle, Waste Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Dossani. Mr. Dossani is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
4. If Mr. Dossani 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. Dossani's failure to comply is not a violation of this Agreed Order. Mr. Dossani has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Dossani shall notify the Executive Director within seven days after Mr. Dossani 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. Dossani shall be made in writing to the Executive Director. Extensions are not effective until Mr. Dossani receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Dossani if the Executive Director determines that Mr. Dossani has not complied with one or more of the terms or conditions in this Agreed Order.

7. 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.
8. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Dossani 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of this Agreed Order to Mr. Dossani, or three days after the date on which the Commission mails notice of this Agreed Order to Mr. Dossani, whichever is earlier.

### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*Bregson Penline*

For the Executive Director

1/11/2010 *888*

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Salim Aziz Dossani. I represent that I am authorized to agree to the attached Agreed Order on behalf of Salim Aziz Dossani, and do agree to the specified terms and conditions. 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 in this order and/or failure to timely pay the penalty amount, may result in:

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

For #

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

Doss

*Salim Dossani*

Signature

1/5/2010

Date

Salim Aziz Dossani

Name (printed or typed)

Authorized Representative

Salim Aziz Dossani, dba Short Trip Food Mart

Owner and Operator

Title