

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2010-0230-PST-E **TCEQ ID:** RN101877223 AND RN101734952 **CASE NO.:** 39155  
**RESPONDENT NAME:** SHUJAT HOLDING COMPANY

|  |   |  |
|--|---|--|
| <b>ORDER TYPE:</b>   |   |  |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER  | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER  | <input type="checkbox"/> SHUTDOWN ORDER                     | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER   | <input type="checkbox"/> EMERGENCY ORDER                    |  |
| <b>CASE TYPE:</b>  |   |  |
| <input type="checkbox"/> AIR   | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE              |
| <input type="checkbox"/> PUBLIC WATER SUPPLY   | <input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION                  |
| <input type="checkbox"/> WATER QUALITY   | <input type="checkbox"/> SEWAGE SLUDGE                      | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL               |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE   | <input type="checkbox"/> RADIOACTIVE WASTE                  | <input type="checkbox"/> DRY CLEANER REGISTRATION                    |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Facility 1: Super Stop 8, 6121 13th Street, Port Arthur, Jefferson County and Facility 2: Star Stop 4, 1805 Texas Ave, Bridge City, Orange County</p> <p><b>TYPE OF OPERATION:</b> Properties with five inactive underground storage tanks</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on August 2, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> TCEQ Attorney/SEP Coordinator: None<br/> TCEQ Enforcement Coordinator: Ms. Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, TCEQ, (817) 588-5825; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495<br/> Respondent: Mr. Shujat Ali Swati, President, SHUJAT HOLDING COMPANY, 8146 9th Avenue, Port Arthur, Texas 77642<br/> Respondent's Attorney: Not represented by counsel on this enforcement matter</p> |   |  |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION  | PENALTY CONSIDERATIONS   | CORRECTIVE ACTIONS TAKEN/REQUIRED  |
|--|--|--|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b><br/>                     None</p> <p><b>Date of Investigation Relating to this Case:</b><br/>                     December 21, 2009 and January 11, 2010</p> <p><b>Date of NOV/NOE Relating to this Case:</b><br/>                     February 4, 2010 (NOE)</p> <p><b>Background Facts:</b> These were routine investigations.</p> <p><b>WASTE</b></p> <p>Facility 1:</p> <p>1) Failure to provide an amended registration for any change or additional information regarding the underground storage tanks ("UST's") within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the correct ownership information and the current operational status of the UST system [30 TEX. ADMIN. CODE § 334.7(d)(3)].</p> <p>2) Failure to prepare and submit a release determination report to the TCEQ as part of the required procedure for permanent removal of any UST system from service. Specifically, no release determination report was submitted to the TCEQ for one UST that was permanently filled in-place [30 TEX. ADMIN. CODE § 334.55(a)(6)(D)(ii)].</p> <p>3) Failure to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements [30 TEX. ADMIN. CODE § 334.47(a)(2)].</p> <p>4) Failure to maintain all piping, pumps, manways, and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering,</p> | <p><b>Total Assessed:</b> \$17,500</p> <p><b>Total Deferred:</b> \$3,500<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$420 (remaining \$13,580 due in 35 monthly payments of \$388 each)</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Super Stop 8<br/> <b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input type="checkbox"/> Average <input checked="" type="checkbox"/> Poor</p> <p>Super Stop 4<br/> <b>Site Compliance History Classification</b><br/> <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>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, permanently remove the UST systems from service and submit release determination reports to the TCEQ for the Facilities;</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit properly completed UST registration forms for the Facilities reflecting the correct owner information and current operational status of the UST systems;</p> <p>c. Within 60 days after the effective date of this Agreed Order, conduct a release investigation and take appropriate corrective measures at the Facility 2; and</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through c.</p> |

|  |  |  |
|--|--|--|
| <p>or vandalism by unauthorized persons [30 TEX. ADMIN. CODE § 334.54(b)(2)].</p> <p>5) Failure to ensure that any residue from stored regulated substances which remained in the system did not exceed a depth of 2.5 centimeters at the deepest point and did not exceed 0.3% by weight of the system at full capacity. Specifically, the UST system contained regulated substances [30 TEX. ADMIN. CODE § 334.54(d)(2)].</p> <p>Facility 2:</p> <p>6) Failure to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the correct ownership information and the current operational status of the UST system [30 TEX. ADMIN. CODE § 334.7(d)(3)].</p> <p>7) Failure to prepare and submit a release determination report to the TCEQ as part of the required procedure for the permanent removal of any UST system from service. Specifically, no release determination report was submitted to the TCEQ for two USTs that were permanently filled in-place [30 TEX. ADMIN. CODE § 334.55(a)(6)(D)(ii)].</p> <p>8) Failure to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements [30 TEX. ADMIN. CODE § 334.47(a)(2)].</p> <p>9) Failure to keep the UST system vent lines open and functioning [30 TEX. ADMIN. CODE § 334.54(b)(1)].</p> <p>10) Failure to ensure the UST system is operated, maintained, and managed in accordance with industry practices to prevent a release of a regulated substance. Specifically, the UST piping and vent lines were broken, and approximately 500 square yards of the earthen area surrounding the UST system was observed to be wet and emitting hydrocarbon-like odors [30 TEX. ADMIN. CODE 334.48(a)].</p> |  |  |
|--|--|--|

Additional ID No(s): PST Facility ID No. 29405





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

|       |          |             |           |             |         |  |
|-------|----------|-------------|-----------|-------------|---------|--|
| DATES | Assigned | 8-Feb-2010  | Screening | 10-Feb-2010 | EPA Due |  |
|       | PCW      | 11-Feb-2010 |           |             |         |  |

## RESPONDENT/FACILITY INFORMATION

|                      |                          |                    |       |
|----------------------|--------------------------|--------------------|-------|
| Respondent           | SHUJAT HOLDING COMPANY   |                    |       |
| Reg. Ent. Ref. No.   | RN101877223 (Facility 1) |                    |       |
| Facility/Site Region | 10-Beaumont              | Major/Minor Source | Minor |

## CASE INFORMATION

|                   |                        |                       |                    |
|-------------------|------------------------|-----------------------|--------------------|
| Enf./Case ID No.  | 39155                  | No. of Violations     | 3                  |
| Docket No.        | 2010-0230-PST-E        | Order Type            | 1660               |
| Media Program(s)  | Petroleum Storage Tank | Government/Non-Profit | No                 |
| Multi-Media       |                        | Enf. Coordinator      | Judy Kluge         |
| Admin. Penalty \$ | Limit Minimum \$0      | Maximum               | \$10,000           |
|                   |                        | EC's Team             | Enforcement Team 6 |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

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

**Economic Benefit**  Enhancement\* **Subtotal 6**

|                            |         |
|----------------------------|---------|
| Total EB Amounts           | \$868   |
| Approx. Cost of Compliance | \$8,200 |

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

Screening Date 10-Feb-2010

Docket No. 2010-0230-PST-E

PCW

Respondent SHUJAT HOLDING COMPANY

Policy Revision 2 (September 2002)

Case ID No. 39155

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101877223 (Facility 1)

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  | 1                 | 5%      |
|                               | Other written NOVs   | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 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 judgments 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) 25%

>> 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 1660 Order and one NOV with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 10-Feb-2010

Docket No. 2010-0230-PST-E

PCW

Respondent SHUJAT HOLDING COMPANY

Policy Revision 2 (September 2002)

Case ID No. 39155

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101877223 (Facility 1)

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 334.7(d)(3)

Violation Description

Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the correct ownership information and the current operational status of the UST system.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       |          |       |
| Potential |       |          |       |

Percent 0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               | x     |          |       |

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

51 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended based on the documentation of the violation during the December 21, 2009 investigation.

Good Faith Efforts to Comply

0.0% Reduction

\$0

|          | Before NOV    | NOV to EDRP/Settlement |
|----------|---------------|------------------------|
|          | 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 \$5

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

# Economic Benefit Worksheet

**Respondent** SHUJAT HOLDING COMPANY

**Case ID No.** 39155

**Reg. Ent. Reference No.** RN101877223 (Facility 1)

**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)        | \$100 | 21-Dec-2009 | 26-Nov-2010 | 0.93 | \$5 | n/a | \$5 |

Notes for DELAYED costs

Estimated cost to submit an amended UST registration form reflecting the correct ownership information and current operational status of the UST. The date required is the investigation 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 \$100

TOTAL \$5

Screening Date 10-Feb-2010

Docket No. 2010-0230-PST-E

PCW

Respondent SHUJAT HOLDING COMPANY

Policy Revision 2 (September 2002)

Case ID No. 39155

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN101877223 (Facility 1)

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.55(a)(6)(D)(II)

Violation Description

Failed to prepare and submit a release determination report to the TCEQ as part of the required procedure for the permanent removal of any UST system from service. Specifically, no release determination report was submitted to the TCEQ for one UST that was permanently filled in-place.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| OR | Release   | Harm  |          |       | Percent |
|----|-----------|-------|----------|-------|---------|
|    |           | Major | Moderate | Minor |         |
|    | Actual    |       |          |       | 0%      |
|    | Potential |       |          |       |         |

>> Programmatic Matrix

| Matrix Notes                              | Falsification | Harm  |          |       | Percent |
|---|---------------|-------|----------|-------|---------|
|   |               | Major | Moderate | Minor |         |
|   |               | X     |          |       | 10%     |
| 100% of the rule requirement was not met. |               |       |          |       |         |

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 51

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        |   |
|                         | weekly       |   |
|                         | monthly      |   |
|                         | quarterly    |   |
|                         | semiannual   |   |
|                         | annual       |   |
|                         | single event | X |

Violation Base Penalty \$1,000

One single event is recommended based on the documentation of the violation during the December 21, 2009 investigation.

Good Faith Efforts to Comply

|               |                |                               |
|---------------|----------------|-------------------------------|
|               | 0.0% Reduction |                               |
|               | Before NOV     | NOV to EDPRP/Settlement Offer |
| Extraordinary |                |                               |
| Ordinary      |                |                               |
| N/A           | X              | (mark with x)                 |

\$0

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 \$5

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

## Economic Benefit Worksheet

**Respondent** SHUJAT HOLDING COMPANY  
**Case ID No.** 39155  
**Reg. Ent. Reference No.** RN101877223 (Facility 1)  
**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)        | \$100 | 21-Dec-2009 | 28-Nov-2010 | 0.93 | \$5 | n/a | \$5 |

Notes for DELAYED costs

Estimated cost to submit a release determination report to the TCEQ. The date required is the investigation 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

\$100

TOTAL

\$5

Screening Date 10-Feb-2010

Docket No. 2010-0230-PST-E

PCW

Respondent SHUJAT HOLDING COMPANY

Policy Revision 2 (September 2002)

Case ID No. 39155

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101877223 (Facility 1)

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 334.47(a)(2), 334.54(b)(2) and (d)(2)

Violation Description

Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements. Failed to maintain all piping, pumps, manways, and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons. Also, failed to ensure that any residue from stored regulated substances which remained in the system did not exceed a depth of 2.5 centimeters at the deepest point and did not exceed 0.3% by weight of the system at full capacity. Specifically, the UST system contained regulated substances.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 25%     |
| Potential | x     |          |       |         |

>>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               |       |          |       | 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 2 Number of violation days 51

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | x |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

mark only one with an x

Violation Base Penalty \$5,000

Two monthly events are recommended based on documentation of the violation during the December 21, 2009 investigation to the February 10, 2010 screening date.

Good Faith Efforts to Comply

0.0% Reduction

\$0

|               | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary |            |                               |
| Ordinary      |            |                               |
| N/A           |            | (mark with x)                 |

Notes

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

Violation Subtotal \$5,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$859

Violation Final Penalty Total \$6,250

This violation Final Assessed Penalty (adjusted for limits) \$6,250

# Economic Benefit Worksheet

**Respondent** SHUJAT HOLDING COMPANY

**Case ID No.** 39155

**Reg. Ent. Reference No.** RN101877223 (Facility 1)

**Media** Petroleum Storage Tank

**Violation No.** 3

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 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)        | \$6,000 | 1-Jan-2008 | 11-Nov-2010 | 2.86 | \$859 | n/a | \$859 |

Notes for DELAYED costs

Estimated cost to permanently remove from service two USTs with a combined capacity of 8,000 gallons at \$0.75 per gallon. The date required is the date of ownership change and the final date is based on 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

\$6,000

TOTAL

\$859



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

|              |          |             |           |             |         |  |
|--------------|----------|-------------|-----------|-------------|---------|--|
| <b>DATES</b> | Assigned | 10-Feb-2010 | Screening | 10-Feb-2010 | EPA Due |  |
|              | PCW      | 19-Feb-2010 |           |             |         |  |

|  |                          |
|--|--------------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                          |
| Respondent                             | SHUJAT HOLDING COMPANY   |
| Reg. Ent. Ref. No.                     | RN101734952 (Facility 2) |
| Facility/Site Region                   | 10-Beaumont              |
| Major/Minor Source                     | Minor                    |

|                                 |                        |                       |                    |
|---------------------------------|------------------------|-----------------------|--------------------|
| <b>CASE INFORMATION</b>         |                        |                       |                    |
| Enf./Case ID No.                | 39155                  | No. of Violations     | 4                  |
| Docket No.                      | 2010-0230-PST-E        | Order Type            | 1660               |
| Media Program(s)                | Petroleum Storage Tank | Government/Non-Profit | No                 |
| Multi-Media                     |                        | Enf. Coordinator      | Judy Kluge         |
| Admin. Penalty \$ Limit Minimum | \$0                    | EC's Team             | Enforcement Team 6 |
| Maximum                         | \$10,000               |                       |                    |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History**  Enhancement Subtotals 2, 3, & 7

Notes

**Culpability**   Enhancement Subtotal 4

Notes

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

**Economic Benefit**  Enhancement\* Subtotal 6

Total EB Amounts    
 Approx. Cost of Compliance    
 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

Reduces or enhances the Final Subtotal by the Indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL**  Reduction Adjustment

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

Notes

**PAYABLE PENALTY**

Screening Date 10-Feb-2010

Docket No. 2010-0230-PST-E

PCW

Respondent SHUJAT HOLDING COMPANY

Policy Revision 2 (September 2002)

Case ID No. 39155

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101734952 (Facility 2)

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  | 1                 | 5%      |
|                               | Other written NOVs   | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 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 judgments 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) 25%

>> 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 1660 Order and one NOV with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 10-Feb-2010

Docket No. 2010-0230-PST-E

PCW

Respondent SHUJAT HOLDING COMPANY

Policy Revision 2 (September 2002)

Case ID No. 39155

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101734952 (Facility 2)

Media [Statute] Petroleum Storage Tank

Inf. Coordinator Judy Kluge

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 334.7(d)(3)

Violation Description

Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the correct ownership information and the current operational status of the UST system.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| Release   | Harm  |          |       | Percent |
|-----------|-------|----------|-------|---------|
|           | Major | Moderate | Minor |         |
| Actual    |       |          |       | 0%      |
| Potential |       |          |       |         |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
|               | x     |          |       | 10%     |

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 30

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      |   |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event | x |

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended based on the documentation of the violation during the January 11, 2010 investigation.

Good Faith Efforts to Comply

0.0% Reduction

\$0

|               | Before NOV | MOV to EDPRP/Settlement |
|---------------|------------|-------------------------|
| 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

Estimated EB Amount \$3

Statutory Limit Test

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

# Economic Benefit Worksheet

**Respondent** SHUJAT HOLDING COMPANY  
**Case ID No.** 39155  
**Reg. Ent. Reference No.** RN101734952 (Facility 2)  
**Media** Petroleum Storage Tank  
**Violation No.** 1

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 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)        | \$100 | 11-Jan-2010 | 19-Sep-2010 | 0.69 | \$3 | n/a | \$3 |

**Notes for DELAYED costs**

Estimated cost to submit an amended UST registration form to the TCEQ reflecting the current owner information and operational status of the UST system. The date required is the investigation 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

\$100

TOTAL

\$3

Screening Date 10-Feb-2010

Docket No. 2010-0230-PST-E

PCW

Respondent SHUJAT HOLDING COMPANY

Policy Revision 2 (September 2002)

Case ID No. 39155

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101734952 (Facility 2)

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.55(a)(6)(D)(ii)

Violation Description Failed to prepare and submit a release determination report to the TCEQ as part of the required procedure for permanent removal of any UST system from service. Specifically, no release determination report was submitted to the TCEQ for two USTs that were permanently filled in-place.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

| OR        | Release | Harm  |          |       | Percent |
|-----------|---------|-------|----------|-------|---------|
|           |         | Major | Moderate | Minor |         |
| Actual    |         |       |          |       | 0%      |
| Potential |         |       |          |       |         |

>> Programmatic Matrix

| Falsification | Harm  |          |       | Percent |
|---------------|-------|----------|-------|---------|
|               | Major | Moderate | Minor |         |
|               | x     |          |       | 10%     |

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 30

|                         |            |  |
|-------------------------|------------|--|
| mark only one with an x | daily      |  |
|                         | weekly     |  |
|                         | monthly    |  |
|                         | quarterly  |  |
|                         | semiannual |  |
|                         | annual     |  |
| single event            | x          |  |

Violation Base Penalty \$1,000

One single event is recommended based on the documentation of the violation during the January 11, 2010 investigation.

Good Faith Efforts to Comply

|               |            |                              |
|---------------|------------|------------------------------|
|               | 0.0%       | Reduction                    |
|               | Before NOV | NOV to EDRP/Settlement Offer |
| Extraordinary |            |                              |
| Ordinary      |            |                              |
| N/A           | x          | (mark with x)                |

\$0

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 \$3

Violation Final Penalty Total \$1,250

This violation Final Assessed Penalty (adjusted for limits) \$1,250

# Economic Benefit Worksheet

**Respondent** SHUJAT HOLDING COMPANY  
**Case ID No.** 39155  
**Reg. Ent. Reference No.** RN101734952 (Facility 2)  
**Media** Petroleum Storage Tank  
**Violation No.** 2

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 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)        | \$100 | 11-Jan-2010 | 19-Sep-2010 | 0.69 | \$3 | n/a | \$3 |

Notes for DELAYED costs

Estimated cost to submit a release determination report to the TCEQ. The date required is the investigation 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

\$100

TOTAL

\$3

Screening Date 10-Feb-2010

Docket No. 2010-0230-PST-E

PCW

Respondent SHUJAT HOLDING COMPANY

Policy Revision 2 (September 2002)

Case ID No. 39155

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101734952 (Facility 2)

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 334.47(a)(2) and 334.64(b)(1)

Violation Description: Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements. Also, failed to keep the UST system vent lines open and functioning.

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 Number of violation days 30

|                         |              |   |
|-------------------------|--------------|---|
| mark only one with an x | daily        |   |
|                         | weekly       |   |
|                         | monthly      | x |
|                         | quarterly    |   |
|                         | semiannual   |   |
|                         | annual       |   |
|                         | single event |   |

Violation Base Penalty \$2,500

One monthly event is recommended based on documentation of the violation during the January 11, 2010 investigation to the February 10, 2010 screening date.

Good Faith Efforts to Comply

|               | 0.0% 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 \$2,500

Economic Benefit (EB) for this violation

Estimated EB Amount \$1,062

Statutory Limit Test

Violation Final Penalty Total \$3,125

This violation Final Assessed Penalty (adjusted for limits) \$3,125

# Economic Benefit Worksheet

**Respondent** SHUJAT HOLDING COMPANY  
**Case ID No.** 39165  
**Reg. Ent. Reference No.** RN101734952 (Facility 2)  
**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)        | \$15,000 | 2-Jun-2009 | 1-Nov-2010 | 1.42 | \$1,062 | n/a | \$1,062 |

Notes for DELAYED costs

Estimated cost to permanently remove from service three USTs with a combined capacity of 20,000 gallons at \$0.75 per gallon. The date required is the date of ownership change and the final date is based on 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

\$15,000

TOTAL

\$1,062

Screening Date 10-Feb-2010

Docket No. 2010-0230-PST-E

PCW

Respondent SHUJAT HOLDING COMPANY

Policy Revision 2 (September 2002)

Case ID No. 39155

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101734952 (Facility 2)

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 4

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

Violation Description

Failed to ensure the UST system is operated, maintained, and managed in accordance with industry practices to prevent a release of a regulated substances. Specifically, the UST piping and vent lines were broken, and approximately 500 square feet of the earthen area surrounding the UST system was wet and emitting strong hydrocarbon-like odors.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release   | Harm  |          |       |
|-----------|-------|----------|-------|
|           | Major | Moderate | Minor |
| Actual    |       | X        |       |
| Potential |       |          |       |

Percent 25%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
|               |       |          |       |

Percent 0%

Matrix Notes

Human health or the environment has been exposed to significant amounts of pollutants which do not 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

30 Number of violation days

|              |   |
|--------------|---|
| daily        |   |
| weekly       |   |
| monthly      | X |
| quarterly    |   |
| semiannual   |   |
| annual       |   |
| single event |   |

mark only one with an x

Violation Base Penalty \$2,500

One monthly event is recommended from the investigation date of January 11, 2010 to the screening date of February 10, 2010.

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 \$344

Violation Final Penalty Total \$3,125

This violation Final Assessed Penalty (adjusted for limits) \$3,125

## Economic Benefit Worksheet

**Respondent** SHUJAT HOLDING COMPANY  
**Case ID No.** 39155  
**Reg. Ent. Reference No.** RN101734952 (Facility 2)  
**Media** Petroleum Storage Tank  
**Violation No.** 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

|                          | Item Cost       | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|-----------------|---------------|------------|-----|----------------|---------------|-----------|
| <b>Item Description:</b> | 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     | \$10,000 | 11-Jan-2010 | 19-Sep-2010 | 0.69 | \$344 | n/a | \$344 |
| Permit Costs             |          |             |             | 0.00 | \$0   | n/a | \$0   |
| Other (as needed)        |          |             |             | 0.00 | \$0   | n/a | \$0   |

Notes for DELAYED costs

Estimated cost to properly abate and remediate the release. The date required is the investigation date. 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

\$10,000

TOTAL

\$344

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603500828 Shujat Holding Company Classification: AVERAGE Rating: 39.78  
Regulated Entity: RN101877223 SUPER STOP 8 Classification: POOR Site Rating: 79.00  
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 29405  
Location: 6121 13TH ST, PORT ARTHUR, TX, 77642  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: February 17, 2010  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: February 17, 2005 to February 17, 2010  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Judy Kluge Phone: 817-588-5825

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Shujat Holding Company
4. If Yes, who was/were the prior owner(s)/operator(s)? Alihsan Enterprises, Inc.
5. When did the change(s) in owner or operator occur? 01/01/2008
6. Rating Date: 9/1/2009 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 10/23/2008

ADMINORDER 2008-0418-PST-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.3467(a)  
30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i)

Description: Failed to make available to a common carrier, a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description: Failed to provide an amended registration to the agency for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)

Description: Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.8(c)(4)(A)(vii)  
30 TAC Chapter 334, SubChapter A 334.8(c)(5)(B)(ii)

Description: Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date.

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.55(a)(6)(A)

Description: Failed to submit a site assessment and release determination report prior to the completion of the permanent removal from service.

- 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 05/10/2006 (453524)

2 03/05/2008 (614858)

3 02/04/2010 (786474)

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

Date: 05/10/2006 (453524)

CN603500828

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.54(d)(2)

Description: Failure to ensure that any residue from stored regulated substances which remain in a temporarily out of service UST shall not exceed 2.5 centimeters at the deepest point and shall not exceed 0.3 percent by weight of the system at full capacity.

Self Report? NO

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.3467(a)  
30 TAC Chapter 334, SubChapter A 334.8(c)(5)(A)(i)

Description: Failed to make available to a common carrier, a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description: Failed to provide an amended registration to the agency for any change or additional information regarding USTs within 30 days from the date of the occurrence of the change or addition.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)

Description: Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel.

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

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603500828 SHUJAT HOLDING COMPANY Classification: AVERAGE Rating: 39.78  
Regulated Entity: RN101734952 STAR STOP 4 Classification: AVERAGE Site Rating: 16.00  
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 24457  
Location: 1805 TEXAS AVE, BRIDGE CITY, TX, 77611  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: February 19, 2010  
Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 19, 2005 to February 19, 2010  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Judy Kluge Phone: 817-588-5825

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Shujat Holding Company
4. If Yes, who was/were the prior owner(s)/operator(s)? Number Four Start Stop, Inc.
5. When did the change(s) in owner or operator occur? 06/2/2009
6. Rating Date: 9/1/2009 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.

Effective Date: 09/21/2006 ADMINORDER 2005-1690-PST-E

Classification: Moderate

Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)  
30 TAC Chapter 37, SubChapter I 37.815(b)

Description: Failure to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.

- 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 09/13/2005 (407194)  
2 12/02/2009 (781510)  
3 02/04/2010 (788775)

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

Date: 12/02/2009 (781510) CN603500828  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)  
Description: Failure to amend, update, or change the PST registration information.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 334, SubChapter C 334.47(a)(2)  
Description: Failure to perform the permanent removal of a UST that has not met technical upgrade requirements.

- 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  
SHUJAT HOLDING COMPANY  
RN101877223  
RN101734952**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2010-0230-PST-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 SHUJAT HOLDING COMPANY ("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 properties (collectively referred to as the "Facilities") with two inactive underground storage tanks ("USTs") at 6121 13th Street in Port Arthur, Jefferson County, Texas (the "Facility 1") and three inactive USTs at 1805 Texas Avenue in Bridge City, Orange County, Texas (the "Facility 2").
2. The Respondent's five USTs are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
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 notices of the violations alleged in Section II ("Allegations") on or about February 9, 2010.
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 Seventeen Thousand Five Hundred Dollars (\$17,500) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). The Respondent has paid Four Hundred Twenty Dollars (\$420) of the administrative penalty and Three Thousand Five Hundred Dollars (\$3,500) is deferred contingent upon Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Respondent to pay all or part of the deferred penalty.

The remaining amount of Thirteen Thousand Five Hundred Eighty Dollars (\$13,580) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Eighty-Eight Dollars (\$388) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's 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 Respondent to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and 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 of the Facility 1, the Respondent is alleged to have:

1. Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(3), as documented during an investigation conducted on December 21, 2009. Specifically, the registration was not updated to reflect the correct ownership information and the current operational status of the UST system.

2. Failed to prepare and submit a release determination report to the TCEQ as part of the required procedure for permanent removal of any UST system from service, in violation of 30 TEX. ADMIN. CODE § 334.55(a)(6)(D)(i), as documented during an investigation conducted on December 21, 2009. Specifically, no release determination report was submitted to the TCEQ for one UST that was permanently filled in-place.
3. Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, in violation of 30 TEX. ADMIN. CODE § 334.47(a)(2), as documented during an investigation conducted on December 21, 2009.
4. Failed to maintain all piping, pumps, manways, and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons, in violation of 30 TEX. ADMIN. CODE § 334.54(b)(2), as documented during an investigation conducted on December 21, 2009.
5. Failed to ensure that any residue from stored regulated substances which remained in the system did not exceed a depth of 2.5 centimeters at the deepest point and did not exceed 0.3% by weight of the system at full capacity, in violation of 30 TEX. ADMIN. CODE § 334.54(d)(2), as documented during an investigation conducted on December 21, 2009. Specifically, the UST system contained regulated substances.

As owner of the Facility 2, the Respondent is alleged to have:

6. Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(3), as documented during an investigation conducted on January 11, 2010. Specifically, the registration was not updated to reflect the correct ownership information and the current operational status of the UST system.
7. Failed to prepare and submit a release determination report to the TCEQ as part of the required procedure for the permanent removal of any UST system from service, in violation of 30 TEX. ADMIN. CODE § 334.55(a)(6)(D)(ii), as documented during an investigation conducted on January 11, 2010. Specifically, no release determination report was submitted to the TCEQ for two USTs that were permanently filled in-place.
8. Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, in violation of 30 TEX. ADMIN. CODE § 334.47(a)(2), as documented during an investigation conducted on January 11, 2010.
9. Failed to keep the UST system vent lines open and functioning, in violation of 30 TEX. ADMIN. CODE § 334.54(b)(1), as documented during an investigation conducted on January 11, 2010.
10. Failed to ensure the UST system is operated, maintained, and managed in accordance with industry practices to prevent a release of a regulated substance, in violation of 30 TEX. ADMIN. CODE 334.48(a), as documented during an investigation conducted on January 11, 2010. Specifically, the UST piping and vent lines were broken, and approximately 500 square yards of

the earthen area surrounding the UST system was observed to be wet and emitting hydrocarbon-like odors.

### 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: SHUJAT HOLDING COMPANY, Docket No. 2010-0230-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. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, permanently remove the UST systems from service and submit release determination reports to the TCEQ for the Facilities, in accordance with 30 TEX. ADMIN. CODE § 334.55; and
  - b. Within 45 days after the effective date of this Agreed Order, submit properly completed UST registration forms for the Facilities reflecting the correct owner information and current operational status of the UST systems, in accordance with 30 TEX. ADMIN. CODE § 334.7 to:

Registration and Reporting Section  
Permitting & Registration Support Division, MC 138  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

- c. Within 60 days after the effective date of this Agreed Order, conduct a release investigation and take appropriate corrective measures at the Facility 2, in accordance with 30 TEX. ADMIN. CODE §§ 334.48 and 334.71 through 334.81;
- d. Within 75 days after the effective date of this Agreed Order, 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 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:

Waste 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 Facilities 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

John Sullivan  
\_\_\_\_\_  
For the Executive Director

7/15/2010  
\_\_\_\_\_  
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]  
\_\_\_\_\_  
Signature

06/01/2010  
\_\_\_\_\_  
Date

SHUJAT A. SWATI  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
SHUJAT HOLDING COMPANY

PRESIDENT  
\_\_\_\_\_  
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.

