

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-2034-MLM-E TCEQ ID: RN102080744 CASE NO.: 38860

RESPONDENT NAME: Indian Petro Corp.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input checked="" type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Champion Travel Plaza, located approximately 1,500 feet southwest of the intersection of United States Highway 59 and Farm-to-Market Road 2914 and on the west side of United States Highway 59, approximately 4.2 miles south of Shepherd, San Jacinto County</p> <p>TYPE OF OPERATION: Truck Service Station with a wastewater treatment plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on November 24, 2009, alleging that tires were being transported from the Facility and disposed of on an individual's property in Shepherd. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on July 5, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254)761-3034; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. Jimmy Perdew, Director, Indian Petro Corp., 10000 South Highway 59, Shepherd, Texas 77371 Mr. Raghbir S. Sandhu, Secretary, Indian Petro Corp., 10000 South Highway 59, Shepherd, Texas 77371 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 20, 2009 and December 3, 2009</p> <p>Date of NOE Relating to this Case: November 10, 2009 and February 4, 2010</p> <p>Background Facts: This was a record review and complaint investigation.</p> <p>WATER/WASTE</p> <p>1) Failure to submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007. Specifically, the 2007 annual sludge report was not submitted to the Beaumont Regional Office [30 TEX. ADMIN. CODE § 305.125(17), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014035001, Sludge Provisions, and Other Requirements No. 7].</p> <p>2) Failure to submit the annual sludge report for the monitoring period ending July 31, 2008 by September 1, 2008 [30 TEX. ADMIN. CODE § 305.125(17), TPDES Permit No. WQ0014035001, Sludge Provisions, and Other Requirements No. 7].</p> <p>3) Failure to properly install flow measurement equipment prescribed in the Water Measurement Manual, U.S. Department of the Interior Bureau of Reclamation. Specifically, the staff gauge was improperly installed on the face plate of the V-notch weir [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0014035001, Operational Requirements No. 1].</p> <p>4) Failure to accurately calculate effluent results. Specifically, the loading calculations for carbonaceous biochemical</p>	<p>Total Assessed: \$16,836</p> <p>Total Deferred: \$3,367 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$1,469 (remaining \$12,000 due in 24 monthly payments of \$500 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 15 days after the effective date of this Agreed Order, submit the 2007 annual sludge report to the Beaumont Regional Office to the address listed in Ordering Provision f below;</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification of compliance with Ordering Provision a, in accordance with Ordering Provision f below;</p> <p>ii. Submit the 2008 annual sludge report to the TCEQ Enforcement Division and the Beaumont Regional Office;</p> <p>iii. Properly install the staff gauge;</p> <p>iv. Replace all expired secondary standards for chlorine analysis;</p> <p>v. Remove and properly clean the areas contaminated by the used oil and dispose of the waste at an authorized facility;</p> <p>vi. Label or mark all containers and tanks used to store used oil with the words "Used Oil,";</p> <p>vii. Repair or replace the leaking used oil storage containers;</p> <p>viii. Store all used oil filters in an authorized container;</p> <p>ix. Develop and implement vector measures; and</p> <p>x. Update the Facility's operational guidance and conduct employee training to ensure that:</p> <p>1. Proper notification is given for effluent violations which deviate from the permitted effluent limitation by more than 40%;</p>

<p>oxygen demand ("CBOD"), ammonia nitrogen ("NH₃-N"), total suspended solids ("TSS"), and daily average flow were calculated incorrectly on the April and May 2008 discharge monitoring reports ("DMRs") [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 2].</p> <p>5) Failure to submit noncompliance notification reports for effluent violations that deviated from the permitted effluent limits by more than 40%. Specifically, NH₃-N values for the months of May, June, July, and August 2007, and dissolved oxygen ("DO") values for the months of October and November 2008, exceeded the permitted effluent limits by more than 40% and were not reported to the TCEQ [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 7.c].</p> <p>6) Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the on-site grease trap was not being cleaned at least twice per month and records of such activity were not being maintained. A large amount of grease and rising sludge was noted throughout the Facility and at the on-site lift station [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0014035001, Operational Requirements No. 1 and Other Requirements No. 8].</p> <p>7) Failure to comply with test procedures for analysis of pollutants. Specifically, the secondary standards utilized in the analysis of chlorine residual had expired [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(a) and TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 2].</p> <p>8) Failure to include all monitoring results on the monthly DMR. Specifically, the operator and the contract laboratory were both collecting and analyzing effluent for pH and DO, but only the operator's results were used to determine the pH maximum and minimum and DO minimum on the April 2008 DMR [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(e) and TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 4].</p> <p>9) Failure to stop a release of used oil, clean up and properly manage the released</p>		<p>2. The on-site grease trap is cleaned at the frequency specified in the permit and that records of such activity are kept and maintained at the Facility;</p> <p>3. CBOD, NH₃-N, and TSS loading are properly calculated and documented on the monthly DMRs;</p> <p>4. Daily average flow is properly calculated and documented on the monthly DMRs;</p> <p>5. Secondary standards for the colorimeter are within the expiration date;</p> <p>6. All sample results are utilized when calculating and reporting effluent values on the monthly DMR;</p> <p>7. Manifests are completed and maintained at the Facility for the removal of tires; and</p> <p>8. All transported tires are disposed of at an authorized Facility.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions b.ii through b.x.;</p> <p>d. Within 60 days after the effective date of this Agreed Order, clean and properly dispose of grease from the on-site grease trap, and remove and properly dispose of all accumulations of grease and sludge from the affected treatment units and the on-site lift station;</p> <p>e. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision d; and</p> <p>f. The certification of compliance required by Ordering Provisions a, b.i, c, and e shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>
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<p>used oil, and repair or replace any leaking used oil storage containers or tanks prior to returning them to service. Specifically, used oil had been spilled near the used oil containers and was not abated [30 TEX. ADMIN. CODE § 324.6 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 279.22(d)].</p> <p>10) Failure to label or mark containers used to store used oil with the words "Used Oil". Specifically, the container used to store used oil was not labeled with the words "Used Oil" [30 TEX. ADMIN. CODE § 324.6 and 40 CFR § 279.22(c)(1)].</p> <p>11) Failure to contain used oil filters. Specifically, three used oil filters were laying on the ground [30 TEX. ADMIN. CODE § 328.23(b)].</p> <p>12) Failure to provide adequate vector control. Specifically, several tires were laid out to delineate portions of the parking lot. The tires had trash, spiders, spider webs, and/or water in them [30 TEX. ADMIN. CODE § 328.56(d)(4)].</p> <p>13) Failure to ensure scrap tires were transported to an authorized facility and failed to manifest the tires. Specifically, an employee stated that scrap tires were hauled to his property at 411 Dogwood Trail, Shepherd, Texas [30 TEX. ADMIN. CODE § 328.56(b) and (c)].</p>		
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Additional ID No(s): MWD/WQ0014035001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	16-Nov-2009	Screening	8-Dec-2009	EPA Due	
	PCW	9-Dec-2009				

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

CASE INFORMATION		No. of Violations	8
Enf./Case ID No.	38860	Order Type	1660
Docket No.	2009-2034-MLM-E	Government/Non-Profit	No
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister
Multi-Media	Used Oil/Waste Tires	EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$11,600
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	91.0% Enhancement	Subtotals 2, 3, & 7	\$10,556
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Notes
The Respondent self-reported 20 monthly effluent violations, has one NOV for violations that are same or similar, three NOVs for violations that are not same or similar, and two Agreed Orders with denial of liability language.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement	Subtotal 6	\$0
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Total EB Amounts	\$191	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,850	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$22,156
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-43.1%	Adjustment	-\$9,550
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes
Recommended reduction to prevent the number of noncompliance reports from overly impacting the penalty.

Final Penalty Amount	\$12,606
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$12,606
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DEFERRAL	20.0% Reduction	Adjustment	-\$2,521
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,085
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Screening Date 8-Dec-2009

Docket No. 2009-2034-MLM-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	23	46%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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%

Please Enter Yes or No

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) 91%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported 20 monthly effluent violations, has one NOV for violations that are same or similar, three NOVs for violations that are not same or similar, and two Agreed Orders with denial of liability language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 91%

Screening Date: 8-Dec-2009

Docket No. 2009-2034-MLM-E

PCW

Respondent: Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute]: Water Quality

Enf. Coordinator: Heather Brister

Violation Number: 1

Rule Cite(s): 30 Tex. Admin. Code § 305.125(17), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014035001, Sludge Provisions, and Other Requirements No. 7

Violation Description: Failed to submit the annual sludge report for the monitoring period ending July 31, 2007, by September 1, 2007, as documented during the October 20, 2009 record review. Specifically, the annual sludge report was not submitted to the Beaumont Regional Office.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
		X		5%

Matrix Notes: At least 50% of the rule requirement was met.

Adjustment: \$9,500

\$500

Violation Events

Number of Violation Events: 1 Number of violation days: 49

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$500

One single event is recommended.

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: \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$4

Violation Final Penalty Total: \$543

This violation Final Assessed Penalty (adjusted for limits): \$543

Economic Benefit Worksheet

Respondent: Indian Petro Corp.
Case ID No.: 38860
Reg. Ent. Reference No.: RN102080744
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

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)	\$25	1-Sep-2007	1-Aug-2010	2.92	\$4	n/a	\$4

Notes for DELAYED costs

Estimated amount required to submit the annual sludge report to the Beaumont Regional Office. Date required is the date the report was due. Final date is the anticipated 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

\$25

TOTAL

\$4

Screening Date 8-Dec-2009

Docket No 2009-2034-MLM-E

PCW

Respondent Indlan Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(17), TPDES Permit No. WQ0014035001, Sludge Provisions, and Other Requirements No. 7

Violation Description Failed to submit the annual sludge report for the monitoring period ending July 31, 2008 by September 1, 2008, as documented during the October 20, 2009 record review

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%

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 49

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.

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 \$10

Violation Final Penalty Total \$1,087

This violation Final Assessed Penalty (adjusted for limits) \$1,087

Economic Benefit Worksheet

Respondent: Indian Petro Corp.
Case ID No.: 38860
Reg. Ent. Reference No.: RN102080744
Media: Water Quality
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	1-Sep-2008	1-Aug-2010	1.92	\$10	n/a	\$10

Notes for DELAYED costs

Estimated amount required to submit the annual sludge report to the Enforcement Division and the Beaumont Regional Office. Date required is the date the report was due. Final date is the anticipated 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

\$10

Screening Date 6-Dec-2009

Docket No. 2009-2034-MLM-E

PCW

Respondent Indlan Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0014035001, Operational Requirements No. 1

Violation Description

Failed to properly install flow measurement equipment prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation, as documented during the October 20, 2009 record review. Specifically, the staff gauge was improperly installed on the face plate of the V-notch weir.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 1

49 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EOPRP/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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$543

This violation Final Assessed Penalty (adjusted for limits) \$543

Economic Benefit Worksheet

Respondent: Indian Petro Corp.
Case ID No.: 38860
Reg. Ent. Reference No.: RN102080744
Media: Water Quality
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
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$50	20-Oct-2009	1-Aug-2010	0.78	\$0	\$3	\$3
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 properly install the staff gauge. Date required is the date of the record review. Final date is the anticipated 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

\$50

TOTAL

\$3

Screening Date 8-Dec-2009

Docket No. 2009-2034-MLM-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0014035601, Monitoring and Reporting Requirements No. 2

Violation Description

Failed to accurately calculate effluent results, as documented during a record review conducted on October 20, 2009. Specifically, the loading calculations for carbonaceous biochemical oxygen demand ("CBOD"), ammonia nitrogen ("NH₃-N"), total suspended solids ("TSS"), and the daily average flow were calculated incorrectly on the April and May 2008 discharge monitoring reports ("DMRs").

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,500

\$500

Violation Events

Number of Violation Events 2

49 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

mark only one with an x

Violation Base Penalty \$1,000

Two single events are recommended.

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$1,087

This violation Final Assessed Penalty (adjusted for limits) \$1,087

Economic Benefit Worksheet

Respondent: Indian Petro Corp.
Case ID No.: 38860
Reg. Ent. Reference No.: RN102080744
Media: Water Quality
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	\$250	30-Apr-2008	1-Aug-2010	2.25	\$28	n/a	\$28
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	30-Apr-2008	1-Aug-2010	2.25	\$3	n/a	\$3

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that all required sample results are calculated correctly. Date required is the date of the first noncompliant month. Final date is the anticipated 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

\$275

TOTAL

\$31

Screening Date 8-Dec-2009

Docket No. 2009-2034-MLM-E

PCW

Respondent Indlan Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38880

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 7.c

Violation Description

Failed to submit noncompliance notification reports for effluent violations that deviated from the permitted effluent limits by more than 40%, as documented during a record review conducted on October 20, 2009. Specifically, the NH₃-N values for the months of May, June, July, and August 2007, and the dissolved oxygen ("DO") values for the months of October and November 2008 exceeded the permitted effluent limits by more than 40% and were not reported to TCEQ.

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 permit requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 6 Number of violation days 184

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$6,000

Six single events are recommended.

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 \$6,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$40

Violation Final Penalty Total \$6,520

This violation Final Assessed Penalty (adjusted for limits) \$6,520

Economic Benefit Worksheet

Respondent: Indian Petro Corp.
Case ID No.: 38860
Reg. Ent. Reference No.: RN102080744
Media: Water Quality
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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$250	31-May-2007	1-Aug-2010	3.17	\$40	n/a	\$40
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 update operational guidance and conduct employee training to ensure that noncompliance notifications are submitted. Date required is the date the first report was due. Final date is the anticipated date of compliance.

Avoided Costs

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

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

\$250

TOTAL

\$40

Screening Date 8-Dec-2009

Docket No. 2009-2034-MLM-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (5) and TPDES Permit No. WQ0014035001, Operational Requirements No. 1 and Other Requirements No. 8

Violation Description

Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, as documented during the October 20, 2009 record review. Specifically, the on-site grease trap was not being cleaned at least twice per month and records of such activity were not being maintained. A large amount of grease and rising sludge was noted throughout the Facility and at the on-site lift station.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> 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

Number of Violation Events 2

49 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended (for violations at the Facility and the lift station) from the record review date (October 20, 2009) to the screening date (December 8, 2009).

Good Faith Efforts to Comply

0.0% Reduction

\$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 \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$61

Violation Final Penalty Total \$2,173

This violation Final Assessed Penalty (adjusted for limits) \$2,173

Economic Benefit Worksheet

Respondent: Indian Petro Corp.
Case ID No.: 38860
Reg. Ent. Reference No.: RN102080744
Media: Water Quality
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
<small>No commas or \$</small>							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$250	20-Oct-2009	1-Aug-2010	0.78	\$10	n/a	\$10
Remediation/Disposal	\$300	20-Oct-2009	1-Aug-2010	0.78	\$12	n/a	\$12
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	20-Oct-2009	1-Aug-2010	0.78	\$39	n/a	\$39

Notes for DELAYED costs

Estimated cost to update operational guidance and conduct employee training to ensure that the grease trap is cleaned out at the frequency stated in the permit and records of such activity are recorded and to properly remove and dispose of grease and sludge accumulations throughout the Facility and the lift station. Date required is the date of the record review. Final date is the anticipated date of compliance.

Avoided Costs

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

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

\$1,550

TOTAL

\$61

Screening Date 8-Dec-2009

Docket No. 2009-2034-MLM-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code §§ 305.126(1) and 319.11(a) and TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 2

Violation Description

Failed to comply with test procedures for analysis of pollutants, as documented during the October 20, 2009 record review. Specifically, the secondary standards utilized in the analysis of chlorine residual had expired.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

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

Adjustment \$9,500

\$500

Violation Events

1

49 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$500

One single event is recommended.

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$543

This violation Final Assessed Penalty (adjusted for limits) \$543

Economic Benefit Worksheet

Respondent Indian Petro Corp.
Case ID No. 38860
Reg. Ent. Reference No. RN102080744
Media Water Quality
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment	\$100	20-Oct-2009	10-Aug-2010	0.81	\$0	\$5	\$6
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	\$250	20-Oct-2009	10-Aug-2010	0.81	\$10	n/a	\$10
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 replace the expired secondary standards and to update operational guidance to ensure that secondary standards for the colorimeter are within the expiration date. Date required is the date of the record review. Final date is the anticipated 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

\$350

TOTAL

\$16

Screening Date 8-Dec-2009

Docket No. 2009-2034-MLM-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 8

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1) and 319.5(e) and TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 4

Violation Description

Failed to include all monitoring results on the monthly DMR, as documented during the October 20, 2009 record review. Specifically, the operator and the contract laboratory were both collecting and analyzing effluent for pH and DO, but only the operator's results were used to determine the pH maximum and minimum results and the DO maximum results on the April 2008 DMR.

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 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

Violation Events

1

30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDP/RS/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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$28

Violation Final Penalty Total \$109

This violation Final Assessed Penalty (adjusted for limits) \$109

Economic Benefit Worksheet

Respondent: Indian Petro Corp.

Case ID No.: 38860

Reg. Ent. Reference No.: RN102080744

Media: Water Quality

Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$250	30-Apr-2008	10-Aug-2010	2.28	\$28	n/a	\$28
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 update operational guidance and conduct employee training to ensure that all sample results are utilized when completing the DMRs. Date required is the date of noncompliance. Final date is the anticipated 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

\$250

TOTAL

\$28



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	8-Feb-2010	Screening	1-Mar-2010	EPA Due	
	PCW	1-Mar-2010				

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

CASE INFORMATION				
Enf./Case ID No.	38860	No. of Violations	3	
Docket No.	2009-2034-MLM-E	Order Type	1660	
Media Program(s)	Used Oil	Government/Non-Profit	No	
Multi-Media	Water Quality/Waste/Tires	Enf. Coordinator	Heather Bister	
		EC's Team	Enforcement Team 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	88.0% Enhancement	Subtotals 2, 3, & 7	\$660
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Notes: The Respondent self-reported 20 monthly effluent violations, has four NOVs for violations that are not same or similar, and two Agreed Orders with denial of liability language.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$105
 Approx. Cost of Compliance: \$2,300
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,410
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount: \$1,410

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,410
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DEFERRAL	20.0% Reduction	Adjustment	-\$282
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$1,128
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Screening Date 1-Mar-2010

Docket No. 2009-2034-MLM-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Used Oil

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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) 88%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported 20 monthly effluent violations, has four NOVs for violations that are not same or similar, and two Agreed Orders with denial of liability language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 88%

Screening Date 1-Mar-2010

Docket No. 2009-2034-MLM-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Used Oil

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 324.6 and 40 Code of Federal Regulations ("CFR") § 279.22(d)

Violation Description

Failed to stop a release of used oil, clean up and properly manage the released used oil, and repair or replace any leaking used oil storage containers or tanks prior to returning them to service, as documented during the December 3, 2009, investigation. Specifically, used oil had been spilled near the used oil containers and was not abated.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

	Major	Moderate	Minor	Percent
Falsification				0%

Matrix Notes

The environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 1 Number of violation days 83

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One quarterly event is recommended from the investigation date (December 3, 2009) to the screening date (March 1, 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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$68

Violation Final Penalty Total \$470

This violation Final Assessed Penalty (adjusted for limits) \$470

Economic Benefit Worksheet

Respondent: Indian Petro Corp.
Case ID No.: 38860
Reg. Ent. Reference No.: RN102080744
Media: Used Oil
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$1,500	3-Dec-2009	31-Oct-2010	0.91	\$68	n/a	\$68
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of contaminated soil and to replace or repair the leaking used oil containers. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

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

\$1,500

TOTAL

\$68

Screening Date: 1-Mar-2010

Docket No.: 2009-2034-MLM-E

PCW

Respondent: Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No.: 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN102080744

Media [Statute]: Used Oil

Enf. Coordinator: Heather Bristor

Violation Number: 2

Rule Cite(s):

30 Tex. Admin. Code § 324.6 and 40 CFR § 279.22(c)(1)

Violation Description:

Failed to label or mark containers used to store used oil with the words "Used Oil", as documented during the December 3, 2009, investigation. Specifically, the container used to store used oil was not labeled with the words "Used Oil".

Base Penalty: \$2,500

>> 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%

Matrix Notes:

100% of the rule requirement was not met.

Adjustment: \$2,250

\$250

Violation Events

Number of Violation Events: 1 Number of violation days: 83

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

Violation Base Penalty: \$250

One single event is recommended.

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: \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$2

Violation Final Penalty Total: \$470

This violation Final Assessed Penalty (adjusted for limits): \$470

Economic Benefit Worksheet

Respondent: Indian Petro Corp.
Case ID No.: 38860
Reg. Ent. Reference No.: RN102080744
Media: Used Oil
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)	\$50	3-Dec-2009	31-Oct-2010	0.91	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to label container containing used oil. Date required is the date of the investigation. 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

\$50

TOTAL

\$2

Screening Date 1-Mar-2010

Docket No. 2009-2034-MLM-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Used Oil

Enf. Coordinator Heather Brister

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 328.23(b)

Violation Description

Failed to contain used oil filters, as documented during the December 3, 2009, investigation. Specifically, three used oil filters were on the ground.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

The environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$2,250

\$250

Violation Events

Number of Violation Events 1

83 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended from the investigation date (December 3, 2009) to the screening date (March 1, 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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$34

Violation Final Penalty Total \$470

This violation Final Assessed Penalty (adjusted for limits) \$470

Economic Benefit Worksheet

Respondent: Indian Petro Corp.
Case ID No.: 38860
Reg. Ent. Reference No.: RN102080744
Media: Used Oil
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	\$750	3-Dec-2009	31-Oct-2010	0.91	\$34	n/a	\$34
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to remove and properly dispose of the used oil filters, to properly clean the affected area, and to begin storing used oil filters in an authorized container. Date required is the investigation date. 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 \$750
TOTAL \$34



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	8-Feb-2010			
	PCW	1-Mar-2010	Screening	1-Mar-2010	EPA Due

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

CASE INFORMATION			
Enf./Case ID No.	38860	No. of Violations	2
Docket No.	2009-2034-MLM-E	Order Type	1660
Media Program(s)	Waste Tires	Government/Non-Profit	No
Multi-Media	Water Quality/Used Oil	Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,500
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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.

Compliance History	88.0% Enhancement	Subtotals 2, 3, & 7	\$1,320
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Notes: The Respondent self-reported 20 monthly effluent violations, has four NOVs for violations that are not same or similar, and two Agreed Orders with denial of liability language.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$45
Approx. Cost of Compliance: \$1,000
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,820
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **\$2,820**

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,820
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DEFERRAL	20.0% Reduction	Adjustment	-\$564
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,256
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Screening Date: 1-Mar-2010

Docket No. 2009-2034-MLM-E

PCW

Respondent: Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute]: Waste Tires

Enf. Coordinator: Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	24	48%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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) 88%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported 20 monthly effluent violations, has four NOVs for violations that are not same or similar, and two Agreed Orders with denial of liability language.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 88%

Screening Date 1-Mar-2010

Docket No. 2009-2034-MLM-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Waste Tires

Enf. Coordinator Heather Brister

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 328.56(d)(4)

Violation Description

Failed to provide adequate vector control, as documented during the December 3, 2009, investigation. Specifically, several tires were laid out to delineate portions of the parking lot. The tires had trash, spiders, spider webs, and/or water in them.

Base Penalty

\$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent

5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

0%

Matrix Notes

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

Adjustment

\$9,500

\$500

Violation Events

Number of Violation Events

1

88

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty

\$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Extraordinary

Ordinary

N/A

Notes

Before NOV

NOV to EDPRP/Settlement Offer

x (mark with x)

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

Violation Subtotal

\$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$11

Violation Final Penalty Total

\$940

This violation Final Assessed Penalty (adjusted for limits)

\$940

Economic Benefit Worksheet

Respondent: Indian Petro Corp.
Case ID No.: 38860
Reg. Ent. Reference No.: RN102080744
Media: Waste Tires
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One-time Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One-time Costs	EB Amount
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)	\$250	3-Dec-2009	31-Oct-2010	0.91	\$11	n/a	\$11

Notes for DELAYED costs

Estimated cost to develop and implement a vector control plan. Date required is the investigation date. Final date is the expected date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One-time Costs	EB Amount
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

\$250

TOTAL

\$11

Screening Date: 1-Mar-2010

Docket No.: 2009-2034-MLM-E

PCW

Respondent: Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No.: 38860

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN102080744

Media [Statute]: Waste Tires

Enf. Coordinator: Heather Bristor

Violation Number: 2

Rule Cite(s):

30 Tex. Admin. Code § 328.56(b) and (c)

Violation Description:

Failed to ensure scrap tires were transported to an authorized facility and failed to manifest the tires, as documented during the December 3, 2009, investigation. Specifically, an employee stated that scrap tires were hauled to his property at 411 Dogwood Trail, Shepherd, Texas.

Base Penalty: \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent: 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent: 0%

Matrix Notes:

The environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment: \$9,000

\$1,000

Violation Events

Number of Violation Events: 1

83 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty: \$1,000

One quarterly event is recommended from the investigation date (December 3, 2009) to the screening date (March 1, 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: \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$34

Violation Final Penalty Total: \$1,880

This violation Final Assessed Penalty (adjusted for limits): \$1,880

Economic Benefit Worksheet

Respondent: Indian Petro Corp.
Case ID No.: 38860
Reg. Ent. Reference No.: RN102080744
Media: Waste Tires
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	\$250	3-Dec-2009	31-Oct-2010	0.91	\$11	n/a	\$11
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	3-Dec-2009	31-Oct-2010	0.91	\$23	n/a	\$23

Notes for DELAYED costs

Estimated cost to properly dispose of tires at an authorized facility and to update operational guidance and conduct employee training to ensure that tires are disposed of at an authorized facility and manifests are produced and maintained when tires are removed from the Facility. Date required is the investigation date. 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

\$750

TOTAL

\$34

Compliance History Report

Customer/Respondent/Owner-Operator:	CN602931198 Indian Petro Corp.	Classification: AVERAGE	Rating: 3.85
Regulated Entity:	RN102080744 CHAMPION TRAVEL PLAZA	Classification: AVERAGE	Site Rating: 3.85
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2040064
	WASTEWATER	PERMIT	WQ0014035001
	WASTEWATER	PERMIT	TX0117196
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	74514

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

TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: February 08, 2010
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: February 08, 2005 to February 08, 2010
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Heather Brister **Phone:** 254-761-3034

Site Compliance History Components

- | | |
|--|---------------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership/operator of the site during the compliance period? | Yes |
| 3. If Yes, who is the current owner/operator? | Indian Petro Corp. |
| 4. If Yes, who was/were the prior owner(s)/operator(s) ? | J.P.M.Y. Enterprise, Inc. |
| 5. When did the change(s) in owner or operator occur? | 05/09/2007 |
| 6. Rating Date: 9/1/2009 Repeat Violator: NO | |

Components (Multimedia) for the Site :

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

Effective Date: 11/19/2007 **ADMINORDER 2007-1286-PST-E**
Classification: Major
Citation: 30 TAC Chapter 334, SubChapter C 334.50(b)(1)(A)
Description: Field Citation - Failure to provide proper release detection for the UST system.

Effective Date: 08/31/2009 **ADMINORDER 2009-0368-MWD-E**
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

- B. Any criminal convictions of the state of Texas and the federal government. N/A
 C. Chronic excessive emissions events. N/A
 D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|----|------------|----------|
| 1 | 03/14/2005 | (389651) |
| 2 | 04/06/2005 | (389653) |
| 3 | 04/11/2005 | (430706) |
| 4 | 04/18/2005 | (377009) |
| 5 | 05/10/2005 | (430707) |
| 6 | 06/10/2005 | (430708) |
| 7 | 07/11/2005 | (447279) |
| 8 | 08/15/2005 | (447280) |
| 9 | 09/12/2005 | (447281) |
| 10 | 10/09/2005 | (491792) |
| 11 | 11/17/2005 | (491793) |
| 12 | 12/12/2005 | (491794) |
| 13 | 01/09/2006 | (491795) |
| 14 | 02/07/2006 | (491790) |

15	03/15/2006	(491791)
16	05/10/2006	(505935)
17	06/15/2006	(505936)
18	07/14/2006	(528180)
19	08/14/2006	(630581)
20	09/12/2006	(528181)
21	10/16/2006	(630584)
22	11/16/2006	(630586)
23	12/12/2006	(630588)
24	01/10/2007	(630590)
25	02/11/2007	(630576)
26	02/14/2007	(630574)
27	03/08/2007	(540576)
28	03/20/2007	(630575)
29	04/16/2007	(630577)
30	05/14/2007	(630578)
31	05/18/2007	(560745)
32	05/18/2007	(560747)
33	06/05/2007	(557520)
34	06/05/2007	(561617)
35	06/11/2007	(630579)
36	07/06/2007	(562204)
37	07/17/2007	(630580)
38	09/10/2007	(630583)
39	09/26/2007	(630582)
40	10/15/2007	(630585)
41	11/16/2007	(630587)
42	12/12/2007	(630589)
43	01/15/2008	(677066)
44	02/25/2008	(677065)
45	03/17/2008	(695698)
46	04/14/2008	(695699)
47	06/16/2008	(717244)
48	06/16/2008	(717245)
49	07/21/2008	(695700)
50	01/29/2009	(721757)
51	02/01/2009	(755897)
52	02/02/2009	(755898)
53	02/02/2009	(755899)
54	02/02/2009	(755900)
55	02/02/2009	(755901)
56	02/03/2009	(755896)
57	03/06/2009	(723781)
58	05/14/2009	(772890)
59	05/14/2009	(772891)
60	05/14/2009	(772892)
61	05/14/2009	(772893)
62	09/22/2009	(775708)
63	11/10/2009	(779369)

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

- | | | | |
|---|---|-------------|--------------------------|
| 1 | Date: 03/31/2005 (430706) | CN602931198 | Classification: Moderate |
| | Self Report? YES | | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| | | | |
| 2 | Date: 05/31/2005 (430708) | CN602931198 | Classification: Moderate |
| | Self Report? YES | | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a) | | |
| | Description: Failure to meet the limit for one or more permit parameter | | |
| | | | |
| 3 | Date: 12/31/2005 (491795) | CN602931198 | Classification: Moderate |
| | Self Report? YES | | |
| | Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a) | | |

Description: Failure to meet the limit for one or more permit parameter

- 4 Date: 01/31/2006 (491790) CN602931198
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 02/28/2006 (491791) CN602931198
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 03/31/2006 (630576) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 10/31/2006 (630586) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 8 Date: 11/30/2006 (630588) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 12/31/2006 (630590) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 10 Date: 01/31/2007 (630574) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 11 Date: 02/28/2007 (630575) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 12 Date: 03/31/2007 (630577) CN602931198
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 13 Date: 05/21/2007 (560747) CN602931198

	Self Report?	NO	Classification:	Moderate
	Citation:	TWC Chapter 26 26.121(a)(1)		
	Description:	Failure by Indian Petro Corporation to obtain permit authorization prior to discharging from a wastewater treatment plant serving the Champion Travel Plaza, located at 10000 Highway 59 South, Shepherd, (San Jacinto County), Texas.		
	Self Report?	NO	Classification:	Moderate
	Citation:	5A THC Chapter 341, SubChapter A 341.0315(c)		
	Description:	Failure by Indian Petro Corporation to obtain authorization prior to operating Public Drinking Water System ID No. 2040064, serving the Champion Travel Plaza, located at 10000 Highway 59 South, Shepherd, (San Jacinto County), Texas.		
14	Date:	05/31/2007 (630579)	CN602931198	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
15	Date:	06/05/2007 (561617)	CN602931198	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 334, SubChapter C 334.51(b)(2)(C)		
	Description:	Failure to install overfill prevention equipment.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 334, SubChapter C 334.50(b)(2)(A)(i)(III)		
	Description:	Failure to have a successful line leak detector test at least once per year for performance and operational reliability.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(iii)(I)		
	Description:	Failure to conduct inventory volume measurements for regulated substance inputs, withdrawals, and amount still remaining in the tank each operating day.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 334, SubChapter C 334.50(d)(1)(B)(ii)		
	Description:	Failure to reconcile inventory control records on a monthly basis which are sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flowthrough for the month plus 130 gallons.		
16	Date:	06/30/2007 (630580)	CN602931198	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
17	Date:	07/06/2007 (562204)	CN602931198	
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.39(h)(3)		
	Description:	Failure to file the well completion report.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
	Description:	Failure to obtain a sanitary control easement for the well at the water plant.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(5)		
	Description:	Failure to have the hypochlorination solution container completely covered.		
	Self Report?	NO	Classification:	Minor

	Citation:	30 TAC Chapter 290, SubChapter D 290.42(j)		
	Description:	Failure to provide documentation that the chemicals being used for disinfection conform to ANSI/NSF standards.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)		
	Description:	Failure to keep records of the amount of chemical used each week.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)		
	Description:	Failure to maintain records of the dates dead-end mains were flushed.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)		
	Description:	Failure to have an up-to-date chemical and microbiological monitoring plan.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
	Description:	Failure to perform the annual tank inspections on the ground and pressure tanks.		
18	Date:	07/31/2007 (630582)	CN602931198	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
19	Date:	08/31/2007 (630583)	CN602931198	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
20	Date:	11/30/2007 (630589)	CN602931198	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
21	Date:	10/31/2008 (755899)	CN602931198	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
22	Date:	11/30/2008 (755900)	CN602931198	
	Self Report?	YES	Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		
23	Date:	01/28/2009 (721757)	CN602931198	
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) OT 7, Pg. 26 PERMIT		
	Description:	Failure by Indian Petro Corp. to submit the annual sludge report to the TCEQ Regional Office and the TCEQ Water Quality Compliance Monitoring Team (MC 224) of the Enforcement Division by September 1st of each year.		
	Self Report?	NO	Classification:	Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) OpR 1 PERMIT	
Description:	Failure by Indian Petro Corp to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) OpR 1, Pg. 9 PERMIT	
Description:	Failure by Indian Petro Corp to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) OpR 1, Pg. 9 PERMIT	
Description:	Failure by Indian Petro Corp to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(d)	
Description:	Failure by Indian Petro Corp to install flow measurement equipment prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) EL&MR 6, Pg. 2 PERMIT	
Description:	Failure by Indian Petro Corp to comply with effluent limitation for dissolved oxygen minimum of 4 mg/l	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) D&SPC 2f, Pg. 4 PERMIT	
Description:	Failure by Indian Petro Corp to accurately calculate loading for carbonaceous biological oxygen demand (CBOD), ammonia (NH3), and total suspended solids (TSS) on the discharge monitoring reports.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) D&SPC 1b, Pg. 3 PERMIT	
Description:	Failure by Indian Petro Corp to correctly calculate the daily average flow for the month of 4/2008.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) M&RR 7c, Pg. 6 PERMIT	
Description:	Failure by Indian Petro Corp to report in writing to the Region 10 office and the Enforcement Division (MC 224) any permitted effluent limitation exceedence of > 40% within 5 days of becoming aware of the non-compliance.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) M&RR 4, Pg. 5 PERMIT	
Description:	Failure by Indian Petro Corp to include all monitoring results on the discharge monitoring reports.	

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 OT 8, Pg. 27 PERMIT
 Description: Failure by Indian Petro Corp to clean the on-site grease trap at least twice/month, and maintain records of such activity including volume of grease disposed, dates of disposal, and location of disposal site.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(a)
 M&RR 2, Pg. 5 PERMIT
 Description: Failure by Indian Petro Corp to comply with test procedures for analysis of pollutants specified in 30 TAC 319.11-319.12.

24 Date: 02/28/2009 (772891) CN602931198
 Self Report? YES Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

- F. Environmental audits. N/A
- G. Type of environmental management systems (EMSs). N/A
- H. Voluntary on-site compliance assessment dates. N/A
- I. Participation in a voluntary pollution reduction program. N/A
- J. Early compliance. N/A

Sites Outside of Texas
 N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
INDIAN PETRO CORP.
RN102080744

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-2034-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Indian Petro Corp. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 361 and 371 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a truck service station with a wastewater treatment plant located approximately 1,500 feet southwest of the intersection of United States ("U.S.") Highway 59 and Farm-to-Market Road 2914 and on the west side of U.S. Highway 59, approximately 4.2 miles south of Shepherd in San Jacinto County, Texas (the "Facility").
2. The Respondent has committed any other act or engaged in any other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under TEX. WATER CODE ch. 26.
3. The Facility involves or involved the management of used oil as defined in TEX. HEALTH & SAFETY CODE ch. 371.
4. The Facility involves or involved the management of municipal solid waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
5. 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.
6. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 15, 2009, and February 9, 2010.

7. 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.
8. An administrative penalty in the amount of Sixteen Thousand Eight Hundred Thirty-Six Dollars (\$16,836) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Four Hundred Sixty-Nine Dollars (\$1,469) of the administrative penalty and Three Thousand Three Hundred Sixty-Seven Dollars (\$3,367) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twelve Thousand Dollars (\$12,000) of the administrative penalty shall be payable in 24 monthly payments of Five Hundred Dollars (\$500) 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 the 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 the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

9. 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.
10. 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.
11. 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.
12. 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.
13. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007, in violation of 30 TEX. ADMIN. CODE § 305.125(17), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014035001, Sludge Provisions, and Other Requirements No. 7, as documented during the October 20, 2009, record review. Specifically, the 2007 annual sludge report was not submitted to the Beaumont Regional Office.
2. Failed to submit the annual sludge report for the monitoring period ending July 31, 2008 by September 1, 2008, in violation of 30 TEX. ADMIN. CODE § 305.125(17), TPDES Permit No. WQ0014035001, Sludge Provisions, and Other Requirements No. 7, as documented during the October 20, 2009, record review.
3. Failed to properly install flow measurement equipment prescribed in the Water Measurement Manual, U.S. Department of the Interior Bureau of Reclamation, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. WQ0014035001, Operational Requirements No. 1, as documented during the October 20, 2009, record review. Specifically, the staff gauge was improperly installed on the face plate of the V-notch weir.
4. Failed to accurately calculate effluent results, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 2, as documented during the October 20, 2009, record review. Specifically, the loading calculations for carbonaceous biochemical oxygen demand ("CBOD"), ammonia nitrogen ("NH₃-N"), total suspended solids ("TSS"), and daily average flow were calculated incorrectly on the April and May 2008 discharge monitoring reports ("DMRs").
5. Failed to submit noncompliance notification reports for effluent violations that deviated from the permitted effluent limits by more than 40%, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 7.c, as documented during the October 20, 2009, record review. Specifically, NH₃-N values for the months of May, June, July, and August 2007, and dissolved oxygen ("DO") values for the months of October and November 2008, exceeded the permitted effluent limits by more than 40% and were not reported to the TCEQ.
6. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0014035001, Operational Requirements No. 1 and Other Requirements No. 8, as documented during the October 20, 2009, record review. Specifically, the on-site grease trap was not being cleaned at least twice per month and records of such activity were not being maintained. A large amount of grease and rising sludge was noted throughout the Facility and at the on-site lift station.
7. Failed to comply with test procedures for analysis of pollutants, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(a) and TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 2, as documented during the October 20, 2009, record review. Specifically, the secondary standards utilized in the analysis of chlorine residual had expired.

8. Failed to include all monitoring results on the monthly DMR, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(e) and TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 4, as documented during the October 20, 2009, record review. Specifically, the operator and the contract laboratory were both collecting and analyzing effluent for pH and DO, but only the operator's results were used to determine the pH maximum and minimum and DO minimum on the April 2008 DMR.
9. Failed to stop a release of used oil, clean up and properly manage the released used oil, and repair or replace any leaking used oil storage containers or tanks prior to returning them to service, in violation of 30 TEX. ADMIN. CODE § 324.6 and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 279.22(d), as documented during the December 3, 2009, investigation. Specifically, used oil had been spilled near the used oil containers and was not abated.
10. Failed to label or mark containers used to store used oil with the words "Used Oil", in violation of 30 TEX. ADMIN. CODE § 324.6 and 40 CFR § 279.22(c)(1), as documented during the December 3, 2009, investigation. Specifically, the container used to store used oil was not labeled with the words "Used Oil".
11. Failed to contain used oil filters, in violation of 30 TEX. ADMIN. CODE § 328.23(b), as documented during the December 3, 2009, investigation. Specifically, three used oil filters were laying on the ground.
12. Failed to provide adequate vector control, in violation of 30 TEX. ADMIN. CODE § 328.56(d)(4), as documented during the December 3, 2009, investigation. Specifically, several tires were laid out to delineate portions of the parking lot. The tires had trash, spiders, spider webs, and/or water in them.
13. Failed to ensure scrap tires were transported to an authorized facility and failed to manifest the tires, in violation of 30 TEX. ADMIN. CODE § 328.56(b) and (c), as documented during the December 3, 2009, investigation. Specifically, an employee stated that scrap tires were hauled to his property at 411 Dogwood Trail, Shepherd, Texas.

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 8 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Indian Petro Corp., Docket No. 2009-2034-MLM-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 15 days after the effective date of this Agreed Order, submit the 2007 annual sludge report to the Beaumont Regional Office to the address listed in Ordering Provision No. 2.f below;
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.f below;
 - ii. Submit the 2008 annual sludge report to the TCEQ Enforcement Division and the Beaumont Regional Office, in accordance with TPDES Permit No. WQ0014035001, Other Requirements No. 7;
 - iii. Properly install the staff gauge in accordance with the Water Measurement Manual, U.S. Department of Interior Bureau of Reclamation;
 - iv. Replace all expired secondary standards for chlorine analysis;
 - v. Remove and properly clean the areas contaminated by the used oil and dispose of the waste at an authorized facility;
 - vi. Label or mark all containers and tanks used to store used oil with the words "Used Oil," in accordance with 40 CFR § 279.22(c)(1);
 - vii. Repair or replace the leaking used oil storage containers;
 - viii. Store all used oil filters in an authorized container, in accordance with TEX. ADMIN. CODE § 328.23(b);
 - ix. Develop and implement vector measures in accordance with 30 TEX. ADMIN. CODE § 328.56(d)(4); and
 - x. Update the Facility's operational guidance and conduct employee training to ensure that:
 1. Proper notification is given for effluent violations which deviate from the permitted effluent limitation by more than 40%, in accordance with TPDES Permit No. WQ0014035001, Monitoring and Reporting Requirements No. 7.c;

2. The on-site grease trap is cleaned at the frequency specified in the permit and that records of such activity are kept and maintained at the Facility;
 3. CBOD, NH₃-N, and TSS loading are properly calculated and documented on the monthly DMRs;
 4. Daily average flow is properly calculated and documented on the monthly DMRs;
 5. Secondary standards for the colorimeter are within the expiration date;
 6. All sample results are utilized when calculating and reporting effluent values on the monthly DMR;
 7. Manifests are completed and maintained at the Facility for the removal of tires in accordance with 30 TEX. ADMIN. CODE § 328.58; and
 8. All transported tires are disposed of at an authorized Facility.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.b.ii through 2.b.x, in accordance with Ordering Provision No. 2.f below;
- d. Within 60 days after the effective date of this Agreed Order, clean and properly dispose of grease from the on-site grease trap, and remove and properly dispose of all accumulations of grease and sludge from the affected treatment units and the on-site lift station;
- e. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.d, in accordance with Ordering Provision No. 2.f below; and
- f. The certification of compliance required by Ordering Provision Nos. 2.b.i, 2.c, and 2.e shall be notarized by a State of Texas Notary Public and include the following certification language and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Quinn

For the Executive Director

7/26/2010

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.

Raghu S Sandhu

Signature

05/03/10

Date

RAGHUR S SANDHU

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

Secretary

Title

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