

Indian Petro Corp.
RN102080744
Docket No. 2011-1344-MWD-E

Order Type:

Default Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

approximately 1,500 feet southwest of the intersection of United States Highway 59 and Farm-to-Market Road 2914, on the west side of United States Highway 59, approximately 4.2 miles south of Shepherd, San Jacinto County

Type of Operation:

Wastewater Treatment Plant

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: September 28, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$16,830

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$16,830

Compliance History Classifications:

Person/CN – Average

Site/RN – Average

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002

Indian Petro Corp.
RN102080744
Docket No. 2011-1344-MWD-E

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: July 08, 2011
Date(s) of NOV(s): See Compliance History – 30 related NOVs
Date(s) of NOE(s): July 20, 2011

Violation Information

Failed to comply with permitted effluent limits [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0014035001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
None

Technical Requirements:

Within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014035001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: May 15, 2012
Date Green Card(s) Signed: May 22, 2012
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Peipey Tang, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Scott Humphrey, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Heather Brister, Enforcement Division, (254) 761-3034
TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, (409) 898-3838
Respondent: Bhupinder Singh Bal, President, Indian Petro Corp., 200 Kellington Drive, No. 13206, Kingwood, Texas 77339
Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	25-Jul-2011	Screening	2-Aug-2011	EPA Due	
	PCW	3-Aug-2011				

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.	42194	No. of Violations	2
Docket No.	2011-1344-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Brister
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,500
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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	216.0% Enhancement	Subtotals 2, 3, & 7	\$11,880
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Notes: Enhancement for 29 months of self-reported effluent violations, one NOV for same/similar violations, three NOVs for dissimilar violations, and three orders with denial of liability.

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: \$250
 Approx. Cost of Compliance: \$2,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$17,380
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OTHER FACTORS AS JUSTICE MAY REQUIRE	-3.2%	Adjustment	-\$550
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent the self-reported violations from overly impacting the penalty.

Final Penalty Amount	\$16,830
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$16,830
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

PAYABLE PENALTY	\$16,830
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Screening Date 2-Aug-2011

Docket No. 2011-1344-MWD-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 42194

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 notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	30	150%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 216%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for 29 months of self-reported effluent violations, one NOV for same/similar violations, three NOVs for dissimilar violations, and three orders with denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 216%

Screening Date 2-Aug-2011

Docket No. 2011-1344-MWD-E

PCW

Respondent Indian Petro Corp.

Policy Revision 2 (September 2002)

Case ID No. 42194

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102080744

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014035001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with permitted effluent limits as documented during a record review conducted on July 8, 2011. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or 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 3 180 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$3,000

Three quarterly events are 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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$250

Violation Final Penalty Total \$9,180

This violation Final Assessed Penalty (adjusted for limits) \$9,180

Economic Benefit Worksheet

Respondent Indian Petro Corp.
Case ID No. 42194
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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)	\$2,500	30-Apr-2010	30-Apr-2012	2.00	\$250	n/a	\$250

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and to make necessary adjustments to achieve compliance with the permitted effluent limits. Date required is the initial month 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

\$2,500

TOTAL

\$250

Screening Date 2-Aug-2011
Respondent Indian Petro Corp.
Case ID No. 42194
Reg. Ent. Reference No. RN102080744
Media [Statute] Water Quality
Enf. Coordinator Heather Brister

Docket No. 2011-1344-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014035001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits as documented during a record review conducted on July 8, 2011. See attached table.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

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

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended for the month of October 2010.

Good Faith Efforts to Comply

0.0% Reduction

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

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Indian Petro Corp.
Case ID No. 42194
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

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

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN602931198 Indian Petro Corp. Classification: AVERAGE Rating: 3.40
Regulated Entity: RN102080744 CHAMPION TRAVEL PLAZA Classification: AVERAGE Site Rating: 3.40
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2040064
WASTEWATER PERMIT WQ0014035001
WASTEWATER EPA ID TX0117196
PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 74514

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

TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: August 01, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 01, 2005 to August 01, 2011
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: 9/1/2010 Repeat Violator: NO

Components (Multimedia) for the Site:

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

Effective Date: 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.

Effective Date: 09/26/2010

ADMINORDER 2009-2034-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: OT 7, Pg. 26 PERMIT

Description: 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.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.11(d)

Rqmt Prov: Operational Requirements No. 1 PERMIT

Description: Failure to properly install flow measurement equipment prescribed in the Water Measurement Manual, United States Department of the Interior Bureau of Reclamation

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 319, SubChapter A 319.11(c)

Rqmt Prov: Mont. and Report Req. No. 2 PERMIT

Description: Failure to accurately calculate effluent results. 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").

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: M&RR 7c, Pg. 6 PERMIT

Description: 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.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.5(e)

Rqmt Prov: M&RR 4, Pg. 5 PERMIT

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OT 8, Pg. 27 PERMIT
Other Req 1 PERMIT

Description: 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.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11(a)

Rqmt Prov: M&RR 2, Pg. 5 PERMIT

Description: Failure to comply with test procedures for analysis of pollutants. Specifically, the secondary standards utilized in the analysis of chlorine residual had expired.

Classification: Moderate

Citation: 30 TAC Chapter 324, SubChapter A 324.6
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(d)

Description: Failure 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. Specifically, used oil had been spilled near the used oil containers and was not abated.

Classification: Moderate

Citation: 30 TAC Chapter 324, SubChapter A 324.6
40 CFR Chapter 279, SubChapter I, PT 279, SubPT C 279.22(c)(1)

Description: 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".

Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter D 328.23(b)

Description: Failure to contain used oil filters. Specifically, three used oil filters were laying on the ground.

Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.56(d)(4)

Description: 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.

Classification: Moderate

Citation: 30 TAC Chapter 328, SubChapter F 328.56(b)
30 TAC Chapter 328, SubChapter F 328.56(c)

Description: 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.

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)

Rqmt Prov: Sludge Provisions and Other Requirements PERMIT

Description: Failure to submit the annual sludge report for the monitoring period ending July 31, 2008, by September 1, 2008.

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	08/15/2005	(447280)	11	07/14/2006	(528180)	21	04/16/2007	(630577)	31	11/16/2007	(630587)
2	09/12/2005	(447281)	12	09/12/2006	(528181)	22	05/14/2007	(630578)	32	12/12/2006	(630588)
3	02/07/2006	(491790)	13	03/08/2007	(540576)	23	06/11/2007	(630579)	33	12/12/2007	(630589)
4	03/15/2006	(491791)	14	06/05/2007	(557520)	24	07/17/2007	(630580)	34	01/10/2007	(630590)
5	10/09/2005	(491792)	15	05/18/2007	(560745)	25	08/14/2006	(630581)	35	02/25/2008	(677065)
6	11/17/2005	(491793)	16	05/18/2007	(560747)	26	09/26/2007	(630582)	36	01/15/2008	(677066)
7	12/12/2005	(491794)	17	06/05/2007	(561617)	27	09/10/2007	(630583)	37	03/17/2008	(695698)
8	01/09/2006	(491795)	18	02/14/2007	(630574)	28	10/16/2006	(630584)	38	04/14/2008	(695699)
9	05/10/2006	(505935)	19	03/20/2007	(630575)	29	10/15/2007	(630585)	39	07/21/2008	(695700)
10	06/15/2006	(505936)	20	02/11/2007	(630576)	30	11/16/2006	(630586)	40	06/16/2008	(717244)

Date:	05/21/2007	(560747)	CN602931198	
Self Report?	NO		Classification:	Moderate
Citation:	TWC Chapter 26 26.121(a)(1)			
Description:	Failure by Indian Petro Corporation to obtain permit authorization prior to discharging from a wastewater treatment plant serving the Champion Travel Plaza, located at 10000 Highway 59 South, Shepherd, (San Jacinto County), Texas.			
Self Report?	NO		Classification:	Moderate
Citation:	5A THC Chapter 341, SubChapter A 341.0315(c)			
Description:	Failure by Indian Petro Corporation to obtain authorization prior to operating Public Drinking Water System ID No. 2040064, serving the Champion Travel Plaza, located at 10000 Highway 59 South, Shepherd, (San Jacinto County), Texas.			
Date:	05/31/2007	(630579)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	06/05/2007	(561617)	CN602931198	
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 334, SubChapter C 334.51(b)(2)(C)			
Description:	Failure to install 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.			
Date:	06/30/2007	(630580)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	07/31/2007	(630582)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	08/31/2007	(630583)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	11/30/2007	(630589)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	10/31/2008	(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			
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			

Date:	01/28/2009	(721757)	CN602931198	
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(17) OT 7, Pg. 26 PERMIT			
Description:	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.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.11(d) Operational Requirements No. 1 PERMIT			
Description:	Failure to properly 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) 30 TAC Chapter 319, SubChapter A 319.11(c) Mont. and Report Req. No. 2 PERMIT			
Description:	Failure to accurately calculate effluent results. 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").			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) M&RR 7c, Pg. 6 PERMIT			
Description:	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.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.5(e) M&RR 4, Pg. 5 PERMIT			
Description:	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.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(5) OT 8, Pg. 27 PERMIT Other Req 1 PERMIT			
Description:	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.			
Self Report?	NO		Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 319, SubChapter A 319.11(a) M&RR 2, Pg. 5 PERMIT			
Description:	Failure to comply with test procedures for analysis of pollutants. Specifically, the secondary standards utilized in the analysis of chlorine residual had expired.			
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			
Date:	06/30/2009	(930211)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	01/31/2010	(818800)	CN602931198	
Self Report?	YES		Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			

Date: 03/31/2010	(835840)	CN602931198	Classification:	Moderate
Self Report?	YES			
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date: 04/30/2010	(835841)	CN602931198	Classification:	Moderate
Self Report?	YES			
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date: 06/30/2010	(910797)	CN602931198	Classification:	Moderate
Self Report?	YES			
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date: 10/31/2010	(889640)	CN602931198	Classification:	Moderate
Self Report?	YES			
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date: 11/30/2010	(898005)	CN602931198	Classification:	Moderate
Self Report?	YES			
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date: 12/31/2010	(903906)	CN602931198	Classification:	Moderate
Self Report?	YES			
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date: 02/28/2011	(918054)	CN602931198	Classification:	Moderate
Self Report?	YES			
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to meet the limit for one or more permit parameter			
Date: 03/09/2011	(877349)	CN602931198	Classification:	Minor
Self Report?	NO			
Citation:	M&RR No. 5 PERMIT			
Description:	Failure by the permittee to have the automatic flow measuring device calibrated at least annually.			
Self Report?	NO		Classification:	Moderate
Citation:	EL&MR 4 PERMIT			
Description:	Failure by the permittee to prevent the discharge of floating solids or visible foam in other than trace amounts.			
Self Report?	NO		Classification:	Minor
Citation:	OpR 1 PERMIT			
Description:	Failure by the permittee to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.			
Self Report?	NO		Classification:	Moderate
Citation:	EL&MR 1 PERMIT			
Description:	Failure by the permittee to comply with an effluent limitation.			
Self Report?	NO		Classification:	Minor
Citation:	OT 7 PERMIT			
Description:	Failure by the permittee to haul sewage sludge to the Richey Road Municipal Utility District (MUD) wastewater treatment facility for treatment and disposal.			
Self Report?	NO		Classification:	Minor
Citation:	OT 7 PERMIT			
Description:	Failure by the permittee to comply with the reporting requirements for sludge.			
Self Report?	NO		Classification:	Moderate
Citation:	EL&MR 2 PERMIT			
Description:	Failure by the permittee to comply with an effluent limitation.			
Self Report?	NO		Classification:	Moderate
Citation:	EL&MR 1 PERMIT			
Description:	Failure by the permittee to collect and analyze E. coli samples five times per week.			

Date:	03/31/2011	(930210)	CN602931198	Classification:	Moderate
Self Report?	YES				
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)				
Description:	Failure to meet the limit for one or more permit parameter				
Date:	04/30/2011	(939763)	CN602931198	Classification:	Moderate
Self Report?	YES				
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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-1344-MWD-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Indian Petro Corp. ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a wastewater treatment plant located approximately 1,500 feet southwest of the intersection of United States Highway 59 and Farm-to-Market Road 2914 and on the west side of United States Highway 59, approximately 4.2 miles south of Shepherd, San Jacinto County, Texas (the "Facility"). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 26.001(5).
2. During a record review conducted on July 8, 2011, a TCEQ Central Office investigator documented that Respondent failed to comply with permitted effluent limits. Specifically:
 - a. The *Escherichia coli* ("*E-coli*") maximum daily average concentration of 126 milligrams per liter ("mg/L") was measured at 748 mg/L in October 2010;
 - b. The *E-coli* maximum single grab concentration of 394 mg/L was measured at 1,373 mg/L in April 2010; 1,540 mg/L in June 2010; and 2,407 in October 2010;
 - c. The Total Suspended Solids ("TSS") maximum daily average concentration of 15 mg/L was measured at 16.2 mg/L in November 2010, 28 mg/L in December 2010, 20.5 in February 2011, and 18.4 mg/L in March 2011; and
 - d. The TSS maximum daily average loading of 3.8 pounds per day ("ppd") was measured at 3.9 ppd in February 2011.
3. Respondent received notice of the violations on or about July 25, 2011.

4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Indian Petro Corp." (the "EDPRP") in the TCEQ Chief Clerk's office on May 15, 2012.
5. By letter dated May 15, 2012, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on May 22, 2012, as evidenced by the signature on the card.
6. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Respondent failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014035001, Effluent Limitations and Monitoring Requirements No. 1.
3. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
4. As evidenced by Finding of Fact No. 6, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of sixteen thousand eight hundred thirty dollars (\$16,830.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of sixteen thousand eight hundred thirty dollars (\$16,830.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Indian Petro Corp.; Docket No. 2011-1344-MWD-E" to:

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

3. Respondent shall undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Order, Respondent shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014035001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Respondent shall submit the written certification and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

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

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF PEIPEY TANG

STATE OF TEXAS

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COUNTY OF TRAVIS

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"My name is Peipey Tang. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Indian Petro Corp." (the "EDPRP") was filed in the TCEQ Chief Clerk's office on May 15, 2012.

The EDPRP was mailed to Respondent's last known address on May 15, 2012, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on May 22, 2012, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

Peipey Tang

Peipey Tang, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Peipey Tang, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 21st day of August, A.D. 2012.

Margaret T Jackson
Notary Signature

