

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49541  
AMIR TIMOOR INC. and HAREVA INC. d/b/a  
Eagle Travel Center 1 and d/b/a Eagle Travel Center 2  
RN103051819 AND RN102092574  
Docket No. 2014-1589-PST-E

**Order Type:**  
Agreed Order

**Media:**  
PST

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
2275 West Northwest Highway, Dallas, Dallas County (Facility No. 1)  
10969 North Stemmons Freeway, Dallas, Dallas County (Facility No. 2)

**Type of Operation:**  
underground storage tank (UST) systems at two convenience stores with retail sales of gasoline

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	A Default Shutdown Order in this matter was remanded from the October 7, 2015, agenda after receipt of the signed Agreed Order.
Interested Third-Parties:	None

**Texas Register Publication Date:** October 23, 2015

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$36,500

**Total Paid to General Revenue:** \$1,045

**Total Due to General Revenue:** \$35,455

Payment Plan: 35 payments of \$1,013 each

**Compliance History Classifications:**

Person/CN: High (AMIR TIMOOR INC.);  
Unclassified (HAREVA INC.)  
Site/RN: High (Both Facilities)

**Major Source:** Yes (both facilities)

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 49541  
AMIR TIMOOR INC. and HAREVA INC. d/b/a  
Eagle Travel Center 1 and d/b/a Eagle Travel Center 2  
RN103051819 AND RN102092574  
Docket No. 2014-1589-PST-E

**Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** September 15, 2014 (both Facilities)  
**Date(s) of NOV(s):** N/A  
**Date(s) of NOE(s):** October 7, 2014 (both Facilities)

**Violation Information**

**At both Facilities:**

1. Failed to obtain a UST delivery certificate by submitting a properly completed UST registration and self-certification form [30 TEX. ADMIN. CODE §§ 334.7(d) and 334.8(c)(5)(A)].
2. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs [TEX. WATER CODE § 26.3467(a) and 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i)].
3. Failed to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

Submitted a properly completed UST registration and self-certification form and obtained a fuel delivery certificate for Facility No. 1 on April 29, 2015, and for Facility No. 2 on May 6, 2015.

**Technical Requirements:**

1. Within 30 days, implement a release detection method for the USTs at each Facility and begin reconciliation of inventory control records.
2. Within 45 days, submit written certification to demonstrate compliance.

**Litigation Information**

**Date Petition(s) Filed:** April 6, 2015  
**Date Green Card(s) signed:** April 14, 2015  
**Date Answer Filed:** N/A  
**Settlement Date:** September 9, 2015

**Contact Information**

**TCEQ Attorneys:** Jacquelyn Boutwell, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
Rudy Calderon, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** John Fennell, Enforcement Division, (512) 239-2616

**TCEQ Regional Contact:** Sam Barrett, Dallas/Fort Worth Regional Office, (817) 588-5903

**Respondent Contact:** Abdul Wehab Timory, President, AMIR TIMOOR INC. and HAREVA INC.,  
5702 S. Briar Ridge Circle, McKinney, Texas 75070

**Respondent's Attorney:** Cindy Bishop, C Bishop Law PC, P.O. Box 612994, Dallas, Texas 75261



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	13-Oct-2014	<b>Screening</b>	20-Oct-2014	<b>EPA Due</b>	
	<b>PCW</b>	19-Aug-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 1
<b>Reg. Ent. Ref. No.</b>	RN103051819
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	49541	<b>No. of Violations</b>	3
<b>Docket No.</b>	2014-1589-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	John Fennell
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$18,250
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$195  
 Estimated Cost of Compliance: \$1,600  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$18,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$18,250
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$18,250
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction)

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	\$18,250
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<b>Screening Date</b>	20-Oct-2014	<b>Docket No.</b>	2014-1589-PST-E	<b>PCW</b>
<b>Respondent</b>	AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 1		Policy Revision 4 (April 2014)	
<b>Case ID No.</b>	49541	PCW Revision March 26, 2014		
<b>Reg. Ent. Reference No.</b>	RN103051819			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	John Fennell			

### 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> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	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 judgments 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)**

>> **Repeat Violator (Subtotal 3)**

**Adjustment Percentage (Subtotal 3)**

>> **Compliance History Person Classification (Subtotal 7)**

**Adjustment Percentage (Subtotal 7)**

>> **Compliance History Summary**

**Compliance History Notes**

No adjustment for compliance history.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)**

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%**

<b>Screening Date</b>	20-Oct-2014	<b>Docket No.</b>	2014-1589-PST-E	<b>PCW</b>
<b>Respondent</b>	AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 1			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	49541			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN103051819			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	John Fennell			

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="15.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/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**

**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** AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 1  
**Case ID No.** 49541  
**Reg. Ent. Reference No.** RN103051819  
**Media Violation No.** 1  
**Media** Petroleum Storage Tank

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)	\$100	31-Mar-2014	29-Apr-2015	1.08	\$5	n/a	\$5

Notes for DELAYED costs

Estimated cost to obtain a delivery certificate by submitting a properly completed UST registration and self-certification form. The Date Required is the registration due date and the Final Date is the compliance date.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

**TOTAL** \$5

<b>Screening Date</b>	20-Oct-2014	<b>Docket No.</b>	2014-1589-PST-E	<b>PCW</b>
<b>Respondent</b>	AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 1			
<b>Case ID No.</b>	49541	<i>PCW Revision March 26, 2014</i>		
<b>Reg. Ent. Reference No.</b>	RN103051819			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	John Fennell			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)			
<b>Violation Description</b>	Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, four fuel deliveries were accepted without a delivery certificate.			
<b>Base Penalty</b>				\$25,000

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

<b>OR</b>	<b>Harm</b>			<b>Percent</b>
	Major	Moderate	Minor	
	Actual			
Potential			x	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b>

**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** \$23,250

\$1,750

**Violation Events**

Number of Violation Events        Number of violation days

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

**Violation Base Penalty** \$7,000

Four single events are recommended for accepting four fuel deliveries without a delivery certificate.

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

	Before NOE/NOV	NOE/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** \$7,000

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$7,000"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$7,000"/>	

# Economic Benefit Worksheet

**Respondent** AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 1  
**Case ID No.** 49541  
**Reg. Ent. Reference No.** RN103051819  
**Media Violation No.** Petroleum Storage Tank  
 2

Percent Interest	Years of Depreciation
5.0	15

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

Economic benefit included in 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

**TOTAL**

<b>Screening Date</b>	20-Oct-2014	<b>Docket No.</b>	2014-1589-PST-E	<b>PCW</b>
<b>Respondent</b>	AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 1			
<b>Case ID No.</b>	49541	<i>PCW Revision March 26, 2014</i>		
<b>Reg. Ent. Reference No.</b>	RN103051819			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	John Fennell			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30Tex. Admin. Code § 334.50(d)(1)(B)(ii) and Tex. Water Code § 26.3475(c)(1)			
<b>Violation Description</b>	Failed to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons.			
<b>Base Penalty</b>				\$25,000

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

<b>OR</b>	<b>Harm</b>				<b>Percent</b>
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			30.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b>
					0.0%

**Matrix Notes**

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

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events        Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	x
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

**Violation Base Penalty** \$7,500

One quarterly event is recommended based on documentation of the violation from the September 15, 2014 investigation to the October 20, 2014 screening date.

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

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

**Notes**

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

**Violation Subtotal** \$7,500

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$61"/>	Violation Final Penalty Total <input type="text" value="\$7,500"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$7,500"/>	

# Economic Benefit Worksheet

**Respondent** AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 1  
**Case ID No.** 49541  
**Reg. Ent. Reference No.** RN103051819  
**Media Violation No.** Petroleum Storage Tank  
 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment			0.00	\$0	\$0	\$0	
Buildings			0.00	\$0	\$0	\$0	
Other (as needed)			0.00	\$0	\$0	\$0	
Engineering/Construction			0.00	\$0	\$0	\$0	
Land			0.00	\$0	n/a	\$0	
Record Keeping System			0.00	\$0	n/a	\$0	
Training/Sampling			0.00	\$0	n/a	\$0	
Remediation/Disposal			0.00	\$0	n/a	\$0	
Permit Costs			0.00	\$0	n/a	\$0	
Other (as needed)	\$1,500	15-Sep-2014	10-Jul-2015	0.82	\$61	n/a	\$61

**Notes for DELAYED costs**   Estimated cost to monitor the USTs for releases. The date required is the investigation date and the final date is the estimated compliance date.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**      **TOTAL**

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN603978974, RN103051819, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN603978974, AMIR TIMOOR INC. **Classification:** HIGH **Rating:** 0.00

**Regulated Entity:** RN103051819, Eagle Travel Center 1 **Classification:** HIGH **Rating:** 0.00

**Complexity Points:** 3 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 2275 W NORTHWEST HWY DALLAS, TX 75220-4304, DALLAS COUNTY

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):** PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 70500

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** March 12, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 20, 2009 to October 20, 2014

## TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

**Name:** John Fennell

**Phone:** (512) 239-2616

### Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? AMIR TIMOOR INC. OWNER OPERATOR since 10/1/2011  
HAREVA INC. OPERATOR since 3/1/2014
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? Centennial Beverage Group, LLC, OWN OPR, 3/5/1998 to 9/30/2011
- 5) If **YES**, when did the change(s) in owner or operator occur? 10/1/2011

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

N/A

#### **B. Criminal convictions:**

N/A

#### **C. Chronic excessive emissions events:**

N/A

#### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	May 25, 2010	(802141)
Item 2	December 26, 2012	(1052411)
Item 3	July 18, 2013	(1103351)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

#### **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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# Compliance History Report

**PUBLISHED** Compliance History Report for CN604680314, RN103051819, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN604680314, HAREVA INC. **Classification:** UNCLASSIFIED **Rating:** ----

**Regulated Entity:** RN103051819, Eagle Travel Center 1 **Classification:** HIGH **Rating:** 0.00

**Complexity Points:** 3 **Repeat Violator:** NO

**CH Group:** 14 - Other

**Location:** 2275 W NORTHWEST HWY DALLAS, TX 75220-4304, DALLAS COUNTY

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):** PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 70500

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** October 22, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 20, 2009 to October 20, 2014

## TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

**Name:** John Fennell

**Phone:** (512) 239-2616

### Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? HAREVA INC. OPERATOR since 3/1/2014  
AMIR TIMOOR INC. OWNER OPERATOR since 10/1/2011
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? Centennial Beverage Group, LLC, OWN OPR, 3/5/1998 to 9/30/2011
- 5) If **YES**, when did the change(s) in owner or operator occur? 10/1/2011

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### A. Final Orders, court judgments, and consent decrees:

N/A

#### B. Criminal convictions:

N/A

#### C. Chronic excessive emissions events:

N/A

#### D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	May 25, 2010	(802141)
Item 2	December 26, 2012	(1052411)
Item 3	July 18, 2013	(1103351)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

#### 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



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014



<b>DATES</b>	<b>Assigned</b>	13-Oct-2014	<b>Screening</b>	20-Oct-2014	<b>EPA Due</b>	
	<b>PCW</b>	19-Aug-2015				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 2
<b>Reg. Ent. Ref. No.</b>	RN102092574
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	49541	<b>No. of Violations</b>	3
<b>Docket No.</b>	2014-1589-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	John Fennell
		<b>EC's Team</b>	Enforcement Team 7
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$25,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$18,250
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
<b>Notes</b>	No adjustment for compliance history.		
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b>	\$0
<b>Notes</b>	The Respondents does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b>	\$0
<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
Total EB Amounts	\$195	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$1,600		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$18,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>		<b>Final Penalty Amount</b>	\$18,250
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<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b>	\$18,250
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	Deferral not offered for non-expedited settlement.		
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<b>PAYABLE PENALTY</b>		\$18,250
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<b>Screening Date</b>	20-Oct-2014	<b>Docket No.</b>	2014-1589-PST-E	<b>PCW</b>
<b>Respondent</b>	AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 2		Policy Revision 4 (April 2014)	
<b>Case ID No.</b>	49541	PCW Revision March 26, 2014		
<b>Reg. Ent. Reference No.</b>	RN102092574			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	John Fennell			

### 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> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	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 judgments 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)**

>> **Repeat Violator (Subtotal 3)**

**Adjustment Percentage (Subtotal 3)**

>> **Compliance History Person Classification (Subtotal 7)**

**Adjustment Percentage (Subtotal 7)**

>> **Compliance History Summary**

**Compliance History Notes**

No adjustment for compliance history.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)**

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%**

<b>Screening Date</b>	20-Oct-2014	<b>Docket No.</b>	2014-1589-PST-E	<b>PCW</b>
<b>Respondent</b>	AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 2			<i>Policy Revision 4 (April 2014)</i>
<b>Case ID No.</b>	49541			<i>PCW Revision March 26, 2014</i>
<b>Reg. Ent. Reference No.</b>	RN102092574			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	John Fennell			

**Violation Number**

**Rule Cite(s)**

30 Tex. Admin. Code §§ 334.7(d) and 334.8(c)(5)(A)

**Violation Description**

Failed to obtain an underground storage tank ("UST") delivery certificate by submitting a properly completed UST registration and self-certification form. Specifically, the Respondent did not submit a UST registration and self-certification form within 30 days of the change in operator on March 1, 2014.

**Base Penalty**

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

OR

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

**Percent**

>> **Programmatic Matrix**

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

**Percent**

**Matrix Notes**

100% of the rule requirement was not met.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="text" value="x"/>

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

**Reduction**

	Before NOE/NOV	NOE/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 Respondents 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** AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 2  
**Case ID No.** 49541  
**Reg. Ent. Reference No.** RN102092574  
**Media Violation No.** 1  
**Media Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

**Item Cost**   **Date Required**   **Final Date**   **Yrs**   **Interest Saved**   **Onetime Costs**   **EB Amount**  
**Item Description**   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	31-Mar-2014	6-May-2015	1.10	\$5	n/a	\$5

**Notes for DELAYED costs**  
 Estimated cost to obtain a delivery certificate by submitting a properly completed UST registration and self-certification form. The Date Required is the registration due date and the Final Date is the compliance date.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance

**TOTAL**

<b>Screening Date</b>	20-Oct-2014	<b>Docket No.</b>	2014-1589-PST-E	<b>PCW</b>
<b>Respondent</b>	AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 2			
<b>Case ID No.</b>	49541	<i>PCW Revision March 26, 2014</i>		
<b>Reg. Ent. Reference No.</b>	RN102092574			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	John Fennell			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)			
<b>Violation Description</b>	Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, four fuel deliveries were accepted without a delivery certificate.			
<b>Base Penalty</b>				\$25,000

>> Environmental, Property and Human Health Matrix

<b>OR</b>	<b>Harm</b>			
	Major	Moderate	Minor	
	Actual	Potential	Percent	7.0%
	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	
			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>

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**

Violation Events

Number of Violation Events	<input type="text" value="4"/>	<input type="text" value="4"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$7,000"/>
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	

Four single events are recommended for accepting four fuel deliveries without a delivery certificate.

Good Faith Efforts to Comply  Reduction

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

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

**Violation Subtotal**

<b>Economic Benefit (EB) for this violation</b>	<input type="text" value="\$0"/>	<b>Statutory Limit Test</b>	<input type="text" value="\$7,000"/>
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$7,000"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$7,000"/>

# Economic Benefit Worksheet

**Respondent** AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 2  
**Case ID No.** 49541  
**Reg. Ent. Reference No.** RN102092574  
**Media Violation No.** Petroleum Storage Tank  
 2

Percent Interest	Years of Depreciation
5.0	15

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

Economic benefit included in 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

**TOTAL**

**Screening Date** 20-Oct-2014 **Docket No.** 2014-1589-PST-E **PCW**  
**Respondent** AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 2  
**Case ID No.** 49541 *PCW Revision March 26, 2014*  
**Reg. Ent. Reference No.** RN102092574  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** John Fennell

**Violation Number** 3

**Rule Cite(s)** 30Tex. Admin. Code § 334.50(d)(1)(B)(ii) and Tex. Water Code § 26.3475(c)(1)

**Violation Description** Failed to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				30.0%
	Potential	x			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

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

**Adjustment** \$17,500

\$7,500

**Violation Events**

Number of Violation Events 1 35 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$7,500

One quarterly event is recommended based on documentation of the violation from the September 15, 2014 investigation to the October 20, 2014 screening date.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

**Violation Subtotal** \$7,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$61

**Violation Final Penalty Total** \$7,500

**This violation Final Assessed Penalty (adjusted for limits)** \$7,500

## Economic Benefit Worksheet

**Respondent** AMIR TIMOOR INC. and HAREVA INC. dba Eagle Travel Center 2  
**Case ID No.** 49541  
**Reg. Ent. Reference No.** RN102092574  
**Media Violation No.** Petroleum Storage Tank  
 3

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	15-Sep-2014	10-Jul-2015	0.82	\$61	n/a	\$61

**Notes for DELAYED costs**

Estimated cost to monitor the USTs for releases. The date required is the investigation date and the final date is the estimated compliance date.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$1,500	<b>TOTAL</b>	\$61
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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

**PUBLISHED** Compliance History Report for CN603978974, RN102092574, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

**Customer, Respondent, or Owner/Operator:** CN603978974, AMIR TIMOOR INC. **Classification:** HIGH **Rating:** 0.00  
**Regulated Entity:** RN102092574, Eagle Travel Center 2 **Classification:** HIGH **Rating:** 0.00  
**Complexity Points:** 3 **Repeat Violator:** NO  
**CH Group:** 14 - Other  
**Location:** 10969 N STEMMONS FWY DALLAS, TX 75220-1221, DALLAS COUNTY  
**TCEQ Region:** REGION 04 - DFW METROPLEX  
**ID Number(s):** PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 70146

**Compliance History Period:** September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** March 12, 2015

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 20, 2009 to October 20, 2014

## TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

**Name:** John Fennell

**Phone:** (512) 239-2616

## Site and Owner/Operator History:

- 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** for #2, who is the current owner/operator? AMIR TIMOOR INC. OWNER OPERATOR since 10/1/2011  
HAREVA INC. OPERATOR since 3/1/2014
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? Centennial Beverage Group, LLC, OWN OPR, 9/1/1997 to 9/30/2011
- 5) If **YES**, when did the change(s) in owner or operator occur? 10/1/2011

## Components (Multimedia) for the Site Are Listed in Sections A - J

### A. Final Orders, court judgments, and consent decrees:

N/A

### B. Criminal convictions:

N/A

### C. Chronic excessive emissions events:

N/A

### D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 November 15, 2010 (869971)  
 Item 2 July 16, 2012 (1015604)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

### 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

The TCEQ is committed to accessibility.

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# Compliance History Report

**PUBLISHED** Compliance History Report for CN604680314, RN102092574, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

<b>Customer, Respondent, or Owner/Operator:</b>	CN604680314, HAREVA INC.	<b>Classification:</b> UNCLASSIFIED	<b>Rating:</b> -----
<b>Regulated Entity:</b>	RN102092574, Eagle Travel Center 2	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	3	<b>Repeat Violator:</b> NO	
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	10969 N STEMMONS FWY DALLAS, TX 75220-1221, DALLAS COUNTY		
<b>TCEQ Region:</b>	REGION 04 - DFW METROPLEX		
<b>ID Number(s):</b>	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 70146		

**Compliance History Period:** September 01, 2009 to August 31, 2014    **Rating Year:** 2014    **Rating Date:** 09/01/2014

**Date Compliance History Report Prepared:** October 22, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 20, 2009 to October 20, 2014

## **TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** John Fennell

**Phone:** (512) 239-2616

## **Site and Owner/Operator History:**

- 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** for #2, who is the current owner/operator? AMIR TIMOOR INC. OWNER OPERATOR since 10/1/2011  
HAREVA INC. OPERATOR since 3/1/2014
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? Centennial Beverage Group, LLC, OWN OPR, 9/1/1997 to 9/30/2011
- 5) If **YES**, when did the change(s) in owner or operator occur? 10/1/2011

## **Components (Multimedia) for the Site Are Listed in Sections A - J**

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1	November 15, 2010	(869971)
Item 2	July 16, 2012	(1015604)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

### **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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>AMIR TIMOOR INC. AND HAREVA INC.</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>DBA EAGLE TRAVEL CENTER 1 AND</b>	<b>§</b>	
<b>DBA EAGLE TRAVEL CENTER 2;</b>	<b>§</b>	
<b>RN103051819 AND RN102092574</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

## AGREED ORDER

DOCKET NO. 2014-1589-PST-E

### I. JURISDICTION AND STIPULATIONS

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding AMIR TIMOOR INC. and HAREVA INC. d/b/a Eagle Travel Center 1 and d/b/a Eagle Travel Center 2 ("Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondents, represented by Cindy Bishop of C Bishop Law PC, together stipulate that:

1. Respondents own and operate, as defined in 30 TEX. ADMIN. CODE § 334.2(73) and (70), UST systems and convenience stores with retail sales of gasoline (collectively referred to as the "Facilities") at the following locations:
  - a. 2275 West Northwest Highway in Dallas, Dallas County, Texas (RN103051819, Facility ID No. 70500) ("Facility No. 1"); and
  - b. 10969 North Stemmons Freeway in Dallas, Dallas County, Texas (RN102092574; Facility ID No. 70146) ("Facility No. 2").

The USTs at the Facilities are not exempt or excluded from regulation under the Texas Water Code or the rules of the TCEQ, and contain a regulated petroleum substance as defined in the rules of the TCEQ.

2. The Executive Director and Respondents agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, 7.070, and 7.073, and that Respondents are subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondents of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of thirty-six thousand five hundred dollars (\$36,500.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondents have paid one thousand forty-five dollars (\$1,045.00) of the penalty. The remaining amount of thirty-five thousand four hundred fifty-five dollars (\$35,455.00) shall be paid in thirty-five (35) monthly payments of one thousand thirteen dollars (\$1,013.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in

full. If Respondents fail to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may 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, Respondents' failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondents to timely and satisfactorily comply with all the terms of this Order.

5. The Executive Director and Respondents agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). 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.
6. 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 Respondent has not complied with one or more of the terms or conditions contained in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon full compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that Respondents performed the following corrective measures:
  - a. Submitted a properly completed UST registration and self-certification form and obtained a fuel delivery certificate for Facility No. 1 as of April 29, 2015; and
  - b. Submitted a properly completed UST registration and self-certification form and obtained a fuel deliver certificate for Facility No. 2 as of May 6, 2015.

## **II. ALLEGATIONS**

1. During an investigation conducted at Facility No. 1 on September 15, 2014, an investigator documented that Respondents:
  - a. Failed to obtain a UST delivery certificate by submitting a properly completed UST registration and self-certification form, in violation of 30 TEX. ADMIN. CODE §§ 334.7(d) and 334.8(c)(5)(A). Specifically, Respondents did not submit a UST registration and self-certification form within 30 days of the change in operator on March 1, 2014;
  - b. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of TEX. WATER CODE § 26.3467(a) and 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i). Specifically, four fuel deliveries were accepted without a delivery certificate; and
  - c. Failed to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1% of the total substance flow through for the month plus 130 gallons, in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii).

2. During an investigation conducted at Facility No. 2 on September 15, 2014, an investigator documented that Respondents:
  - a. Failed to obtain a UST delivery certificate by submitting a properly completed UST registration and self-certification form, in violation of 30 TEX. ADMIN. CODE §§ 334.7(d) and 334.8(c)(5)(A). Specifically, Respondents did not submit a UST registration and self-certification form within 30 days of the change in operator on March 1, 2014;
  - b. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of TEX. WATER CODE § 26.3467(a) and 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i). Specifically, four fuel deliveries were accepted without a delivery certificate; and
  - c. Failed to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1% of the total substance flow through for the month plus 130 gallons, in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii).

### **III. DENIALS**

Respondents generally deny each Allegation in Section II.

### **IV. ORDERING PROVISIONS**

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

1. Respondents are assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondents' compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: AMIR TIMOOR INC. and HAREVA INC. d/b/a Eagle Travel Center 1 and d/b/a Eagle Travel Center 2, Docket No. 2014-1589-PST-E" to:

Financial Administration Division, Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
2. Respondents shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, implement a release detection method for all USTs at the Facilities and begin reconciliation of inventory control records, in accordance with 30 TEX. ADMIN. CODE § 334.50; and
  - b. Within 45 days after the effective date of this Order, submit written certification, to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondents, and shall include the following certification language:

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

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Waste Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over each Facility's operations referenced in this Order.
5. 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems

acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date of hand delivery of the fully executed Order to Respondents, or three days after the date on which the Commission mails a copy of the fully executed Order to Respondents, whichever is earlier. The Chief Clerk shall provide a copy of the fully executed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

October 28, 2015  
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

  
Signature - Abdul Wehab Timory, President  
AMIR TIMOOR INC.  
HAREVA INC.  
5702 S. Briar Ridge Circle  
McKinney, Texas 75070

9/9/15  
Date

If mailing address has changed, please check this box and provide the new address below:

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