

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58186  
AGOG Business, Inc. dba Merito Food Mart  
RN101489581  
Docket No. 2019-1211-PST-E

**Order Type:**  
Agreed Order

**Media:**  
PST

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
201 Ranch Road 620 North, Lakeway, Travis County

**Type of Operation:**  
underground storage tank ("UST") system and convenience store with retail sales of gasoline

**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:** May 13, 2022

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$34,078

**Total Paid to General Revenue:** \$34,078

**Total Due to General Revenue:** \$0

**Compliance History Classifications:**

Person/CN - Satisfactory  
Site/RN - Satisfactory

**Major Source:** Yes

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** April 2014

**Investigation Information**

**Complaint Date(s):** N/A

**Date(s) of Investigation:** April 3, 2019

**Date(s) of NOV(s):** N/A

**Date(s) of NOE(s):** May 17, 2019; August 13, 2019

**Violation Information**

1. Failed to report a suspected release to the TCEQ within 72 hours of discovery [30 TEX. ADMIN. CODE §§ 334.50(d)(9)(A)(v) and 334.72].
2. Failed to investigate a suspected release of a regulated substance within 30 days of discovery [30 TEX. ADMIN. CODE § 334.74].
3. Failed to ensure that all UST recordkeeping requirements are met [30 TEX. ADMIN. CODE § 334.10(b)(2)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

1. Conducted tightness tests, with passing results, on the UST system as of July 13, 2021; and
2. Submitted a release determination report, dated September 20, 2021, to the TCEQ on October 18, 2021.

**Technical Requirements:**

1. Immediately begin maintaining and making available for inspection upon request by TCEQ personnel all UST records, including release detection and corrosion protection records, at the Facility.
2. Within 30 days, develop and implement procedures designed to ensure the timely reporting of suspected releases, including inconclusive Statistical Inventory Reconciliation analysis reports.
3. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 1 and 2.

**Litigation Information**

<b>Date Petition(s) Filed:</b>	October 26, 2020
<b>Date Green Card(s) Signed:</b>	October 28, 2020
<b>Date Answer(s) Filed:</b>	November 4, 2020
<b>SOAH Referral Date:</b>	May 25, 2021
<b>Settlement Date:</b>	April 12, 2022

**Contact Information**

**TCEQ Attorneys:** Clayton Smith, Litigation Division, (512) 239-3400  
Eli Martinez, Public Interest Counsel, (512) 239-6363

**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575

**TCEQ Enforcement Coordinator:** Alain Elegbe, Enforcement Division, (512) 239-6924

**TCEQ Regional Contact:** Elijah Gandee, Regional Office, (512) 339-2929

**Respondent Contact:** Karim Karedia, President, AGOG Business, Inc., 201 Ranch Road 620 North, Lakeway, Texas 78734

**Respondent's Attorney:** William W. Thompson, III, Grissom & Thompson, LLP, 509 West 12th Street, Austin, Texas 78701



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	19-Aug-2019	<b>Screening</b>	26-Aug-2019	<b>EPA Due</b>	
	<b>PCW</b>	8-Mar-2022				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	AGOG Business, Inc. dba Merito Food Mart				
<b>Reg. Ent. Ref. No.</b>	RN101489581				
<b>Facility/Site Region</b>	11-Austin	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	58186	<b>No. of Violations</b>	3
<b>Docket No.</b>	2019-1211-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>	Tyler Richardson
		<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>	<b>\$34,000</b>
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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>	<b>0.0%</b> Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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<b>Notes</b>	No adjustment for compliance history.
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<b>Culpability</b>	No	<b>0.0%</b> Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b> Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$280	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,067	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$34,000</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>0.2%</b> Adjustment	<b>\$78</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement to capture the avoided cost of compliance associated with Violation No. 1.
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<b>Final Penalty Amount</b>	<b>\$34,078</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$34,078</b>
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<b>DEFERRAL</b>	<b>0.0%</b> Reduction Adjustment	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	Deferral not offered for non-expedited settlement.
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<b>PAYABLE PENALTY</b>	<b>\$34,078</b>
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Screening Date 26-Aug-2019

Docket No. 2019-1211-PST-E

PCW

Respondent AGOG Business, Inc. dba Merito Food Mart

Policy Revision 4 (April 2014)

Case ID No. 58186

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101489581

Media Petroleum Storage Tank

Enf. Coordinator Tyler Richardson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 334.50(d)(9)(A)(v) and 334.72

Violation Description Failed to report a suspected release to the TCEQ within 72 hours of discovery. Specifically, inconclusive Statistical Inventory Reconciliation ("SIR") analysis reports for March, April, May, and June of 2018, and March of 2019 for the three USTs indicate suspected releases which were not reported.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (15.0%). Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 3 Number of violation days 507

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event) and checkboxes.

Violation Base Penalty \$11,250

Three single events are recommended, one event for each tank with an unreported suspected release.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with columns: Extraordinary, Ordinary, N/A, and checkboxes.

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

Violation Subtotal \$11,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$84

Violation Final Penalty Total \$11,276

This violation Final Assessed Penalty (adjusted for limits) \$11,276

## Economic Benefit Worksheet

**Respondent** AGOG Business, Inc. dba Merito Food Mart  
**Case ID No.** 58186  
**Reg. Ent. Reference No.** RN101489581  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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	3-Apr-2019	14-Jun-2020	1.20	\$6	n/a	\$6

**Notes for DELAYED costs**

Estimated delayed cost to develop and implement procedures designed to ensure timely reporting of suspected releases. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$77	5-Apr-2019	26-Aug-2019	0.39	\$1	\$77	\$78
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Estimated avoided cost to report suspected releases, including accrued interest. The Date Required is the due date of the March 2019 suspected release report and the Final Date is the screening date.

Approx. Cost of Compliance

\$177

**TOTAL**

\$84

**Screening Date** 26-Aug-2019 **Docket No.** 2019-1211-PST-E  
**Respondent** AGOG Business, Inc. dba Merito Food Mart  
**Case ID No.** 58186  
**Reg. Ent. Reference No.** RN101489581  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Tyler Richardson

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number**

**Rule Cite(s)**

**Violation Description** Failed to investigate a suspected release of a regulated substance within 30 days of discovery. Specifically, inconclusive SIR analysis reports for March, April, May, and June of 2018, and March of 2019 for the three USTs indicate suspected releases which were not investigated.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

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

**Matrix Notes** Human health or the environment will or could be exposed to pollutants that would 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

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

**Violation Base Penalty**

Three semiannual events are recommended from the May 3, 2018 date the first suspected release should have been investigated to the August 26, 2019 screening date.

**Good Faith Efforts to Comply**

Reduction

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

Extraordinary	<input type="text"/>
Ordinary	<input type="text"/>
N/A	<input type="text" value="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** AGOG Business, Inc. dba Merito Food Mart  
**Case ID No.** 58186  
**Reg. Ent. Reference No.** RN101489581  
**Media** Petroleum Storage Tank  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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### 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)	\$1,800	3-May-2018	14-Jun-2020	2.12	\$191	n/a	\$191

**Notes for DELAYED costs**

Estimated cost to conduct an investigation of the suspected releases and implement appropriate corrective measures. The Date Required is the date the first release investigation was due and the Final Date is the estimated date of compliance.

### Avoided Costs

**ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$1,800	<b>TOTAL</b>	\$191
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**Screening Date** 26-Aug-2019 **Docket No.** 2019-1211-PST-E  
**Respondent** AGOG Business, Inc. dba Merito Food Mart  
**Case ID No.** 58186  
**Reg. Ent. Reference No.** RN101489581  
**Media** Petroleum Storage Tank  
**Enf. Coordinator** Tyler Richardson

**PCW**

*Policy Revision 4 (April 2014)*  
*PCW Revision March 26, 2014*

**Violation Number** 3

**Rule Cite(s)** 30 Tex. Admin. Code § 334.10(b)(2)

**Violation Description** Failed to assure that all UST recordkeeping requirements are met. Specifically, release detection and corrosion protection records were not made available for review by TCEQ personnel.

**Base Penalty** \$25,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%

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

**Adjustment** \$24,750

\$250

**Violation Events**

Number of Violation Events 1 145 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$250

One single event is recommended.

**Good Faith Efforts to Comply**

0.0%

Reduction \$0

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

Extraordinary	
Ordinary	
N/A	x

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

**Violation Subtotal** \$250

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

**Statutory Limit Test**

**Estimated EB Amount** \$5

**Violation Final Penalty Total** \$251

**This violation Final Assessed Penalty (adjusted for limits)** \$251

## Economic Benefit Worksheet

**Respondent** AGOG Business, Inc. dba Merito Food Mart  
**Case ID No.** 58186  
**Reg. Ent. Reference No.** RN101489581  
**Media** Petroleum Storage Tank  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### 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	\$90	3-Apr-2019	14-Jun-2020	1.20	\$5	n/a	\$5
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
<b>Notes for DELAYED costs</b>	Estimated delayed cost to begin maintaining all UST records (\$45 per record type) and make them immediately available for inspection upon request by TCEQ personnel. The Date Required is the investigation date and the Final Date is the estimated date of compliance.						

### Avoided Costs

#### ANNUALIZE 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				0.00	\$0	\$0	\$0
<b>ONE-TIME avoided costs</b>				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
<b>Notes for AVOIDED costs</b>							

Approx. Cost of Compliance \$90

**TOTAL** \$5



# Compliance History Report

Compliance History Report for CN604847954, RN101489581, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

<b>Customer, Respondent, or Owner/Operator:</b>	CN604847954, AGOG Business, Inc.	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	2.81
<b>Regulated Entity:</b>	RN101489581, Merito Food Mart	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	2.81
<b>Complexity Points:</b>	3	<b>Repeat Violator:</b>	NO		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	201 Ranch Road 620 North in Lakeway, Travis County, Texas				
<b>TCEQ Region:</b>	REGION 11 - AUSTIN				
<b>ID Number(s):</b>	PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 43328				
<b>Compliance History Period:</b>	September 01, 2013 to August 31, 2018	<b>Rating Year:</b>	2018	<b>Rating Date:</b>	09/01/2018
<b>Date Compliance History Report Prepared:</b>	August 23, 2019				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	August 23, 2014 to August 23, 2019				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Tyler Richardson			<b>Phone:</b>	(512) 239-4872

## 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) Who is the current owner/operator? AGOG BUSINESS, INC. OWNER OPERATOR since 2/6/2015
- 4) Who was/were the prior owner(s)/operator(s)? HARVIN LAKEWAY VENTURES, LLC, OWNER, 2/6/2015 to 2/28/2018  
ISMAIL, FUAD H, OPERATOR, 6/2/2004 to 2/5/2015  
AHMAD, ALI HAMOUDEH, OWNER, 1/29/1998 to 2/5/2015

## 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 July 10, 2016 (1344677)

### **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

**Component Appendices**

**Appendix A**

**All NOV's Issued During Component Period 8/23/2014 and 8/23/2019**

N/A

For Informational Purposes Only

**Appendix B**

**All Investigations Conducted During Component Period August 23, 2014 and August 23, 2019**

Item 1\*      July 10, 2016\*\*      (1344677)

Item 2      May 17, 2019      (1555221)

For Informational Purposes Only

For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2013 and 08/31/2018.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN ENFORCEMENT  
ACTION CONCERNING  
AGOG BUSINESS, INC.  
DBA MERITO FOOD MART;  
RN101489581**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER**

**DOCKET NO. 2019-1211-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 AGOG Business, Inc. dba Merito Food Mart ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by William W. Thompson, III of the law firm Grissom & Thompson, LLP, together stipulate that:

1. Respondent owns and operates, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 201 Ranch Road 620 North in Lakeway, Travis County, Texas (Facility ID No. 43328) (the "Facility"). The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contain or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that Respondent is 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 Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of thirty-four thousand seventy-eight dollars (\$34,078.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid thirty-four thousand seventy-eight dollars (\$34,078.00) of the penalty.
5. The Executive Director and Respondent 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 Respondent implemented the following measures at the Facility:
  - a. Conducted tightness tests, with passing results, on the UST system as of July 13, 2021; and
  - b. Submitted a release determination report, dated September 20, 2021, to the TCEQ on October 18, 2021.

## II. ALLEGATIONS

1. Following an investigation conducted on April 3, 2019, TCEQ staff determined that Respondent:
  - a. Failed to report a suspected release to the TCEQ within 72 hours of discovery, in violation of 30 TEX. ADMIN. CODE §§ 334.50(d)(9)(A)(v) and 334.72. Specifically, inconclusive Statistical Inventory Reconciliation (“SIR”) analysis reports for March, April, May, and June 2018 and March 2019 for the three USTs indicate suspected releases that were not reported;
  - b. Failed to investigate a suspected release of a regulated substance within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, inconclusive SIR analysis reports for March, April, May, and June 2018 and March 2019 for the three USTs indicate suspected releases that were not timely investigated; and
  - c. Failed to ensure that all UST recordkeeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2). Specifically, release detection and corrosion protection records were not made available for review by TCEQ personnel.

## III. DENIALS

Respondent generally denies each Allegation in Section II.

## IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent’s 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.
2. Respondent shall undertake the following technical requirements:
  - a. Immediately after the effective date of this Order, begin maintaining and making available for inspection upon request by TCEQ personnel all UST records, including release detection and corrosion protection records, at the Facility, in accordance with 30 TEX. ADMIN. CODE § 334.10.
  - b. Within 30 days after the effective date of this Order, develop and implement procedures designed to ensure the timely reporting of suspected releases, including inconclusive SIR analysis reports, in accordance with 30 TEX. ADMIN. CODE §§ 334.50 and 334.72.
  - c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a. and 2.b. The certification shall be accompanied by detailed supporting documentation,

including photographs, receipts, and/or other records, shall be signed by Respondent, 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  
Austin Regional Office, MC R11  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

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 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.
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 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
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. This Order, issued by the Commission, shall not be admissible against Respondent 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.
8. 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.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

Erin E. Chamallop

05/23/22

\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
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.

K. Karedia  
Signature - Karim Karedia, President  
AGOG Business, Inc.  
6280 McNeil Drive #1803  
Austin, Texas 78729

04/12/2022  
Date

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

201 Ranch Road 620 North Lakeway TX - 78734