

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

Page 1 of 2

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

Date Petition(s) Filed: October 26, 2020
Date Green Card(s) Signed: October 28, 2020
Date Answer(s) Filed: November 4, 2020
SOAH Referral Date: May 25, 2021
Settlement Date: 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

DATES	Assigned	19-Aug-2019	Screening	26-Aug-2019	EPA Due	
	PCW	8-Mar-2022				

RESPONDENT/FACILITY INFORMATION

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

CASE INFORMATION

Enf./Case ID No.	58186	No. of Violations	3
Docket No.	2019-1211-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Tyler Richardson
		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$34,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$280	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$2,067	

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

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

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$34,078
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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

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 15.0%

Matrix Notes	100% of the rule requirement was not met.
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Adjustment	\$21,250
\$3,750	

Violation Events

Number of Violation Events	3	Number of violation days	507
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	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty	\$11,250
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Three single events are recommended, one event for each tank with an unreported suspected release.

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	\$11,250
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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	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	2			
Rule Cite(s)	30 Tex. Admin. Code § 334.74			
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	\$25,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 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.
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Adjustment	\$17,500
	\$7,500

Violation Events

Number of Violation Events	3	Number of violation days	480
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	daily		weekly		monthly		quarterly		semiannual		annual		single event
									x				

	Violation Base Penalty
	\$22,500

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

	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.
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	Violation Subtotal
	\$22,500

Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount	\$191
	Violation Final Penalty Total
	\$22,552
This violation Final Assessed Penalty (adjusted for limits)	
\$22,552	

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

Approx. Cost of Compliance

\$1,800

TOTAL

\$191

Screening Date 26-Aug-2019
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

Docket No. 2019-1211-PST-E

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		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

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
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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	\$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
Notes for DELAYED costs	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
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							

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.

Customer, Respondent, or Owner/Operator: CN604847954, AGOG Business, Inc.

Classification: SATISFACTORY

Rating: 2.81

Regulated Entity: RN101489581, Merito Food Mart

Classification: SATISFACTORY

Rating: 2.81

Complexity Points: 3

Repeat Violator: NO

CH Group: 14 - Other

Location: 201 Ranch Road 620 North in Lakeway, Travis County, Texas

TCEQ Region: REGION 11 - AUSTIN

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION
43328

Compliance History Period: September 01, 2013 to August 31, 2018

Rating Year: 2018

Rating Date: 09/01/2018

Date Compliance History Report Prepared: August 23, 2019

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 23, 2014 to August 23, 2019

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

Name: Tyler Richardson

Phone: (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 HAMOUEH, 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. Chanalor

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