

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2004-1281-PST-E TCEQ ID: RN101818201 CASE NO.: 18629  
RESPONDENT NAME: SSMA CORPORATION, INC. DBA STOP N DRIVE 30**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 716 Magnolia Avenue, Port Neches, Jefferson County</p> <p><b>TYPE OF OPERATION:</b> Convenience store with retail sales of gasoline</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 10, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Kathleen C. Decker, Litigation Division, MC 175, (512) 239-6500;                  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  <b>TCEQ Enforcement Coordinator:</b> Mr. John Barry, San Antonio Regional Office, MC R-13, (409) 899-8781  <b>TCEQ Regional Contact:</b> Mr. Keith Anderson, Beaumont Regional Office, MC R-10, (409) 898-3838  <b>Respondent:</b> Mr. Mohammad Sumar, President, SSMA Corporation, Inc. dba Stop n Drive 30, 1324 South 24 1/2 Street, Nederland, TX 77627  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigations Relating to this Case:</b>                      November 7, 2002, May 7, 2004 and August 6, 2004</p> <p><b>Date of NOV/NOE Relating to this Case:</b>                      August 2, 2004 (NOE)</p> <p><b>Background Facts:</b> An EDPRP was filed on March 28, 2005. Notice of the EDPRP was received on March 30, 2005. An EDFARP was filed on August 18, 2005. Notice of the EDFARP was received on August 24, 2005. An EDSARP was filed on December 6, 2006. Notice of the EDSARP was received on December 15, 2006; however no Answer has been filed.</p> <p><b>PST:</b></p> <ol style="list-style-type: none"> <li>Failed to report to the Agency within 24 hours unusual operating conditions observed such as unexplained presence of water in the diesel tank [30 TEX. ADMIN. CODE § 334.72(2)].</li> <li>Failed to investigate a suspected release [30 TEX. ADMIN. CODE § 334.74].</li> <li>Failed to provide proper release detection for UST systems [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</li> <li>Failed to provide proper release detection for the product piping associated with the diesel underground storage tank [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].</li> <li>Failed to reconcile inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1)].</li> <li>Failed to conduct inventory volume measurements for regulated substance input, withdrawals, and amount still remaining in each tank each operating day [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1)].</li> </ol>	<p><b>Total Assessed:</b> \$34,650</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Due to General Revenue:</b>                      \$34,650</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b>                      September 2002</p>	<p><b>Corrective Action(s) Taken:</b></p> <p>The Executive Director recognizes that the Respondent implemented the following corrective measures at the Station:</p> <ol style="list-style-type: none"> <li>Obtained a valid delivery certificate on April 29, 2004.</li> <li>Successfully tested the diesel tank line on May 25, 2004.</li> <li>Successfully conducted annual/triennial Stage II tests on May 19, 2004.</li> <li>Replaced the Stage I dry break on May 19, 2004 during the Stage II testing.</li> <li>Delivered employee Stage II training and daily and monthly inspection records to the TCEQ for review on June 8, 2004.</li> <li>Installed overfill protection ball floats on the regular unleaded and super unleaded tanks on June 3, 2004.</li> <li>Successfully tested the diesel tank integrity on August 30, 2004.</li> <li>Installed the overfill protection ball float for the diesel tank, on November 12, 2004.</li> <li>Obtained the required financial responsibility for the USTs with a properly worded insurance policy effective on February 5, 2003.</li> </ol> <p><b>Ordering Provisions:</b></p> <p>The Executive Director recognizes that the Respondent is no longer the owner or operator of the station as of February 14, 2007.</p>

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>7. Failed to ensure a valid delivery certificate was posted at the Station and was visible at all times [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(iii)].</p> <p>8. Failed to maintain on site a record of the Stage II monthly inspections [30 TEX. ADMIN. CODE §§ 115.244(3) and 115.246(7) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>9. Failed to maintain a copy of the applicable CARB Executive Order [30 TEX. ADMIN. CODE § 115.246(1) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>10. Failed to maintain documentation of attendance and completion of Stage II training of Station employees [30 TEX. ADMIN. CODE § 115.246(4) and (7) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>11. Failed to maintain a record of the Stage II daily inspections [30 TEX. ADMIN. CODE § 115.246(6) and (7) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>12. Failed to conduct an annual Stage II test within the previous 12 months [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH CODE § 382.085(b)].</p> <p>13. Failed to conduct a triennial Stage II test within the previous 36 months [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>14. Failed to repair or replace damage or inoperative Stage I dry break [30 TEX. ADMIN. CODE § 115.242(3)(J) and TEX. HEALTH AND SAFETY CODE § 382.085(b)].</p> <p>15. Failed to install overfill prevention equipment [30 TEX. ADMIN. CODE § 334.51(b)(2)(C) and TEX. WATER CODE § 26.3475(c)(2)].</p> <p>16. Failed to ensure that the UST registration and self-certification form was fully and accurately completed, and was submitted to the agency in a timely manner [30 TEX. ADMIN. CODE § 334.8(c)(4)(B)].</p> <p>17. Failed to make available to a common carrier a valid, current (TCEQ) delivery certificate before delivery of a regulated substance into the USTs was accepted [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].</p> <p>18. Failed to provide a properly worded insurance policy for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases from the operation of petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p>		



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

**DATES**

<b>PCW</b>	04-Jan-2005	<b>Screening</b>	16-Aug-2004	<b>Priority Due</b>	14-Nov-2004	<b>EPA Due</b>	
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**RESPONDENT/FACILITY INFORMATION**

<b>Respondent</b>	SSMA Corporation, Inc. dba Stop N Drive 30		
<b>Reg. Ent. Ref. No.</b>	RN101818201		
<b>Additional ID No(s)</b>	Petroleum Storage Tank Facility ID No. 43543		
<b>Facility/Site Region</b>	10-Beaumont	<b>Major/Minor Source</b>	Minor Source

**CASE INFORMATION**

<b>Enf./Case ID No.</b>	18629	<b>No. of Violations</b>	10
<b>Docket No.</b>	2004-1281-PST-E	<b>Order Type</b>	1660 without deferral
<b>Case Priority</b>	3	<b>Enf. Coordinator</b>	John Barry
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>EC's Team</b>	Enforcement Team 4
<b>Multi-Media</b>			
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** *Subtotal 1* **\$31,500**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** 10% Enhancement *Subtotals 2, 3, & 7* **\$3,150**

Notes: The respondent is an average performer with two same or similar NOV's.

**Culpability** No 0% Enhancement *Subtotal 4* **\$0**

Notes: Does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction *Subtotal 5* **\$0**

Before NOV      NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes: The respondent has not yet complied.

**Economic Benefit** 0% Enhancement\* *Subtotal 6* **\$0**

Total EB Amounts	\$450	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$4,270	

**SUM OF SUBTOTALS 1-7** *Final Subtotal* **\$34,650**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

**Final Penalty Amount** **\$34,650**

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty* **\$34,650**

**DEFERRAL** 0% Reduction Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended due to a same or similar April 11, 2001, NOV.

**PAYABLE PENALTY** **\$34,650**

<b>Screening Date</b>	16-Aug-2004	<b>Docket No.</b>	2004-1281-PST-E	<b>PCW</b>
<b>Respondent</b>	SSMA Corporation, Inc. dba Stop N Drive 30		Policy Revision 2 (September 2002)	
<b>Case ID No.</b>	18629	PCW Revision May 17, 2004		
<b>Reg. Ent. Reference No.</b>	RN101818201			
<b>Additional ID No(s).</b>	Petroleum Storage Tank Facility ID No. 43543			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	John Barry			
<b>Site Address</b>	716 Magnolia Avenue, Port Neches, Jefferson County			

**Compliance History Worksheet**

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	2	10%
	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 judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</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**

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

Screening Date 16-Aug-2004 Corporation\2004-1281-pst-e-ccc-SSMARRR.gpw Docket No. 2004-1281-PST-E

PCW

Respondent SSMA Corporation, Inc. dba Stop N Drive 30

Policy Revision 2 (September 2002)

Case ID No. 18629

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101818201

Additional ID No(s) Petroleum Storage Tank Facility ID No. 43543

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Barry

Violation Number

1

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 334.72(2) and 334.74

Secondary Rule Cite(s)

Violation Description

Failure (1) to report to the Agency within 24 hours unusual operating conditions observed such as unexplained presence of water and (2) to investigate a suspected release. The owner became aware of the water in the diesel underground storage tank (UST) in September 2003 and bagged out all diesel pumps, but failed to report the suspected release to the Agency within 24 hrs and did not conduct a proper investigation to confirm system integrity by testing the tank, product piping, or dispensing equipment.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

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 -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	X
	annual	
	single event	

Violation Base Penalty \$5,000

Two semiannual events are recommended to make the penalty commensurate with the situation for the period from the September 2003 discovery of the suspected leak to the August 16, 2004, screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$170

Violation Final Penalty Total \$5,500

This violation Final Assessed Penalty (adjusted for limits) \$5,500

**Economic Benefit Worksheet**

Respondent: SSMA Corporation, Inc. dba Stop N Drive 30  
 Case ID No. 18629  
 Reg. Ent. Reference No. RN101818201  
 Additional ID No(s): Petroleum Storage Tank Facility ID No. 43543  
 Media [Statute]: 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	Overtime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	01-Sep-2003	30-Aug-2004	1.0	\$3	\$66	\$70
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost of testing the diesel tank; the date required is the date of suspected release; the final date is the successful testing date.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	01-Sep-2003	02-Sep-2003	0.0	\$0	\$100	\$100
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: Avoided cost of notifying the TCEQ of suspected release; the date required is day release suspected; the final date is the day after the date release suspected, i.e., the deadline for reporting to the TCEQ.

Approx. Cost of Compliance **\$1,100**

**TOTAL** **\$170**

**Screening Date**

16-Aug-2004

**Docket No.** 2004-1281-PST-E

**PCW**

**Respondent**

SSMA Corporation, Inc. dba Stop N Drive 30

Policy Revision 2 (September 2002)

**Case ID No.**

18629

PCW Revision May 17, 2004

**Reg. Ent. Reference No.**

RN101818201

**Additional ID No(s)**

Petroleum Storage Tank Facility ID No. 43543

**Media [Statute]**

Petroleum Storage Tank

**Enf. Coordinator**

John Barry

**Violation Number**

2

**Primary Rule Cite(s)**

30 Tex. Admin. Code §§ 334.50(b)(1)(A), 334.50(b)(2), and 334.50(d)(1)(B)(ii) and (iii)(I)

**Secondary Rule Cite(s)**

Tex. Water Code § 26.3475(a) and (c)(1)

**Violation Description**

Failure to provide proper release detection for USTs: (1) the required components of release detection for automatic tank gauge (inventory control and reconciliation) were not being conducted; (2) failure to conduct inventory volume measurements for regulated substance inputs, withdrawals, and amount still remaining in the USTs each operating day and (3) failure to reconcile inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons. Also failure to provide proper release detection for the product piping associated with the diesel UST. On 02/24/2004 a piping tightness test could not be done on the diesel tank line. The tester was unable to remove the leak detector and isolate the diesel product line due to high water table.

**Base Penalty**

\$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				
	Potential	X			Percent <input type="text" value="25%"/>

>> **Programmatic Matrix**

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

-\$7,500

**Base Penalty Subtotal**

\$2,500

**Violation Events**

**Number of Violation Events**

2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	X
	annual	
	single event	

**Violation Base Penalty**

\$5,000

Two semiannual events are recommended to make the penalty commensurate with the situation for the period from the May 7, 2004, investigation date to the December 6, 2004, agreed order deadline.

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

**Statutory Limit Test**

**Estimated EB Amount**

\$57

**Violation Final Penalty Total**

\$5,500

**This violation Final Assessed Penalty (adjusted for limits)**

\$5,500

**Economic Benefit Worksheet**

Respondent: SSMA Corporation, Inc. dba Stop N Drive 30  
 Case ID No: 18629  
 Reg. Ent. Reference No: RN101818201  
 Additional ID No(s): Petroleum Storage Tank Facility ID No. 43543  
 Media [Statute]: 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	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Daily/Monthly Inve	\$700	07-May-2004	01-Jun-2005	1.1	\$2	\$50	\$52
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Diesel Piping Test	\$400	24-Feb-2004	25-May-2004	0.2	\$5	n/a	\$5

Notes for DELAYED costs: Estimated costs of daily tank inventory and monthly reconciliation; date required is investigation date; final date is estimated date of compliance. Also estimated costs of successfully testing diesel tank pipe tightness; the date required is the date of previous unsuccessful test; the final date is the date of the successful test.

<b>Avoided Costs</b>		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$1,100**

**TOTAL \$57**

Screening Date 16-Aug-2004 Docket No. 2004-1281-PST-E

PCW

Respondent SSMA Corporation, Inc. dba Stop N Drive 30

Policy Revision 2 (September 2002)

Case ID No. 18629

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101818201

Additional ID No(s) Petroleum Storage Tank Facility ID No. 43543

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Barry

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(5)(A)(iii)

Secondary Rule Cite(s)

Violation Description Failure to ensure valid delivery certificate is posted at facility and is visible at all times. There was no valid delivery certificate posted at the Facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			Percent
		Major	Moderate	Minor	
OR	Release				
	Potential				

>> Programmatic Matrix

		Major	Moderate	Minor	Percent
	Falsification	X			

Matrix Notes 100% of the rule was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended as documented during the May 7, 2004, investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

**Economic Benefit Worksheet**

Respondent: SSMA Corporation, Inc. dba Stop N Drive 30  
 Case ID No: 18629  
 Reg. Ent. Reference No: RN101818201  
 Additional ID No(s): Petroleum Storage Tank Facility ID No. 43543  
 Media [Statute]: 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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10	07-May-2004	06-Dec-2004	0.6	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs of posting delivery certificate; the date required is investigation date; the final date is the date that compliance was documented.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance

**TOTAL**

Screening Date 16-Aug-2004 Docket No. 2004-1281-PST-E

PCW

Respondent SSMA Corporation, Inc. dba Stop N Drive 30

Policy Revision 2 (September 2002)

Case ID No. 18629

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101818201

Additional ID No(s). Petroleum Storage Tank Facility ID No. 43543

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Barry

Violation Number 4

Primary Rule Cite(s)

30 Tex. Admin. Code §§ 115.244(3) and 115.246(1), (4), (6), and (7)

Secondary Rule Cite(s)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failure (1) to maintain a record of the Stage II daily inspections, (2) maintain documentation of attendance and completion of Stage II training of facility employees, (3) maintain a copy of the applicable California Air Resources Board (CARB) Executive Order and (4) maintain a record of the Stage II monthly inspections on site.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			Percent
		Major	Moderate	Minor	
OR	Release				
	Actual				
	Potential				

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	Percent
			x			

Matrix Notes 100% of the rule was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$1,000

One single event is recommended as documented during the May 7, 2004, investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

Corporation\2004-1281-pst-ccc-SSMARRR.ppt  
**Economic Benefit Worksheet**

**Respondent:** SSMA Corporation, Inc. dba Stop N Drive 30  
**Case ID No.:** 18629  
**Reg. Ent. Reference No.:** RN101818201  
**Additional ID No(s):** Petroleum Storage Tank Facility ID No. 43543  
**Media [Statute]:** Petroleum Storage Tank  
**Violation No.:** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$300	07-May-2004	08-Jun-2004	0.1	\$0	\$2	\$2
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$10	07-May-2004	01-Feb-2005	0.7	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs of record maintenance; the date required is the investigation date; the final date is the date of compliance or estimated compliance date for CARB download.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Approx. Cost of Compliance: **\$310**      **TOTAL**: **\$2**

Corporation\2004-1281-pst-fe-opp-SSMARRR.gpw  
**Screening Date** 16-Aug-2004 **Docket No.** 2004-1281-PST-E **PCW**  
**Respondent** SSMA Corporation, Inc. dba Stop N Drive 30 *Policy Revision 2 (September 2002)*  
**Case ID No.** 18629 *PCW Revision May 17, 2004*  
**Reg. Ent. Reference No.** RN101818201  
**Additional ID No(s).** Petroleum Storage Tank Facility ID No. 43543  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** John Barry  
**Violation Number** 5  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 115.245(2)  
**Secondary Rule Cite(s)** Tex. Health & Safety Code § 382.085(b)  
**Violation Description** Failure to (1) conduct an annual Stage II test within the previous 12 months and (2) conduct a triennial Stage II test within the previous 36 months. The last successful annual and triennial Stage II tests were conducted on 05/08/2001.  
**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

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** -\$7,500  
**Base Penalty Subtotal** \$2,500

**Violation Events**

Number of Violation Events: 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty: \$5,000

Two single events, one for the successful annual test and one for the successful triennial test not done during the past 12 months, as documented during the May 7, 2004, investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: \$1	Violation Final Penalty Total: \$5,500
This violation Final Assessed Penalty (adjusted for limits): \$5,500	

**Economic Benefit Worksheet**

Respondent: SSMA Corporation, Inc. dba Stop N Drive 30  
 Case ID No.: 18629  
 Reg. Ent. Reference No.: RN101818201  
 Additional ID No(s): Petroleum Storage Tank Facility ID No. 43543  
 Media [Statute]: Petroleum Storage Tank  
 Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$600	07-May-2004	19-May-2004	0.0	\$0	\$1	\$1
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated costs of Stage II annual/triennial system testing; date required is investigation date; final date is date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

**TOTAL**

Screening Date: 16-Aug-2004  
 Respondent: SSMA Corporation, Inc. dba Stop N Drive 30  
 Case ID No.: 18629  
 Reg. Ent. Reference No.: RN101818201  
 Additional ID No(s): Petroleum Storage Tank Facility ID No. 43543  
 Media [Statute]: Petroleum Storage Tank  
 Enf. Coordinator: John Barry  
 Violation Number:   
 Primary Rule Cite(s): 30 Tex. Admin. Code § 115.242(3)(J)  
 Secondary Rule Cite(s): Tex. Health & Safety Code § 382.085(b)  
 Violation Description: Failure to repair/replace damaged or inoperative Stage I dry break. The dry break was damaged and not holding pressure.  
 Base Penalty:

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

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

Adjustment:   
 Base Penalty Subtotal:

Violation Events

Number of Violation Events:   
 mark only one use a small x  

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

 Violation Base Penalty:

One quarterly event is recommended for the period from the May 7, 2004, investigation to the May 19, 2004, repair of the dry break.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: <input type="text" value="\$0"/>	Violation Final Penalty Total: <input type="text" value="\$1,100"/>
This violation Final Assessed Penalty (adjusted for limits): <input type="text" value="\$1,100"/>	

**Economic Benefit Worksheet**

**Respondent** SSMA Corporation, Inc. dba Stop N Drive 30  
**Case ID No.** 18629  
**Reg. Ent. Reference No.** RN101818201  
**Additional ID No(s).** Petroleum Storage Tank Facility ID No. 43543  
**Media [Statute]** Petroleum Storage Tank  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$150	07-May-2004	19-May-2004	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost of dry break repair; date required is investigation date; final date is date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$150**

**TOTAL** **\$0**

Screening Date 16-Aug-2004 Docket No. 2004-1281-PST-E

PCW

Respondent SSMA Corporation, Inc. dba Stop N Drive 30

Policy Revision 2 (September 2002)

Case ID No. 18629

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101818201

Additional ID No(s). Petroleum Storage Tank Facility ID No. 43543

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Barry

Violation Number 7

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.51(b)(2)(C)

Secondary Rule Cite(s) Tex. Water Code § 26.3475(c)(2)

Violation Description Failure to install overfill prevention equipment. None of the three UST compartments at the Facility had installed overfill prevention equipment.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	X			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent

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 -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,500

One single event is recommended as documented during the May 7, 2004, investigation.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$2,750

This violation Final Assessed Penalty (adjusted for limits) \$2,750

**Economic Benefit Worksheet**

**Respondent** SSMA Corporation, Inc. dba Stop N Drive 30  
**Case ID No.** 18629  
**Reg. Ent. Reference No.** RN101818201  
**Additional ID No(s).** Petroleum Storage Tank Facility ID No. 43543  
**Media [Statute]** Petroleum Storage Tank  
**Violation No.** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

<b>Item Description</b>	<b>Item Cost</b>	<b>Date Required</b>	<b>Final Date</b>	<b>Yrs</b>	<b>Interest Saved</b>	<b>Onetime Costs</b>	<b>EB Amount</b>
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<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	07-May-2004	03-Jun-2004	0.1	\$0	\$2	\$3
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	07-May-2004	19-Aug-2004	0.3	\$4	n/a	\$4

Notes for DELAYED costs: Estimated costs of installing overfill prevention equipment; the date required is investigation date; the final dates are the dates of compliance for two fill pipes and the date of compliance for the diesel fill pipe.

<b>Avoided Costs</b>	<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$750** **TOTAL** **\$6**

Screening Date 16-Aug-2004 Docket No. 2004-1281-PST-E

PCW

Respondent SSMA Corporation, Inc. dba Stop N Drive 30

Policy Revision 2 (September 2002)

Case ID No. 18629

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101818201

Additional ID No(s). Petroleum Storage Tank Facility ID No. 43543

Media [Statute] Petroleum Storage Tank

Enf. Coordinator John Barry

Violation Number 8

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.8(c)(4)(B)

Secondary Rule Cite(s)

Violation Description Failure to ensure that the UST registration and self-certification form is fully and accurately completed, and that is submitted to the agency in a timely manner. The prior registration/self-certification form processed for the Facility was issued on August 10, 2002 to expire September 30, 2003. The Facility did not re-certify until April 29, 2004, about seven months late.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
Actual					Percent
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		X			Percent 10%

Matrix Notes 100% of the rule was not met by failure to re-certify by the expiration date.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$1,000

One single event is recommended as documented during the May 7, 2004, investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$1,100

This violation Final Assessed Penalty (adjusted for limits) \$1,100

**Economic Benefit Worksheet**

Respondent: SSMA Corporation, Inc. dba Stop N Drive 30  
 Case ID No.: 18629  
 Reg. Ent. Reference No.: RN101818201  
 Additional ID No(s): Petroleum Storage Tank Facility ID No. 43543  
 Media [Statute]: Petroleum Storage Tank  
 Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$50	30-Sep-2003	29-Apr-2004	0.6	\$0	\$2	\$2
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost of submitting self-certification; the date required was the 9/30/03 deadline; the final date is the date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$50**

**TOTAL** **\$2**

<b>Screening Date</b>	16-Aug-2004	<b>Docket No.</b>	2004-1281-PST-E	<b>PCW</b>		
<b>Respondent</b>	SSMA Corporation, Inc. dba Stop N Drive 30		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b>	18629		<i>PCW Revision May 17, 2004</i>			
<b>Reg. Ent. Reference No.</b>	RN101818201					
<b>Additional ID No(s).</b>	Petroleum Storage Tank Facility ID No. 43543					
<b>Media [Statute]</b>	Petroleum Storage Tank					
<b>Enf. Coordinator</b>	John Barry					
<b>Violation Number</b>	9					
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 334.8(c)(5)(A)(i)					
<b>Secondary Rule Cite(s)</b>	Tex. Water Code § 26.3467(a)					
<b>Violation Description</b>	Failure to make available to a common carrier a valid, current (TCEQ) delivery certificate before delivery of a regulated substance into the UST's can be accepted. The facility received 16 fuel deliveries for the period from October 1, 2003, to April 29, 2004, during which it had no valid delivery certificate. See the attached table.					
			<b>Base Penalty</b>	\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	<b>Release</b>		<b>Harm</b>		Percent	
		Major	Moderate	Minor		5%
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
<b>&gt;&gt; Programmatic Matrix</b>						
	Falsification	Major	Moderate	Minor	Percent	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text"/>	
<b>Matrix Notes</b>	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.					
			<b>Adjustment</b>	-\$9,500		
			<b>Base Penalty Subtotal</b>	\$500		
<b>Violation Events</b>						
<b>Number of Violation Events</b>		16				
<i>mark only one use a small x</i>	daily	<input type="checkbox"/>				
	monthly	<input type="checkbox"/>				
	quarterly	<input type="checkbox"/>				
	semiannual	<input type="checkbox"/>				
	annual	<input type="checkbox"/>				
single event	<input checked="" type="checkbox"/>					
		<b>Violation Base Penalty</b>	\$8,000			
Sixteen single events, one for each delivery, are recommended as documented during the May 7, 2004, investigation.						
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		\$0	<b>Violation Final Penalty Total</b>			
			\$8,800			
			<b>This violation Final Assessed Penalty (adjusted for limits)</b>			
			\$8,800			

**Economic Benefit Worksheet**

Respondent: SSMA Corporation, Inc. dba Stop N Drive 30  
 Case ID No. 18629  
 Reg. Ent. Reference No. RN101818201  
 Additional ID No(s). Petroleum Storage Tank Facility ID No. 43543  
 Media [Statute] Petroleum Storage Tank  
 Violation No. 9

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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

See Violation No. 9.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

**TOTAL**

Screening Date 16-Aug-2004  
 Respondent SSMA Corporation, Inc. dba Stop N Drive 30  
 Case ID No. 18629  
 Reg. Ent. Reference No. RN101818201  
 Additional ID No(s). Petroleum Storage Tank Facility ID No. 43543  
 Media [Statute] Petroleum Storage Tank  
 Enf. Coordinator John Barry  
 Violation Number 10  
 Primary Rule Cite(s) 30 Tex. Admin. Code § 37.815(a) and (b)  
 Secondary Rule Cite(s)  
 Violation Description Failure to provide a properly worded insurance policy for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs. A current financial assurance policy existed for the UST system on November 7, 2002; however, the policy did not contain the required wording in reference to Chapter 37 of the Texas Administrative Code.  
 Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes: 100% of the rule is not met by the policy which did not contain the correct wording.

Adjustment -\$9,000  
 Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 2

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$2,000

Two single events are recommended, one for each tank, as documented during the August 6, 2004, investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$210	Violation Final Penalty Total \$2,200
This violation Final Assessed Penalty (adjusted for limits) \$2,200	

**Economic Benefit Worksheet**

Respondent: SSMA Corporation, Inc. dba Stop N Drive 30  
 Case ID No: 18629  
 Reg. Ent. Reference No: RN101818201  
 Additional ID No(s): Petroleum Storage Tank Facility ID No. 43543  
 Media [Statute]: Petroleum Storage Tank  
 Violation No: 10

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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs							

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]	\$200	07-Nov-2002	05-Feb-2003	1.0	\$10	\$200	\$210
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Estimated avoided costs of correcting policy wording; required date is the date of letter requesting demonstration of compliance; the final date is date that correct wording was implemented under a new policy.							

Approx. Cost of Compliance

**TOTAL**

## Compliance History

Customer/Respondent/Owner-Operator: CN600987796 SSMA Corporation, Inc. Classification: Average Rating: 1.0  
Regulated Entity: RN101818201 STOP N DRIVE 30 Classification: Average Site Rating: 1.0  
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 43543  
REGISTRATION  
Location: 716 MAGNOLIA AVE, PORT NECHES, TX, 77651 Rating Date: 9/1/03 Repeat Violator: NO  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: August 16, 2004  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: August 02, 1999 to August 02, 2004  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: John Barry Phone: (409) 899-8781

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

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

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 07/26/2000 (52190)
- 2 02/23/2001
- 3 11/10/1999 (52192)
- 4 11/10/1999 (52194)
- 5 02/25/2003 (276070)

N/A

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

Date: 04/11/2001

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter I 115.246(5)]

Description: Failure to maintain a record of testing results.

Date: 02/25/2003 (276070)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)[G]  
30 TAC Chapter 37, SubChapter I 37.815(b)[G]

Description: Failure to provide acceptable financial assurance

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
AGAINST  
SSMA CORPORATION, INC. DBA  
STOP N DRIVE 30;  
RN101818201**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER DOCKET NO. 2004-1281-PST-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Second Amended Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26; TEX. HEALTH & SAFETY CODE ch. 382; and the rules of the TCEQ, which requests appropriate relief including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is SSMA Corporation, Inc. dba Stop N Drive 30 ("SSMA").

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

### **FINDINGS OF FACT**

1. At the time of the violations SSMA owned and operated a convenience store with retail sales of gasoline located at 716 Magnolia Avenue, Port Neches, Jefferson County, Texas (the "Station").
2. SSMA's two underground storage tanks ("USTs") were not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. SSMA's USTs contained a regulated substance as defined in the rules of the Commission.
3. During an investigation conducted on May 7, 2004, a TCEQ Beaumont Regional investigator documented that SSMA:
  - a. Failed to report to the TCEQ within 24 hours unusual operating conditions observed such as unexplained presence of water. The investigator discovered that SSMA became aware of the water in the diesel UST in September 2003 and bagged out all diesel pumps, but failed to report the suspected release to the TCEQ within 24 hours of becoming aware of the presence of water.

- b. Failed to investigate a suspected release. SSMA did not conduct a proper investigation to confirm tank integrity by testing the tank, product piping, or dispensing equipment.
- c. Failed to provide proper release detection for UST systems. The required components of release detection for automatic tank gauge (inventory control and reconciliation) were not being conducted.
- d. Failed to provide proper release detection for the product piping associated with the diesel underground storage tank. On February 24, 2004 a piping tightness test could not be done on the diesel tank line. The tester was unable to remove the leak detector and isolate the diesel product line due to a high water table.
- e. Failed to reconcile inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow through for the month plus 130 gallons. At the time of the investigation, monthly inventory reconciliation was not being performed at the Station.
- f. Failed to conduct inventory volume measurements for regulated substance inputs, withdrawals, and amount still remaining in the tank each operating day. Inventory control was not conducted on a daily basis at the Station.
- g. Failed to ensure a valid delivery certificate was posted at Station and was visible at all times. There was no valid delivery certificate posted at the Station.
- h. Failed to maintain on site, a record of the Stage II monthly inspections.
- i. Failed to maintain a copy of the applicable California Air Resource Board (CARB) Executive Order.
- j. Failed to maintain documentation of attendance and completion of Stage II training of Station employees.
- k. Failed to maintain a record of the Stage II daily inspections.
- l. Failed to conduct an annual Stage II test within the previous 12 months. The last successful annual Stage II test conducted at the Station was on May 8, 2001.

- m. Failed to conduct a triennial Stage II test within the previous 36 months. The last successful triennial Stage II test was conducted on May 8, 2001.
  - n. Failed to repair or replace damaged or inoperative Stage I dry break. The dry break was damaged and not holding pressure.
  - o. Failed to install overfill prevention equipment. None of the USTs at the Station were equipped with overfill prevention equipment.
  - p. Failed to ensure that the UST registration and self-certification form is fully and accurately completed, and that it is submitted to the agency in a timely manner. The Station's prior registration/self-certification form expired on September 30, 2003, and was not re-certified until April 29, 2004.
  - q. Failed to make available to a common carrier a valid, current (TCEQ) delivery certificate before delivery of a regulated substance into the USTs could be accepted. The Station did not re-certify until April 29, 2004, and received 16 fuel deliveries from October 1, 2003, to April 29, 2004.
4. During a record review conducted on November 7, 2002 and an inspection conducted on August 6, 2004, a TCEQ Beaumont Regional Office investigator documented that SSMA failed to provide a properly worded insurance policy for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs. A current financial assurance policy existed for the UST system on November 7, 2002, however, the policy did not contain the required wording in reference to Chapter 37 of the Texas Administrative Code.
5. SSMA received notice of the violations on or about November 24, 2002 and August 31, 2004.
6. The Executive Director recognizes that SSMA is no longer the owner or operator of the Station as of February 14, 2007.
7. The Executive Director recognizes that SSMA implemented the following corrective measures at the Station:
- a. Obtained a valid delivery certificate on April 29, 2004;
  - b. Successfully tested the diesel tank line on May 25, 2004;
  - c. Successfully conducted annual/triennial Stage II tests on May 19, 2004;

- d. Replaced the Stage I dry break on May 19, 2004, during the Stage II testing;
  - e. Delivered employee Stage II training and daily and monthly inspection records to the TCEQ for review on June 8, 2004;
  - f. Installed overfill protection ball floats on the regular unleaded and super unleaded tanks on June 3, 2004;
  - g. Successfully tested the diesel tank integrity, as documented by the TCEQ on August 30, 2004;
  - h. Installed the overfill protection ball float for the diesel tank, as documented by the TCEQ on November 12, 2004; and
  - i. Obtained the required financial responsibility for the USTs with a properly worded insurance policy effective on February 5, 2003.
8. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of SSMA Corporation, Inc. dba Stop N Drive 30" (the "EDPRP") in the TCEQ Chief Clerk's office on March 28, 2005.
  9. By letter dated March 28, 2005, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served SSMA with notice of the EDPRP. According to the return receipt "green card," SSMA received notice of the EDPRP on March 30, 2005, as evidenced by the signature on the card.
  10. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of SSMA Corporation, Inc. dba Stop N Drive 30" (the "EDFARP") in the TCEQ Chief Clerk's office on August 18, 2005.
  11. By letter dated August 18, 2005, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served SSMA with notice of the EDFARP. According to the return receipt "green card," SSMA received notice of the EDFARP as evidenced by the signature on the card with no date of delivery. However, the green card was received by the Litigation Division on August 24, 2005.

12. The Executive Director filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of SSMA Corporation, Inc. dba Stop N Drive 30" (the "EDSARP") in the TCEQ Chief Clerk's office on December 6, 2006.
13. By letter dated December 6, 2006, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served SSMA with notice of the EDSARP. According to the return receipt "green cards," SSMA received notice of the EDSARP on December 9, 2006, as evidenced by the signature on the card.
14. More than 20 days have elapsed since SSMA received notice of the EDPRP, EDFARP and EDSARP provided by the Executive Director. SSMA failed to file an Answer to either the EDPRP, EDFARP or the EDSARP, failed to request a hearing, and failed to schedule a settlement conference.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, SSMA is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26; TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., SSMA failed to report to the TCEQ within 24 hours unusual operating conditions observed such as unexplained presence of water in the diesel tank, in violation of 30 TEX. ADMIN. CODE § 334.72(2).
3. As evidenced by Finding of Fact No. 3.b., SSMA failed to investigate a suspected release in violation of 30 TEX. ADMIN. CODE § 334.74.
4. As evidenced by Finding of Fact No. 3.c., SSMA failed to provide proper release detection for UST systems, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1).
5. As evidenced by Finding of Fact No. 3.d., SSMA failed to provide proper release detection for the product piping associated with the diesel underground storage tank, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a).
6. As evidenced by Finding of Fact No. 3.e., SSMA failed to reconcile inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow through for the month plus 130

gallons, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1).

7. As evidenced by Finding of Fact No. 3.f., SSMA failed to conduct inventory volume measurements for regulated substance inputs, withdrawals, and amount still remaining in the tank each operating day, violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1).
8. As evidenced by Finding of Fact No. 3.g., SSMA failed to ensure a valid delivery certificate was posted at Station and was visible at all times, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(iii).
9. As evidenced by Finding of Fact No. 3.h., SSMA failed to maintain on site, a record of the Stage II monthly inspections, in violation of 30 TEX. ADMIN. CODE §§ 115.244(3) and 115.246(7) and TEX. HEALTH & SAFETY CODE § 382.085(b).
10. As evidenced by Finding of Fact No. 3.i., SSMA failed to maintain a copy of the applicable California Air Resource Board (CARB) Executive Order, in violation of 30 TEX. ADMIN. CODE § 115.246(1) and TEX. HEALTH & SAFETY CODE § 382.085(b).
11. As evidenced by Finding of Fact No. 3.j., SSMA failed to maintain documentation of attendance and completion of Stage II training of Station employees, in violation of 30 TEX. ADMIN. CODE § 115.246(4) and (7) and TEX. HEALTH & SAFETY CODE § 382.085(b).
12. As evidenced by Finding of Fact No. 3.k., SSMA failed to maintain a record of the Stage II daily inspections, in violation of 30 TEX. ADMIN. CODE § 115.246(6) and (7) and TEX. HEALTH & SAFETY CODE § 382.085(b).
13. As evidenced by Finding of Fact No. 3.l., SSMA failed to conduct an annual Stage II test within the previous 12 months, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).
14. As evidenced by Finding of Fact No. 3.m., SSMA failed to conduct a triennial Stage II test within the previous 36 months, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).
15. As evidenced by Finding of Fact No. 3.n., SSMA failed to repair or replace damaged or inoperative Stage I dry break, in violation of 30 TEX. ADMIN. CODE § 115.242(3)(J) and TEX. HEALTH & SAFETY CODE § 382.085(b).

16. As evidenced by Finding of Fact No. 3.o., SSMA failed to install overfill prevention equipment, in violation of 30 TEX. ADMIN. CODE § 334.51(b)(2)(C) and TEX. WATER CODE § 26.3475(c)(2).
17. As evidenced by Finding of Fact No. 3.p., SSMA failed to ensure that the UST registration and self-certification form was fully and accurately completed, and that it was submitted to the TCEQ in a timely manner, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(4)(B).
18. As evidenced by Finding of Fact No. 3.q., SSMA failed to make available to a common carrier a valid, current (TCEQ) delivery certificate before delivery of a regulated substance into the USTs could be accepted, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a).
19. As evidenced by Finding of Fact No. 4, SSMA failed to provide a properly worded insurance policy for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b).
20. As evidenced by Finding of Fact Nos. 8 through 13, the Executive Director timely served SSMA with proper notice of the EDPRP, EDFARP and the EDSARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
21. As evidenced by Finding of Fact No. 14, SSMA failed to file a timely answer to either the EDPRP, EDFARP or EDSARP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against SSMA and assess the penalty recommended by the Executive Director.
22. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against SSMA for violations of the Texas Water Code and Texas Health & Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
23. An administrative penalty in the amount of thirty-four thousand six hundred fifty dollars (\$34,650.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
24. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

## ORDERING PROVISIONS

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

1. SSMA is assessed an administrative penalty in the amount of thirty-four thousand six hundred fifty dollars (\$34,650.00) for violations of TEX. WATER CODE ch. 26; TEX. HEALTH & SAFETY CODE ch. 382 and rules of the TCEQ. The payment of this administrative penalty and SSMA's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: SSMA Corporation, Inc. dba Stop N Drive 30; Docket No. 2004-1281-PST-E." to:

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

2. All relief not expressly granted in this Order is denied.
3. The provisions of this Order shall apply to and be binding upon SSMA.
4. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to SSMA if the Executive Director determines that SSMA has not complied with one or more of the terms or conditions in this Order.
5. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
6. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SSMA Corporation, Inc. dba Stop N Drive 30  
Docket No. 2004-1281-PST-E  
Page 9

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF KATHLEEN C. DECKER**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Kathleen C. Decker. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of SSMA Corporation, Inc. dba Stop N Drive 30’ (the ‘EDPRP’) was filed with the Office of the Chief Clerk on March 28, 2005.

The EDPRP was sent to SSMA at its last known address on March 28, 2005, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt ‘green card,’ SSMA received notice of the EDPRP on March 30, 2005, as evidenced by the signature on the card.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of SSMA Corporation, Inc. dba Stop N Drive 30’ (the ‘EDFARP’) was filed with the Office of the Chief Clerk on August 18, 2005.

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On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the ‘Executive Director’s Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of SSMA Corporation, Inc. dba Stop N Drive 30’ (the ‘EDSARP’) with the Office of the Chief Clerk on December 6, 2006.

I sent the EDSARP to SSMA at its last known address on December 6, 2006, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt ‘green cards,’ SSMA received notice of the EDSARP on December 9, 2006 as evidenced by the signature on the card.

More than 20 days have elapsed since SSMA received notice of the EDPRP, EDFARP and the EDSARP. SSMA failed to file an answer to either the EDPRP, EDFARP or EDSARP, failed to request a hearing, and failed to schedule a settlement conference.”



Kathleen C. Decker  
Attorney  
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 2nd day of July, 2007.



Notary Stamp



Oct 6, 2009

My Commission expires: