

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1045-PST-E **TCEQ ID:** RN101544765 **CASE NO.:** 30528
RESPONDENT NAME: Echo Bluff, Co. dba C S Fastrac Food Mart

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: C S Fastrac Food Mart, 6665 Randol Mill Road, Fort Worth, Tarrant County

TYPE OF OPERATION: Convenience store with retail sales of gasoline

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 29, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Shontay Wilcher, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-2136; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, MC 219, (512) 239-1896

Local Program Investigator: Mr. Charles Jackson, Environmental Program Investigator, Fort Worth Department of Environmental Management, 5000 Martin Luther King Freeway, Fort Worth, Texas 76119-4166

Respondent: Mr. Kyeoung Y. Chung, Owner, Echo Bluff, Co. dba C S Fastrac Food Mart, 2880 LBJ Freeway, Suite 147, Dallas, Texas 75234

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 16, 2006</p> <p>Date of NOE Relating to this Case: July 7, 2006 (NOE)</p> <p>Background Facts: This was a routine scheduled investigation for compliance with the petroleum storage tank program. Two significant program violations were observed.</p> <p>WASTE</p> <p>1) Failure to maintain the Stage II vapor recovery system in proper operating condition as specified by the manufacturer and/or any applicable California Air Resource Board (CARB) Executive Order(s), and free of defects that would impair the effectiveness of the system. Specifically, Echo Bluff did not install devices to prevent loosening and over tightening of the product and Stage I adapters. Also, the efficiency compliance devices (ECD's) and/or vapor guards were missing on Dispenser Nos. 11 and 20. The ECDs on Dispensers No. 9 and 13 were damaged. In addition, Dispensers Nos. 7 and 18 were not equipped with approved nozzles for the system and the dust cap on the super unleaded fuel drop tube was not sealing properly [30 TEX. ADMIN. CODE §§ 115.242(3)(A), 115.242(3)(G), and 115.242(3)(L) and TEX. HEALTHY & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to have a submerged fuel drop tube, extending to within six inches of the tank bottom. Specifically, the drop tube in the super unleaded tank was 30 inches off the tank bottom [30 TEX. ADMIN. CODE § 115.222(1) and TEX. HEALTHY & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$1,900</p> <p>Total Deferred: \$380 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$520 (remaining \$1,000 due in 2 monthly payments of \$500 each)</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken</p> <p>The Executive Director recognizes that Echo Bluff has implemented the following corrective measures at the Station:</p> <p>a) Replaced ECDs on Dispenser Nos. 9, 11, 13, and 20 on June 19, 2006;</p> <p>b) Equipped Dispensers Nos. 7 and 18 with approved nozzles for the system on June 19, 2006;</p> <p>c) Installed devices to prevent loosening and over tightening of the product and Stage I adapters on July 19, 2006; and</p> <p>d) Replaced the fuel drop tube to extend to within six inches of the tank bottom and properly sealed the dust cap on the super unleaded fuel drop tube on July 19, 2006.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	10-Jul-2006	Screening	24-Jul-2006	EPA Due	
	PCW	18-Sep-2006				

RESPONDENT/FACILITY INFORMATION	
Respondent	Echo Bluff Co. dba C S Fastrac Food Mart
Reg. Ent. Ref. No.	RN101544765
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	30528	No. of Violations	2
Docket No.	2006-1045-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Shontay Wilcher
Multi-Media		EC's Team	Enforcement Team 7
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
-------------------------------------------------------------	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5% Enhancement	Subtotals 2, 3, & 7	\$100
---------------------------	----------------	--------------------------------	-------

Notes: Enhancement for one Notice of Violation with same or similar violations.

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

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply	10% Reduction	Subtotal 5	-\$200
------------------------------------	---------------	-------------------	--------

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with a small x)

Notes: The respondent came into compliance on July 19, 2006.

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

Total EB Amounts	\$4	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$950	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,900
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
---------------------------------------------	--	-------------------	-----

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

Notes:

Final Penalty Amount \$1,900

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,900
-----------------------------------	-------------------------------	---------

DEFERRAL	20% Reduction	Adjustment	-\$380
-----------------	---------------	-------------------	--------

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY		\$1,520
------------------------	--	---------

Screening Date	24-Jul-2006	Docket No.	2006-1045-PST-E	PCW
Respondent	Echo Bluff, Co. dba C S Fastrac Food Mart	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	30528	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101544765			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Shontay Wilcher			

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>)	1	5%
	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%
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%
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) 5%

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

No **Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer **Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

Compliance History Notes Enhancement for one Notice of Violation with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date	24-Jul-2006	Docket No.	2006-1045-PST-E	PCW
Respondent	Echo Bluff, Co. dba C S Fastrac Food Mart			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	30528			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN101544765			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Shontay Wilcher			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.242(3)(A), 115.242(3)(L), and 115.242(3)(G)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	<p>Failed to maintain the Stage II vapor recovery system in proper operating condition as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system. Specifically, the respondent did not install devices to prevent loosening and over tightening of the product and Stage I adapters. Also, the efficiency compliance devices ("ECDs") and/or vapor guards were missing on Dispenser Nos. 11 and 20. The ECDs on Dispensers No. 9 and 13 were damaged. In addition, Dispensers Nos. 7 and 18 were not equipped with approved nozzles for the system and the dust cap on the super unleaded fuel drop tube was not sealing properly.</p>			
	Base Penalty	\$10,000		

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual				
	Potential		X		Percent 10%

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification				Percent

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events

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

Violation Base Penalty \$1,000

One quarterly event is recommended based on documentation of the violation during the June 16, 2006 investigation date to the July 19, 2006 compliance date.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$3"/>	Violation Final Penalty Total <input type="text" value="\$950"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$950"/>	

Economic Benefit Worksheet

Respondent Echo Bluff, Co. dba C S Fastrac Food Mart
 Case ID No. 30528
 Reg. Ent. Reference No. RN101544765
 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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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)	\$750	16-Jun-2006	19-Jul-2006	0.1	\$3	n/a	\$3

Notes for DELAYED costs: Estimated cost to maintain the Stage II vapor recovery components. Date required is the date of the investigation. 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 \$750

TOTAL \$3

Screening Date	24-Jul-2006	Docket No.	2006-1045-PST-E	PCW
Respondent	Echo Bluff, Co. dba C S Fastrac Food Mart			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	30528			<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No.	RN101544765			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Shontay Wilcher			
Violation Number	2			
Primary Rule Cite(s)	30 Tex. Admin. Code § 115.222(1)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to have a submerged fuel drop tube, extending to within six inches of the tank bottom. Specifically, the drop tube in the super unleaded tank was 30 inches off the tank bottom.			
Base Penalty	\$10,000			

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

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	X
	semi-annual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended from the June 16, 2006 investigation date to the July 19, 2006 compliance date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$950

This violation Final Assessed Penalty (adjusted for limits) \$950

Economic Benefit Worksheet

Respondent Echo Bluff, Co. dba C S Fastrac Food Mart
 Case ID No. 30528
 Reg. Ent. Reference No. RN101544765
 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	Economic Benefit	
						Onetime Costs	EB Amount

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)	\$200	16-Jun-2006	19-Jul-2006	0.1	\$1	n/a	\$1

Notes for DELAYED costs: Estimated cost to replace fuel drop tube. Date required is the date of the investigation. 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

TOTAL

Compliance History

Customer/Respondent/Owner-Operator:	CN600813406 Echo Bluff, Co.	Classification: AVERAGE	Rating: 4.50
Regulated Entity:	RN101544765 C S FASTRAC FOOD MART	Classification: AVERAGE	Site Rating: 4.50
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	69840
Location:	6665 RANDOL MILL RD, FORT WORTH, TX, 76112	Rating Date: 9/1/2005	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	July 24, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 24, 2001 to July 24, 2006		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Shontay Wilcher Phone: (512) 239-2136

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

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 07/07/2006 (482354)
 - 2 08/29/2003 (150565)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - Date: 08/29/2003 (150565)
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)
 - Description: Failure to verify proper operation of the Stage II equipment at least once every 36 months as regarding the Vapor Space Manifold and Dynamic Backpressure tests.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)[G]
 - Description: Failure to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Order, and free of defects that would impair the effectiveness of the system.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)
 - Description: Failure to provide and maintain the Stage II vapor recovery system in proper operating condition, as specified by CARB Executive Order, and free of defects that would impair the effectiveness of the system, including the absence or disconnection of any component that is a part of the approved system.
- 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
CONCERNING
ECHO BLUFF, CO. DBA C S
FASTRAC FOOD MART
RN101544765

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-1045-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Echo Bluff, Co. dba C S Fastrac Food Mart ("Echo Bluff") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Echo Bluff appear before the Commission and together stipulate that:

1. Echo Bluff owns and operates a convenience store with retail sales of gasoline at 6665 Randol Mill Road in Fort Worth, Tarrant County, Texas (the "Station").
2. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Echo Bluff agree that the Commission has jurisdiction to enter this Agreed Order, and that Echo Bluff is subject to the Commission's jurisdiction.
4. Echo Bluff received notice of the violations alleged in Section II ("Allegations") on or about July 12, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Echo Bluff of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Nine Hundred Dollars (\$1,900) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Echo Bluff has paid Five Hundred Twenty Dollars (\$520) of the administrative penalty and Three Hundred Eighty Dollars (\$380) is deferred contingent upon Echo Bluff's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance



with the terms of this Agreed Order. If Echo Bluff fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require Echo Bluff to pay all or part of the deferred penalty.

The remaining amount of One Thousand Dollars (\$1,000) of the administrative penalty shall be payable in two monthly payments of Five Hundred Dollars (\$500) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If Echo Bluff fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Echo Bluff to meet the payment schedule of this Agreed Order constitutes the failure by Echo Bluff to timely and satisfactorily comply with all the terms of this Agreed Order.

7. 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.
8. The Executive Director of the TCEQ and Echo Bluff have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Echo Bluff has implemented the following corrective measures at the Station:
 - a. Replaced efficiency compliance devices ("ECDs") on Dispenser Nos. 9, 11, 13, and 20 on June 19, 2006;
 - b. Equipped Dispensers Nos. 7 and 18 with approved nozzles for the system on June 19, 2006;
 - c. Installed devices to prevent loosening and over tightening of the product and Stage I adapters on July 19, 2006; and
 - d. Replaced the fuel drop tube to extend to within six inches of the tank bottom and properly sealed the dust cap on the super unleaded fuel drop tube on July 19, 2006.
10. 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 Echo Bluff has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

1911
1912
1913

1914
1915
1916

1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030

2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100

2101
2102
2103
2104
2105
2106
2107
2108
2109
2110
2111
2112
2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
2132
2133
2134
2135
2136
2137
2138
2139
2140
2141
2142
2143
2144
2145
2146
2147
2148
2149
2150
2151
2152
2153
2154
2155
2156
2157
2158
2159
2160
2161
2162
2163
2164
2165
2166
2167
2168
2169
2170
2171
2172
2173
2174
2175
2176
2177
2178
2179
2180
2181
2182
2183
2184
2185
2186
2187
2188
2189
2190
2191
2192
2193
2194
2195
2196
2197
2198
2199
2200

2201
2202
2203
2204
2205
2206
2207
2208
2209
2210
2211
2212
2213
2214
2215
2216
2217
2218
2219
2220
2221
2222
2223
2224
2225
2226
2227
2228
2229
2230
2231
2232
2233
2234
2235
2236
2237
2238
2239
2240
2241
2242
2243
2244
2245
2246
2247
2248
2249
2250
2251
2252
2253
2254
2255
2256
2257
2258
2259
2260
2261
2262
2263
2264
2265
2266
2267
2268
2269
2270
2271
2272
2273
2274
2275
2276
2277
2278
2279
2280
2281
2282
2283
2284
2285
2286
2287
2288
2289
2290
2291
2292
2293
2294
2295
2296
2297
2298
2299
2300

2301
2302
2303
2304
2305
2306
2307
2308
2309
2310
2311
2312
2313
2314
2315
2316
2317
2318
2319
2320
2321
2322
2323
2324
2325
2326
2327
2328
2329
2330
2331
2332
2333
2334
2335
2336
2337
2338
2339
2340
2341
2342
2343
2344
2345
2346
2347
2348
2349
2350
2351
2352
2353
2354
2355
2356
2357
2358
2359
2360
2361
2362
2363
2364
2365
2366
2367
2368
2369
2370
2371
2372
2373
2374
2375
2376
2377
2378
2379
2380
2381
2382
2383
2384
2385
2386
2387
2388
2389
2390
2391
2392
2393
2394
2395
2396
2397
2398
2399
2400

2401
2402
2403
2404
2405
2406
2407
2408
2409
2410
2411
2412
2413
2414
2415
2416
2417
2418
2419
2420
2421
2422
2423
2424
2425
2426
2427
2428
2429
2430
2431
2432
2433
2434
2435
2436
2437
2438
2439
2440
2441
2442
2443
2444
2445
2446
2447
2448
2449
2450
2451
2452
2453
2454
2455
2456
2457
2458
2459
2460
2461
2462
2463
2464
2465
2466
2467
2468
2469
2470
2471
2472
2473
2474
2475
2476
2477
2478
2479
2480
2481
2482
2483
2484
2485
2486
2487
2488
2489
2490
2491
2492
2493
2494
2495
2496
2497
2498
2499
2500

2501
2502
2503
2504
2505
2506
2507
2508
2509
2510
2511
2512
2513
2514
2515
2516
2517
2518
2519
2520
2521
2522
2523
2524
2525
2526
2527
2528
2529
2530
2531
2532
2533
2534
2535
2536
2537
2538
2539
2540
2541
2542
2543
2544
2545
2546
2547
2548
2549
2550
2551
2552
2553
2554
2555
2556
2557
2558
2559
2560
2561
2562
2563
2564
2565
2566
2567
2568
2569
2570
2571
2572
2573
2574
2575
2576
2577
2578
2579
2580
2581
2582
2583
2584
2585
2586
2587
2588
2589
2590
2591
2592
2593
2594
2595
2596
2597
2598
2599
2600

2601
2602
2603
2604
2605
2606
2607
2608
2609
2610
2611
2612
2613
2614
2615
2616
2617
2618
2619
2620
2621
2622
2623
2624
2625
2626
2627
2628
2629
2630
2631
2632
2633
2634
2635
2636
2637
2638
2639
2640
2641
2642
2643
2644
2645
2646
2647
2648
2649
2650
2651
2652
2653
2654
2655
2656
2657
2658
2659
2660
2661
2662
2663
2664
2665
2666
2667
2668
2669
2670
2671
2672
2673
2674
2675
2676
2677
2678
2679
2680
2681
2682
2683
2684
2685
2686
2687
2688
2689
2690
2691
2692
2693
2694
2695
2696
2697
2698
2699
2700

2701
2702
2703
2704
2705
2706
2707
2708
2709
2710
2711
2712
2713
2714
2715
2716
2717
2718
2719
2720
2721
2722
2723
2724
2725
2726
2727
2728
2729
2730
2731
2732
2733
2734
2735
2736
2737
2738
2739
2740
2741
2742
2743
2744
2745
2746
2747
2748
2749
2750
2751
2752
2753
2754
2755
2756
2757
2758
2759
2760
2761
2762
2763
2764
2765
2766
2767
2768
2769
2770
2771
2772
2773
2774
2775
2776
2777
2778
2779
2780
2781
2782
2783
2784
2785
2786
2787
2788
2789
2790
2791
2792
2793
2794
2795
2796
2797
2798
2799
2800

II. ALLEGATIONS

As owner and operator of the Station, Echo Bluff is alleged to have:

1. Failed to maintain the Stage II vapor recovery system in proper operating condition as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system, in violation of 30 TEX. ADMIN. CODE § 115.242(3)(A), 115.242(3)(G), 115.242(3)(I) and TEX. HEALTHY & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 16, 2006. Specifically, Echo Bluff did not install devices to prevent loosening and over tightening of the product and Stage I adapters. Also, the efficiency compliance devices ("ECDs") and/or vapor guards were missing on Dispenser Nos. 11 and 20. The ECDs on Dispensers No. 9 and 13 were damaged. In addition, Dispensers Nos. 7 and 18 were not equipped with approved nozzles for the system and the dust cap on the super unleaded fuel drop tube was not sealing properly.
2. Failed to have a submerged fuel drop tube, extending to within six inches of the tank bottom, in violation of 30 TEX. ADMIN. CODE § 115.222(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 16, 2006. Specifically, the drop tube in the super unleaded tank was 30 inches off the tank bottom.

III. DENIALS

Echo Bluff generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Echo Bluff pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Echo Bluff's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Echo Bluff, Co. dba C S Fastrac Food Mart, Docket No. 2006-1045-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. The provisions of this Agreed Order shall apply to and be binding upon Echo Bluff. Echo Bluff is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.

3. If Echo Bluff fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Echo Bluff's failure to comply is not a violation of this Agreed Order. Echo Bluff shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Echo Bluff shall notify the Executive Director within seven days after Echo Bluff becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Echo Bluff shall be made in writing to the Executive Director. Extensions are not effective until Echo Bluff receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Echo Bluff in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Echo Bluff, or three days after the date on which the Commission mails notice of the Order to Echo Bluff, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

The first part of the report deals with the general situation of the country and the progress of the war. It is a very interesting and comprehensive survey of the state of affairs in the various countries of the world.

The second part of the report deals with the military situation in the various theatres of war. It is a very detailed and accurate account of the progress of the war in the various theatres of war.

The third part of the report deals with the economic situation in the various countries. It is a very interesting and comprehensive survey of the state of the economy in the various countries.

The fourth part of the report deals with the political situation in the various countries. It is a very interesting and comprehensive survey of the state of politics in the various countries.

The fifth part of the report deals with the social situation in the various countries. It is a very interesting and comprehensive survey of the state of society in the various countries.

The sixth part of the report deals with the cultural situation in the various countries. It is a very interesting and comprehensive survey of the state of culture in the various countries.

The seventh part of the report deals with the scientific situation in the various countries. It is a very interesting and comprehensive survey of the state of science in the various countries.

The eighth part of the report deals with the literary situation in the various countries. It is a very interesting and comprehensive survey of the state of literature in the various countries.

The ninth part of the report deals with the artistic situation in the various countries. It is a very interesting and comprehensive survey of the state of art in the various countries.

The tenth part of the report deals with the religious situation in the various countries. It is a very interesting and comprehensive survey of the state of religion in the various countries.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

2/8/07

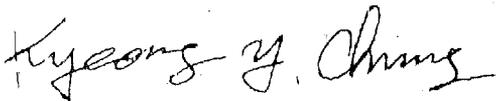
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

11-9-06

Date

Kyeoungh Y. CHUNG

Name (Printed or typed)
Authorized Representative of
Leho Bluff, Co. dba C S Fastrac Food Mart

Owner

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, 5000
Section at the address in Section IV, Paragraph 1 of this Agreed Order

1000000000

[Handwritten signature]

[Handwritten signature]

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..