EXECUTIVE SUMMARY - ENFORCEMENT MATTER DOCKET NO.: 2006-1914-PST-E TCEQ ID: RN102130341 CASE NO.: 31603 RESPONDENT NAME: Raymond Huff dba Detail Masters

Page 1 of 2

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X 1660 AGREED ORDER	FINDINGS AGREED ORDER	AMENDED ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
SHUTDOWN ORDER	FINDINGS DEFAULT ORDER	EMERGENCY ORDER	ENDATOERMENT ONDER
CASE TYPE:			. ·
AGRICULTURE	AIR	INDUSTRIAL AND HAZARDOUS WASTE	MUNICIPAL SOLID WASTE
_OCCUPATIONAL CERTIFICATION	X PETROLEUM STORAGE TANKS	PUBLIC WATER SUPPLY	RADIOACTIVE WASTE
MULTI-MEDIA (check all that apply)	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL	USED OIL
USED OIL FILTER	WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Detail Masters, 2700 South Broadway Avenue, Tyler, Smith County

TYPE OF OPERATION: Automobile detailing with retail sales of gasoline

SMALL BUSINESS: X 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 March 19, 2007. No comments were received.

CONTACTS AND MAILING LIST:

ORDER TYPE:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Thomas Greimel, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-5690; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Central Office Investigator: Ms. Teresa Nemec, Financial Administration Division, Revenue Section, MC 184, (512) 239-0325

Respondent: Mr. Raymond Huff, Owner/President, Detail Masters, 2700 South Broadway Avenue, Tyler, Texas 75701

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

RESPONDENT'S NAME: Raymond Huff dba Detail Masters DOCKET NO.: 2006-1914-PST-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALT	Y CONSIDERATIONS	CORRECT	TVE ACTIONS TAKEN/REQUIRED					
Type of Investigation: Complaint Routine Enforcement Follow-upX_ Records Review	Total Assessed: \$3,000 Total Deferred: \$600	ka ya jita na shi na shi a ta k	Corrective Actions	tor recognizes that Mr. Huff has provided					
Date of Complaint Relating to this Case: None		ed Settlement	acceptable financial October 20, 2006.	acceptable financial assurance for the USTs at the Facility on October 20, 2006.					
Date of Investigation Relating to this Case: October 18, 2006		l Inability to Pay							
Date of NOE Relating to this Case: October 23, 2006 (NOE)	SEP Conditional Offset: \$0								
Background Facts: This was a routine record review. One violation was documented.	Total Paid to General Revenu	Total Paid to General Revenue: \$2,400							
WASTE	Site Compliance History Class	sification:HighX_AvgPoor							
Failed to demonstrate acceptable financial assurance for taking	Person Compliance History C	lassification:High _X_AvgPoo	r						
corrective action and for compensating third parties for bodily	Major Source: Yes X	No							
injury and property damage caused by accidental releases arising from the operation of petroleum underground storage	Applicable Penalty Policy: Se	ptember 2002							
tanks ("USTs") [30 TEX. ADMIN. CODE § 37.815(a) and (b)].		Lity (1985) 11 - Michael Constants							
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	Penalty Calculation Worksheet (PCW) 2 (September 2002) PCW Revision May 19, 2005
CEQ	
	I 30-Oct-2006 / 03-Nov-2006 Screening 01-Nov-2006 EPA Due
	ILITY INFORMATION
	t Raymond Huff dba Detail Masters
Reg. Ent. Ref. No. Facility/Site Region	
ASE INFORMATION	
Enf./Case ID No. Docket No.	. 2006-1914-PST-E Order Type 1660
Media Program(s)) Petroleum Storage Tank Enf. Coordinator Thomas Greimel
Multi-Media	
Admin. Penalty \$ Li	Limit Minimum \$0 Maximum \$10,000
	Penalty Calculation Section
TOTAL BASE PEN	NALTY (Sum of violation base penalties) Subtotal 1 \$4,000
AD.IUSTMENTS ((+/-) TO SUBTOTAL 1
	e obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.
Compliance I	History 0% Enhancement Subtotals 2, 3, & 7 \$0
Notes	s No adjustment for compliance history.
Culpability	No Subtotal 4 \$0
Notes	s The respondent does not meet the culpability criteria.
Good Faith E	Effort to Comply 25% Reduction Subtotal 5 -\$1,000
	Before NOV NOV to EDPRP/Settlement Offer
Extraordinary Ordinary	
N/A	
and of the second of the secon	
Notes	The respondent came into compliance on October 20, 2006.
Notes	s The respondent came into compliance on October 20, 2006.
Economic Be	Senefit 0% Enhancement* Subtotal 6 \$0 Total EB Amounts \$2,730 *Capped at the Total EB \$ Amount
Economic Be	Senefit Subtotal 6 \$0
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Economic Be Approx. C SUM OF SUBTOT OTHER FACTOR: Reduces or enhances the F	Senefit 0% Entrancement* Subtotal 6 \$0 Total EB Amounts \$2,730 *Capped at the Total EB \$ Amount \$0 Cost of Compliance \$2,600 *Capped at the Total EB \$ Amount \$3,000 TALS 1-7 Final Subtotal \$3,000 RS AS JUSTICE MAY REQUIRE Adjustment \$0 Final Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.) \$0
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Economic Be Approx. C SUM OF SUBTOT OTHER FACTOR: Reduces or enhances the F Notes STATUTORY LIM DEFERRAL	Senefit 0% Enhancement* Subtotal 6 \$0 Total EB Amounts \$2,730 *Capped at the Total EB \$ Amount \$0 Cost of Compliance \$2,600 *Capped at the Total EB \$ Amount \$3,000 TALS 1-7 Final Subtotal \$3,000 RS AS JUSTICE MAY REQUIRE Adjustment \$0 Final Subtotal by the indicated percentage. (Enter number only; e.g30 for -30%.) \$ s

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ab Con		rdinator Thomas Greimel	Sec. 1 - Sec.	C. H. W. Oak	7
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Г	Sombonen	Written NOVs with same or similar violations as those in the current	Number Here		
	NOVs	enforcement action (number of NOVs meeting criteria)	0	0%	10 - A
		Other written NOVs	0	0%	
		Any agreed final enforcement orders containing a denial of liability	0	0%	
		(number of orders meeting criteria) Any adjudicated final enforcement orders, agreed final enforcement orders	Statistic Statistics		
	Orders	without a denial of liability, or default orders of this state or the federal	And the second sec		
	:	government, or any final prohibitory emergency orders issued by the	0	0%	
i . .		commission	Control of the second secon	18 1. 2 B J	
		Any non-adjudicated final court judgments or consent decrees containing			
	Judgments	a denial of liability of this state or the federal government (number of	0	0%	
·	and	Judgements or consent decrees meeting criteria)	A set of the set of th		
	Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial	0	0%	
	Decrees	of liability, of this state or the federal government		0%	
F	~	Any criminal convictions of this state or the federal government (number			
1	Convictions	of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	0	0%	
ŀ		Letters notifying the executive director of an intended audit conducted	1 C. Law and an and C. Law and La		
		under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0 *	0%	
	Audits	Disclosures of violations under the Texas Environmental, Health, and	 Second and the second se		
		Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for	0	0%	
	,	which violations were disclosed)		ing apply (
г- г-		Please Er	iter Yes or No		
	*	Environmental management systems in place for one year or more Voluntary on-site compliance assessments conducted by the executive	No	0%	
a de la de la dela		director under a special assistance program	No	, 0%	
	Other	Participation in a voluntary pollution reduction program	No	0%	
	4	Early compliance with, or offer of a product that meets future state or			
· L		federal government environmental requirements	No	0%	
		Adjustment Percen	tage (Sub	ototal 2)	
> Ron	eat Violator	(Subtotal 3)	U = (= 0 k		
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· 🖵	No	Adjustment Percen	ntage (Sub	ototal 3)	
>> Con	npliance His	story Person Classification (Subtotal 7)			
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>> Con	npliance His	story Summary			
	Compliance	No adjustment for semillance blacks			
Hi	story Notes	No adjustment for compliance history.	 A second s		PC .
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en 1997 - Ann		Total Adjustment Percentage (Subt	totals 2.	3, & 7)	101
1 107				alarta arteri	110

Page 3 of 4	11/10/06	C:\2006-1914-pst-	e-qcp-Raym	ond Huff dba Detail N	Masters.wb3	
Screening Date	01-Nov-2006	Do	cket No. 2	2006-1914-PST-E		PCW
Respondent	Raymond Hu	ff dba Detail Maste	ers		Policy Revision 2	(September 2002)
Case ID No.					PCW Rev	ision May 19, 2005
Reg. Ent. Reference No.	RN10213034	1				
Media [Statute]						
Enf. Coordinator		mel				
Violation Number	مراجعها أستكر فيروج والمحمد ومستكر الم	· · · · · · · · · · · · · · · · ·				
Primary Rule Cite(s)		30 Tex. Admin.	Code § 37.	815(a) and (b)		
Secondary Rule Cite(s)						
Violation Description	corrective a	ction and for comp age caused by acc	ensating thi	ncial assurance for ta rd parties for bodily ir ases arising from the Гs.	jury and	
				Bas	e Penalty	\$10,000
Environmental, Pr	operty and	Human Health	Matrix			
		Harm				
Release		Ioderate Minor	1			Adverse
OR Actua Potentia	The second se			Percent		
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> Programmatic Mat	rix					
Falsification		oderate Minor				
	X			Percent 10%		
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Matrix Notes	100% of	f the rule requirem	ent was not	met.		
	. Automotica di Balancia]	
				Adjustment	-\$9,000	
						<u> </u>
				Base Penalty	/ Subtotal	\$1,000
Violation Events						
Number of Viola	tion Events	4				
						-
	daily monthly					
mark only on				Violation Bas	e Penalty	\$4,000
-	x semiannual				· · · · · · · · · · · · · · · · · · ·	
	annual					
	single event	X				
					1	
Four sing		per tank) are reco rd review which do		ased on the October e violation.		
Economic Benefit	(EB) for thi	s violation		Statutory Limit T	est	
Estimated I	∃B Amount	\$2,730		Violation Final Per	nalty Total	\$3,000
		This visibilities Fire		d Donalfy (adjusts -	for limite)	¢2.000
		This violation Fin	a Assesse	d Penalty (adjusted		\$3,000

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Item C Description No corr Delayed Costs Equipment Equipment Buildings Other (as needed) Engineering/construction Engineering/construction Land Record Keeping System Image: Construction Training/Sampling Permit Costs Other (as needed) Permit Costs Other (as needed) Other (as needed) Notes for DELAYED costs Image: Construction Avoided Costs Image: Construction Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Image: Construction	Cost mmas or \$	Required	Date	0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	Saved \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Costs \$0 '' \$0 \$0 \$0 \$0 n/a n/a n/a n/a n/a n/a n/a f/a n/a f/a so s0	Amount S S S S S S S S S S S S S
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Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			d costs before	0.0	\$0 \$0	\$0 \$0	\$ \$
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ONE-TIME avoided costs [3]	\$2,600			0.0	\$0	\$0	\$
		18-Oct-2005	20-Oct-200		\$130	\$2,600	\$2,73
Other (as needed)				0.0	\$0	\$0	\$(
	L.		lesson de la compañía de la compañía La compañía de la comp	0,01	\$0	\$0	\$
Notes for AVOIDED costs						m USTs. Date e compliance c	
Approx. Cost of Compliance	\$2,600		THE RECEIPTION OF		galating di territari Galating di territari	TOTAL	\$2,73
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Compliance History

Customer/F	Respondent/Owner-Operator:	CN602729162	HUFF, RAYMO	DND		Classification: AVERAGE BY DEFAULT	Rating: 3.01			
Regulated	Entity:	RN102130341	DETAIL MAST	TERS		Classification: AVERAGE BY DEFAULT	Site Rating: 3.01			
ID Number	(s):	PETROLEUM STO REGISTRATION	RAGE TANK		REGISTRAT	ION	6566			
Location:		2700 S BROADWA	Y AVE, TYLER,	TX, 75701		Rating Date: September 01 0 NO	06 Repeat Violator:			
TCEQ Reg	ion:	REGION 05 - TYLE	R				· · · · · ·			
Date Comp	liance History Prepared:	November 01, 2006	3							
Agency De	cision Requiring Compliance History:	Enforcement								
Compliance	e Period:	November 01, 2001 to November 01, 2006								
TCEQ Staf	f Member to Contact for Additional Inform	ation Regarding this C	Compliance Histo	bry						
Name:	Thomas Greimel	Pho	ne: (512	2) 239-5690		· · · · · · · · · · · · · · · · · · ·				
		Site C	ompliance His	story Compo	nents	· .				
1. Has the	site been in existence and/or operation fo		-	,	Yes					
	e been a (known) change in ownership of	-		?	No					
3. If Yes, w	ho is the current owner?				N/A					
4. if Yes, v	vho was/were the prior owner(s)?				N/A	· · · · · · · · · · · · · · · · · · ·	-			
5. When d	id the change(s) in ownership occur?				N/A					
Compone	ents (Multimedia) for the Site :									
Α.	Final Enforcement Orders, court judgeme	ents, and consent dec	rees of the state	of Texas and t	he federal gove	mment.	т. 			
	N/A									
В.	Any criminal convictions of the state of T	exas and the federal o	overnment.							
υ.	N/A		,							
C.	Chronic excessive emissions events.									
	N/A									
D.	The approval dates of investigations. (C0 1 10/23/2006 (516634)	CEDS inv. Track. No.)								
E.	Written notices of violations (NOV). (CCI	EDS Inv. Track. No.)								
	N/A									
F	Environmental audits. N/A	s ¹ a -		n an						
G.	Type of environmental management sys	tems (EMSs).								
	N/A									
Н.	Voluntary on-site compliance assessme	nt dates.								
	N/A									
l.	Participation in a voluntary pollution redu									
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING RAYMOND HUFF DBA DETAIL MASTERS RN102130341 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2006-1914-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 Raymond Huff dba Detail Masters ("Mr. Huff") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Huff appear before the Commission and together stipulate that:

- 1. Mr. Huff owns and operates an automobile detailing business with retail sales of gasoline at 2700 South Broadway Avenue in Tyler, Smith County, Texas (the "Facility").
- 2. Mr. Huff's four underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and Mr. Huff agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Huff is subject to the Commission's jurisdiction.
- 4. Mr. Huff received notice of the violations alleged in Section II ("Allegations") on or about October 28, 2006.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Huff of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Three Thousand Dollars (\$3,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Huff has paid Two Thousand Four Hundred Dollars (\$2,400) of the administrative penalty and Six Hundred Dollars (\$600) is deferred contingent upon Mr. Huff's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the

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Raymond Huff dba Detail Masters DOCKET NO. 2006-1914-PST-E Page 2

terms of this Agreed Order. If Mr. Huff fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Huff to pay all or part of the deferred penalty.

- 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 Mr. Huff 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 Mr. Huff has provided acceptable financial assurance for the USTs at the Facility on October 20, 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 Mr. Huff 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.

II. ALLEGATIONS

As owner and operator of the Facility, Mr. Huff is alleged to have failed to demonstrate acceptable financial assurance 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), as documented during a record review conducted on October 18, 2006.

III. DENIALS

Mr. Huff generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Huff pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Huff'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

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Raymond Huff dba Detail Masters DOCKET NO. 2006-1914-PST-E Page 3

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: Raymond Huff dba Detail Masters, Docket No. 2006-1914-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 Mr. Huff. Mr. Huff is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Huff 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.
- 4. 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.
- 5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Huff, or three days after the date on which the Commission mails notice of the Order to Mr. Huff, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director

26/07

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.

AYmond D. HVFS

Name (Printed or typed) Authorized Representative of Raymond Huff dba Detail Masters

Title

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

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