

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NUMBER: 2005-1477-PST-E TCEQ ID NO: RN101923399 ENF ID: 26669**  
**RESPONDENT NAME: ALISHAN, INC. DBA SUPER STOP 16**

**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	<input type="checkbox"/> DRY CLEANER REGISTRATION	

**SITE WHERE VIOLATION(S) OCCURRED:** 1165 South 11th Street, Beaumont, Jefferson County

**TYPE OF OPERATION:** convenience store with retail sales of gasoline

**SMALL BUSINESS:**  Yes  No

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

**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 February 26, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Shawn A. Slack, Litigation Division, MC 175, (512) 239-006;/ Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  
**TCEQ Enforcement Coordinator:** Mr. Kent Heath, Enforcement Division, MC 219, (512) 239-4575  
**TCEQ Regional Contact:** Mr. Keith Anderson, Beaumont Regional Office, MC R-10, (409) 898-3838  
**Respondent:** Mr. Ismail Kerai, President and Registered Agent, Alishan, Inc., 1165 South 11th Street, Beaumont, Texas 77701  
**Respondent's Attorney:** Ms. Jennifer Fleck, Ted A. Cox, P.C., 4910 Dacoma, Suite 100, Houston, Texas 77092

CHIEF CLERKS OFFICE

2007 APR 17 PM 4:23

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**RESPONDENT'S NAME: ALISHAN, INC. DBA SUPER STOP 16**  
**DOCKET NO.: 2005-1477-PST-E**

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(s) of Investigation(s) Relating to this Case:</b> May 4, 2005, and June 29, 2005</p> <p><b>Date(s) of NOV(s)/NOE(s) Relating to this Case:</b> July 15, 2005 (NOE)</p> <p><b>Background Facts:</b> An EDRP was filed on February 1, 2006. The matter was referred to SOAH on March 27, 2006. On or about October 10, 2006, the Respondent agreed to settle the matter. On or about December 5, 2006, the ED received a signed agreed order and the first payment of the penalty.</p> <p>The Respondent in this case is complying with the payment schedule of a prior order.</p> <p><b>PST:</b></p> <ol style="list-style-type: none"> <li>Failed to provide a method of release detection which was capable of detecting a release from any portion of the UST system which contained regulated substances including the tanks, piping and other underground ancillary equipmen, [30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</li> <li>Failed to test the line leak detectors at least once per year for performance and operational reliability [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) 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 as small as 1.0% 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 verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the annual vapor recovery test had not been conducted [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> <li>Failed to maintain the Stage II vapor recovery system in proper operating condition as specified by CARB Executive Order(s), and free of defects that would impair the effectiveness of the system. Specifically, the dynamic back pressure test performed on June 29, 2005, failed due to blockages in the product lines, and the system failed to have a device preventing the loosening/over-tightening of the Stage I dry breaks and fill adapters. Also, the Stage I dry break on the super unleaded tank was inoperative [30 TEX. ADMIN. CODE § 115.242 (3), (3)(A), and (3)(J) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</li> </ol>	<p><b>Total Assessed:</b> \$17,550</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>Total Paid/Due to General Revenue:</b> \$750/\$16,800</p> <p>The Respondent has paid \$750 of the administrative penalty. The remaining amount of \$16,800 shall be payable in 35 monthly payments of \$480 each.</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <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 has implemented the following corrective measures at the Facility:</p> <ol style="list-style-type: none"> <li>Provided a method of release detection which was capable of detecting a release from any portion of the UST system which contained regulated substances including the tanks, piping and other underground ancillary equipment.</li> <li>Tested the line leak detectors for performance and operational reliability.</li> <li>Reconciled inventory control records at least once each month, sufficiently accurate to detect a release as small as 1.0% of the total substance flow through for the month plus 130 gallons.</li> <li>Conducted all required Stage II testing.</li> <li>Repaired the Stage II vapor recovery system from blockages and conducted testing.</li> <li>Conducted release investigation and confirmation steps related to the discovery of a suspected release in April 2005.</li> <li>Submitted for review a copy of the Facility's CARB Executive Order.</li> <li>Equipped the diesel tank with a valve or other appropriate device designed to either automatically shut off the flow or restrict the flow of regulated substances into the tank when the liquid level in the tank reached a preset level.</li> <li>Installed a functioning UL-listed emergency shutoff valve.</li> <li>Established and implemented a process for reporting suspected releases.</li> </ol>

**RESPONDENT'S NAME: ALISHAN, INC. DBA SUPER STOP 16**  
**DOCKET NO.: 2005-1477-PST-E**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>6. Failed to notify the Commission within 24 hours of a suspected release when statistical inventory report (SIR) analysis results were "Fail" or "Inconclusive." Specifically, the SIR for the unleaded tank for April 2005, had a failing result that was never reported. Also, the Respondent failed to take appropriate steps to assure that a monthly analysis report was received from the SIR provider in no more than 15 days following the last day of the calendar month for which the analysis was performed. Specifically, on May 26, 2005, the Respondent received the SIR reports for the months of January, February, March, and April 2005 [30 TEX. ADMIN. CODE §§ 334.50(d)(9)(A)(iii) and 334.72].</p> <p>7. Failed to conduct release investigation and confirmation steps within 30 days of discovery of a suspected release. Specifically, the May 26, 2005, SIR report indicated a suspected release in April 2005 [30 TEX. ADMIN. CODE § 334.74].</p> <p>8. Failed to maintain for review a copy of the Facility's CARB Executive Order [30 TEX. ADMIN. CODE § 115.246(1) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>9. Failed to equip the diesel tank with a valve or other appropriate device designed to either automatically shut off the flow or restrict the flow of regulated substances into the tank when the liquid level in the tank reached a preset level [30 TEX. ADMIN. CODE § 334.51(b)(2)(C) and TEX. WATER CODE § 26.3475(c)(2)].</p> <p>10. Failed to have a functioning UIL-listed emergency shutoff valve. Specifically, the shut-off valves fusible link for dispenser No. 1, super unleaded, was being held open by a wrench disabling the shear valve from shutting-off [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)].</p>		



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision May 19, 2005

DATES Assigned:	18-Jul-2005				
PCW:	13-Oct-2006	Screening:	16-Aug-2005	EPA Due:	

RESPONDENT/FACILITY INFORMATION	
Respondent:	Alishan, Inc. dba Super Stop 16
Reg. Ent. Ref. No.:	RN101923399
Facility/Site Region:	10-Beaumont <input checked="" type="checkbox"/> Major/Minor Source <input type="checkbox"/> Minor Source <input checked="" type="checkbox"/>

CASE INFORMATION			
Enf./Case ID No.:	26669	No. of Violations:	8
Docket No.:	2005-1477-PST-E	Order Type:	1660 <input checked="" type="checkbox"/>
Media Program(s):	Petroleum Storage Tank <input checked="" type="checkbox"/>	Enf. Coordinator:	Kent Heath <input checked="" type="checkbox"/>
Multi-Media:		EC's Team:	Enforcement Team 3 <input checked="" type="checkbox"/>
Admin. Penalty \$ Limit Minimum:	\$0	Maximum:	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$13,500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	30% Enhancement	<b>Subtotal 2, 3, &amp; 7</b>	<b>\$4,050</b>
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Notes: Enhancement for one prior NOV for a violation that was same or similar, and a Findings Order.

<b>Culpability</b>	No <input checked="" type="checkbox"/>	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	X	(mark with a small x)

Notes: The Respondent does not meet the good faith criteria.

<b>Economic Benefit</b>	0% Enhancement	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$440	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$6,850	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$17,550</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

**Final Penalty Amount** **\$17,550**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$17,550</b>
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<b>DEFERRAL</b>	0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: This is not an expedited case.

<b>PAYABLE PENALTY</b>	<b>\$17,550</b>
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<b>Screening Date</b>	16-Aug-2005	<b>Docket No.</b>	2005-1477-PST-E	<b>PCW</b>
<b>Respondent</b>	Alishan, Inc. dba Super Stop 16		Policy Revision 2 (September 2002)	
<b>Case ID No.</b>	26669	PCW Revision May 19, 2005		
<b>Reg. Ent. Reference No.</b>	RN101923399			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Kent Heath			

**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	1	25%
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 judgments 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)**

<b>Screening Date</b>	16-Aug-2005	<b>Docket No.</b>	2005-1477-PST-E	<b>PCW</b>
<b>Respondent</b>	Alishan, Inc. dba Super Stop 16		Policy Revision 2 (September 2002)	
<b>Case ID No.</b>	26669	PCW Revision May 19, 2005		
<b>Reg. Ent. Reference No.</b>	RN101923399			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Kent Heath			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(a)(1)(A), 334.50(b)(2)(A)(i)(III) and 334.50(d)(1)(B)(ii)			
<b>Secondary Rule Cite(s)</b>	Tex. Water Code § 26.3475(a) and (c)(1)			
<b>Violation Description</b>	Failed to provide a method of release detection which is capable of detecting a release from any portion of the UST system which contains regulated substances including the tanks, piping and other underground ancillary equipment, and failure to reconcile inventory control records on a monthly basis which equals or exceeds the sum of 1% of the flow through plus 130 gallons. Specifically, release detection was not being conducted, the line leak detectors had not been tested at least once per year for performance and operational reliability, and inventory control records were not being reconciled.			
<b>Base Penalty</b>			\$10,000	

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
<b>OR</b>	<b>Harm</b>			<b>Percent</b>	25%
	<b>Release</b>	Major	Moderate		
	<b>Actual</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	<b>Potential</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Matrix Notes</b>	Failed to test the line leak detectors, provide a method of release detection which is capable of detecting a release from any portion of the UST system, and reconcile inventory control could result in a release of significant amount of product which would exceed protective levels for human health and environmental receptors.				
<b>Adjustment</b>			-\$7,500		

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

<b>&gt;&gt; Violation Events</b>				
<b>Number of Violation Events</b>		1		
<b>mark only one use a small x</b>	daily	<input type="checkbox"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
<b>Violation Base Penalty</b>		\$2,500		
One monthly event is recommend based on documentation of the violation from the May 4, 2005 investigation date, to-the May 26, 2005 compliance date.				

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	\$5	<b>Violation Final Penalty Total</b>	\$3,250
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$3,250	

**Economic Benefit Worksheet**

Respondent: Alishan, Inc. dba Super Stop 16  
 Case ID No: 26669  
 Reg. Ent. Reference No: RN101923399  
 Media [Statute]: Petroleum Storage Tank  
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	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)				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)	\$1,500	04-May-2005	26-May-2005	0.1	\$5	n/a	\$5

Notes for DELAYED costs: Estimated cost to test the line leak detectors, provide a method of release detection, and reconcile inventory control for the UST system. Date Required is the investigation date. Final Date is the compliance 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]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance

**TOTAL**

<b>Screening Date</b>	16-Aug-2005	<b>Docket No.</b>	2005-1477-PST-E	<b>PCW</b>
<b>Respondent</b>	Alishan, Inc. dba Super Stop 16			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	26669			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101923399			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Kent Heath			
<b>Violation Number</b>	2			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 115.245(2)			
<b>Secondary Rule Cite(s)</b>	Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failure to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the annual vapor recovery test had not been conducted.			
<b>Base Penalty</b>	\$10,000			

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

OR	<b>Harm</b>				Percent
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual				
	Potential	X			25%

>> **Programmatic Matrix**

Matrix Notes	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	Percent
Failure to verify proper operation of Stage II equipment could result in the release of a significant amount of product which would exceed protective levels for human health and environmental receptors.					

**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	X
single event	

**Violation Base Penalty** \$2,500

One annual event is recommended for the 12 month period preceding the May 4, 2005 investigation date.

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

**Estimated EB Amount** \$158

**Violation Final Penalty Total** \$3,250

**This violation Final Assessed Penalty (adjusted for limits)** \$3,250

### Economic Benefit Worksheet

Respondent: Alishan, Inc. dba Super Stop 16  
 Case ID No: 26669  
 Reg. Ent. Reference No: RN101923399  
 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
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**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]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$150	04-May-2004	04-May-2005	1.0	\$8	\$150	\$158

Notes for AVOIDED costs

Estimated cost to verify proper operation of the Stage II equipment. Date Required is one year prior to the investigation date.

Approx. Cost of Compliance \$150

**TOTAL** \$158

<b>Screening Date</b>	16-Aug-2005	<b>Docket No.</b>	2005-1477-PST-E	<b>PCW</b>
<b>Respondent</b>	Alishan, Inc. dba Super Stop 16			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	26669			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101923399			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Kent Heath			
<b>Violation Number</b>	3			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 115.242(3), (3)(A) and (3)(J)			
<b>Secondary Rule Cite(s)</b>	Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description</b>	Failure to maintain the Stage II vapor recovery system in proper operating condition as specified by CARB Executive Order(s), and free of defects that would impair the effectiveness of the system. Specifically, the dynamic back pressure test performed on June 29, 2005 failed due to blockages in the product lines, and the system failed to have a device preventing the loosening/over-tightening of the Stage I dry breaks and fill adapters. Also, the Stage I dry break on the super unleaded tank was inoperative.			
<b>Base Penalty</b>	\$10,000			

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

OR	<b>Harm</b>			
	Major	Moderate	Minor	
	Actual	Potential		<b>Percent</b> 10%
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

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

**Matrix Notes**  
 Failure to maintain the product lines free from blockages and have proper devices preventing the loosening/over-tightening of the Stage I dry breaks and fill adapters as well as functioning dry breaks may result in the release of significant amount of product/product vapors which would not exceed protective levels.

**Adjustment** -\$9,000

**Base Penalty Subtotal** \$1,000

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>

**Violation Base Penalty** \$1,000

One quarterly event is recommended based upon the June 29, 2005 investigation date, to the August 16, 2005 screening date.

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

**Estimated EB Amount** \$61      **Violation Final Penalty Total** \$1,300

**This violation Final Assessed Penalty (adjusted for limits)** \$1,300

### Economic Benefit Worksheet

Respondent: Alishan, Inc. dba Super Stop 16  
 Case ID No: 26669  
 Reg. Ent. Reference No: RN101923399  
 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)	\$300	28-Jun-2005	29-Jun-2005	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)	\$1,500	29-Jun-2005	23-Apr-2006	0.8	\$61	n/a	\$61

Notes for DELAYED costs: Estimated cost to have proper devices preventing the loosening/over-tightening of the Stage 1 dry breaks and fill adaptors and have functioning dry breaks. Date Required is one day prior to the investigation date. Final Date (June 29, 2005) is the compliance date. Estimated cost to repair blockages in the product lines. Date Required is the date of the investigation. Final Date (April 23, 2006) is estimated 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 **\$1,800**

**TOTAL** **\$61**

<b>Screening Date</b>	16-Aug-2005	<b>Docket No.</b>	2005-1477-PST-E	<b>PCW</b>
<b>Respondent</b>	Alishan, Inc. dba Super Stop 16			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	26669			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101923399			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Kent Heath			
<b>Violation Number</b>	4			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code §§ 334.50(d)(9)(A)(iii) and 334.72			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	<p>Failure to notify the Commission with 24 hours of a suspected release when SIR analysis results are "Fail" or "Inconclusive". Specifically, the statistical inventory report (SIR) for the unleaded tank for April 2005 had a failing result that was never reported. Also the respondent failed to take appropriate steps to assure that a monthly analysis report is received from the SIR provider in no more than 15 days following the last day of the calendar month for which the analysis was performed. Specifically, the respondent received the SIR reports for the months of January, February, March and April 2005 on May 26, 2005.</p>			
<b>Base Penalty</b>				\$10,000

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

OR	<b>Harm</b>			Percent <input type="text"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

Matrix Notes

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

Violation Base Penalty

**Economic Benefit (EB) for this violation**      **Statutory Limit Test**

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

### Economic Benefit Worksheet

Respondent: Alishan, Inc. dba Super Stop 16  
 Case ID No: 26669  
 Reg. Ent. Reference No: RN101923399  
 Media [Statute]: Petroleum Storage Tank  
 Violation No: 4

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)				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]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	01-Apr-2005	02-May-2005	1.0	\$3	\$50	\$53
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Estimated cost to report a suspected release. Date Required is the date of the suspected release. Final Date is the date when the report was due.							

Approx. Cost of Compliance

**TOTAL**

<b>Screening Date:</b>	16-Aug-2005	<b>Docket No.:</b>	2005-1477-PST-E	<b>PCW</b>
<b>Respondent:</b>	Alishan, Inc. dba Super Stop 16			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.:</b>	26669			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.:</b>	RN101923399			
<b>Media [Statute]:</b>	Petroleum Storage Tank			
<b>Enf. Coordinator:</b>	Kent Heath			
<b>Violation Number:</b>	5			
<b>Primary Rule Cite(s):</b>	30 Tex. Admin. Code § 115.246(1)			
<b>Secondary Rule Cite(s):</b>	Tex. Health & Safety Code § 382.085(b)			
<b>Violation Description:</b>	Failure to maintain for review a copy of the Facility's CARB Executive Order.			
		<b>Base Penalty:</b>	\$10,000	

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

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>

Matrix Notes: 100% of the rule requirement was not met.

Adjustment: -\$9,000

Base Penalty Subtotal: \$1,000

**Violation Events**

Number of Violation Events:

mark only one use a small x	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"/>

Violation Base Penalty: \$1,000

One single event is recommended based on documentation of the violation during the May 4, 2005 investigation.

**Economic Benefit (EB) for this violation      Statutory Limit Test**

Estimated EB Amount: \$5      Violation Final Penalty Total: \$1,300

This violation Final Assessed Penalty (adjusted for limits): \$1,300

### Economic Benefit Worksheet

Respondent: Alishan, Inc. dba Super Stop 16  
 Case ID No: 26669  
 Reg. Ent. Reference No: RN101923399  
 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)					0.0	\$0	\$0	\$0
Engineering/construction					0.0	\$0	\$0	\$0
Land					0.0	\$0	n/a	\$0
Record Keeping System		\$100	04-May-2005	26-Apr-2006	1.0	\$5	n/a	\$5
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 to implement a record keeping system and maintain a copy of the CARB Executive Order. Date Required is the investigation date. Final Date is the estimated 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

<b>Screening Date</b>	16-Aug-2005	<b>Docket No.</b>	2005-1477-PST-E	<b>PCW</b>
<b>Respondent</b>	Alishan, Inc. dba Super Stop 16			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	26669			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101923399			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Kent Heath			
<b>Violation Number</b>	6			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 334.51(b)(2)(C)			
<b>Secondary Rule Cite(s)</b>	Tex. Water Code § 26.3475(c)(2)			
<b>Violation Description</b>	Failure to equip the diesel tank with a valve or other appropriate device designed to either automatically shut off the flow or restrict the flow of regulated substances into the tank when the liquid level in the tank reaches a preset level.			
		<b>Base Penalty</b>	\$10,000	

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

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

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification				Percent <input type="text"/>
<b>Matrix Notes</b>	Failure to provide overfill prevention equipment could expose human health and the environment to pollutants which would not exceed protective levels for human health and environmental receptors.				
	<b>Adjustment</b>	-\$9,000			

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,000"/>
	monthly	<input type="text"/>	
	quarterly	X	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

Two quarterly events are recommended based upon the May 4, 2005 investigation date, to the August 16, 2005 screening date.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$34"/>	Violation Final Penalty Total <input type="text" value="\$2,600"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,600"/>	

### Economic Benefit Worksheet

Respondent: Alishan, Inc. dba Super Stop 16  
 Case ID No: 26669  
 Reg. Ent. Reference No: RN101923399  
 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	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

**Delayed Costs**

Equipment	\$500	04-May-2005	26-Apr-2006	1.0	\$2	\$33	\$34
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: Estimated cost to provide overfill prevention equipment. Date Required is the date of the investigation. Final Date is the estimated 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 \$500

**TOTAL** \$34

<b>Screening Date</b>	16-Aug-2005	<b>Docket No.</b>	2005-1477-PST-E	<b>PCW</b>
<b>Respondent</b>	Alishan, Inc. dba Super Stop 16			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	26669			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101923399			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Kent Heath			
<b>Violation Number</b>	7			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code §.334.45(c)(3)(A)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failure to have a functioning UL-listed emergency shutoff valve. Specifically, the shut-off valves fusible link for dispenser no. 1, super unleaded, was being held open by a wrench disabling the shear valve from shutting-off.			
<b>Base Penalty</b>	\$10,000			

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

		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
<b>OR</b>	Actual				<b>Percent</b> <input type="text" value="10%"/>
	Potential		X		

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
						<b>Percent</b> <input type="text"/>
<b>Matrix Notes</b>	Failure to provide a functioning shear valve could expose human health and the environment to pollutants which would not exceed protective levels for human health and environmental receptors.					

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
	monthly	<input type="text"/>	
	quarterly	X	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	

One quarterly event is recommended based upon the June 29, 2005 investigation date, to the August 16, 2005 screening date.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$10"/>	Violation Final Penalty Total <input type="text" value="\$1,300"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$1,300"/>	

### Economic Benefit Worksheet

Respondent: Alishan, Inc. dba Super Stop 16  
 Case ID No: 26669  
 Reg. Ent. Reference No: RN101923399  
 Media [Statute]: Petroleum Storage Tank  
 Violation No: 7

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)	\$250	29-Jun-2005	23-Apr-2006	0.8	\$10	n/a	\$10

Notes for DELAYED costs: Estimated cost to replace the super unleaded shear valve under dispenser no. 1. Date Required is the date of the investigation. Final Date is the estimated 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

<b>Screening Date</b>	16-Aug-2005	<b>Docket No.</b>	2005-1477-PST-E	<b>PCW</b>
<b>Respondent</b>	Alishan, Inc. dba Super Stop 16			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	26669			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101923399			
<b>Media [Statute]</b>	Petroleum Storage Tank			
<b>Enf. Coordinator</b>	Kent Heath			
<b>Violation Number</b>	8			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code §.334.74			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	The respondent failed to conduct release investigation and confirmation steps within 30 days of discovery of a suspected release. Specifically, the May 26, 2005, SIR report indicated a suspected release in April, 2005.			
		<b>Base Penalty</b>	\$10,000	

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	25%
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

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

Matrix Notes: Failure to conduct release investigation could result in the release of a significant amount of product which would exceed protective levels for human health and environmental receptors

**Adjustment** -\$7,500

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

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>

Violation Base Penalty \$2,500

One quarterly event is recommended from the date of the failed test result of May 26, 2005 to the screening date of August 16, 2005.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$115"/>	Violation Final Penalty Total <input type="text" value="\$3,250"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,250"/>	

### Economic Benefit Worksheet

Respondent: Alishan, Inc. dba Super Stop 16  
 Case ID No: 26669  
 Reg. Ent. Reference No: RN101923399  
 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)				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)	\$2,500	26-May-2005	26-Apr-2006	0.9	\$115	n/a	\$115

Notes for DELAYED costs: Estimated cost for system test, site check and reporting. Date Required is the date of the failed test result of May 26, 2005. Final Date is the estimated compliance 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]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance \$2,500 **TOTAL** \$115

# Compliance History

Customer/Respondent/Owner-Operator: CN602596561 Alishan, Inc. Classification: AVERAGE Rating: 0.600  
Regulated Entity: RN101923399 SUPER STOP 16 Classification: AVERAGE Site Rating: 0.60  
ID Number(s):

AIR NEW SOURCE PERMITS PERMIT 42777  
AIR NEW SOURCE PERMITS ACCOUNT NUMBER 942777R  
PETROLEUM STORAGE TANK REGISTRATION 40077  
REGISTRATION

Location: 1165 S 11TH ST, BEAUMONT, TX, 77701 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: August 25, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 01, 2000 to August 13, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Kent Heath Phone: (512) 239-4575

## 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? Yes
3. If Yes, who is the current owner? Alishan, Inc.
4. If Yes, who was/were the prior owner(s)? Prince Texas Group
5. When did the change(s) in ownership occur? 1/23/04

6. Comments:

### Components (Multimedia) for the Site :

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

Effective Date: 6/9/05 ADMINORDER 2002-0698-PST-E  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.245(2)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to conduct testing to verify the proper operation of the Stage II system equipment within 30 days of replacement or major system modification of the Stage II system equipment.  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(M)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to maintain the Stage II system free of any equipment defect that would substantially impair the effectiveness of the system in reducing refueling vapors.  
Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A)  
5C THC Chapter 382, SubChapter A 382.085(b)  
Description: Failure to maintain records on-site at facilities ordinarily manned during business hours, and made immediately available for review upon request by authorized representatives of the TNRCC.

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 07/15/2005 (380110)
- 2 04/20/2001 (393517)
- 3 01/17/2002 (144577)

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

Date: 04/20/2001 (393517)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.245(1)[G]

Description: Failure to insure that initial compliance testing is successfully conducted within 30 days of system installation, major system replacement, or modification.

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 ALISHAN, INC.  
DBA SUPER STOP 16;  
RN101923399

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2005-1477-PST-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Alishan, Inc. dba Super Stop 16 ("Alishan") under the authority of TEX. WATER CODE ch. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Alishan, represented by Jennifer Fleck of the law firm of Ted A. Cox, P.C., appear before the Commission and together stipulate that:

1. Alishan owns and operates a convenience store with retail sales of gasoline located at 1165 South 11th Street, Beaumont, Jefferson County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TEX. HEALTH & SAFETY CODE ch. 382 and the TCEQ rules.
3. The Commission and Alishan agree that the Commission has jurisdiction to enter this Agreed Order, and that Alishan is subject to the Commission's jurisdiction.
4. Alishan received notice of the violations alleged in Section II ("Allegations") on or about July 20, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Alishan of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of seventeen thousand five hundred and fifty dollars (\$17,550.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Alishan has paid seven hundred fifty dollars (\$750.00) of the administrative penalty. The remaining amount of sixteen thousand eight hundred dollars (\$16,800.00) of the administrative penalty shall be payable in thirty-five monthly payments of four hundred eighty dollars (\$480.00) 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 Alishan fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his 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 Alishan to meet the payment schedule of this Agreed Order constitutes the failure by Alishan to timely and satisfactorily comply with all of 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 Alishan 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 Alishan has implemented the following corrective measures at the Facility in response to this enforcement action:
  - a. Provided a method of release detection which was capable of detecting a release from any portion of the UST system which contained regulated substances including the tanks, piping and other underground ancillary equipment.
  - b. Tested the line leak detectors for performance and operational reliability.
  - c. Reconciled inventory control records at least once each month, sufficiently accurate to detect a release as small as 1.0% of the total substance flow through for the month plus 130 gallons.
  - d. Conducted all required Stage II testing, in accordance with 30 TEX. ADMIN. CODE § 115.245;
  - e. Repaired the Stage II vapor recovery system from blockages and conducted testing, in accordance with 30 TEX. ADMIN. CODE § 115.242;
  - f. Conducted release investigation and confirmation steps related to the discovery of a suspected release in April 2005.

- g. Submitted for review a copy of the Facility's CARB Executive Order.
  - h. Equipped the diesel tank with a valve or other appropriate device designed to either automatically shut off the flow or restrict the flow of regulated substances into the tank when the liquid level in the tank reached a preset level.
  - i. Installed a functioning UL-listed emergency shutoff valve.
  - j. Established and implemented a process for reporting suspected releases, in accordance with 30 TEX. ADMIN. CODE § 334.72.
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 Alishan 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

Alishan is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 334.50(a)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), by failing to provide a method of release detection which was capable of detecting a release from any portion of the UST system which contained regulated substances including the tanks, piping and other underground ancillary equipment.
2. 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a), by failing to test the line leak detectors at least once per year for performance and operational reliability.
3. 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1), by failing to reconcile inventory control records at least once each month, sufficiently accurate to detect a release as small as 1.0% of the total substance flow through for the month plus 130 gallons.

4. 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the annual vapor recovery test had not been conducted.
5. 30 TEX. ADMIN. CODE § 115.242 (3), (3)(A), and (3)(J) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain the Stage II vapor recovery system in proper operating condition as specified by CARB Executive Order(s), and free of defects that would impair the effectiveness of the system. Specifically, the dynamic back pressure test performed on June 29, 2005, failed due to blockages in the product lines, and the system failed to have a device preventing the loosening/over-tightening of the Stage I dry breaks and fill adapters. Also, the Stage I dry break on the super unleaded tank was inoperative.
6. 30 TEX. ADMIN. CODE §§ 334.50(d)(9)(A)(iii) and 334.72, by failing to notify the Commission within 24 hours of a suspected release when statistical inventory report (SIR) analysis results were "Fail" or "Inconclusive." Specifically, the SIR for the unleaded tank for April 2005, had a failing result that was never reported. Also, Alishan failed to take appropriate steps to assure that a monthly analysis report was received from the SIR provider in no more than 15 days following the last day of the calendar month for which the analysis was performed. Specifically, on May 26, 2005, Alishan received the SIR reports for the months of January, February, March, and April 2005.
7. 30 TEX. ADMIN. CODE § 334.74, by failing to conduct release investigation and confirmation steps within 30 days of discovery of a suspected release. Specifically, the May 26, 2005, SIR report indicated a suspected release in April 2005.
8. 30 TEX. ADMIN. CODE § 115.246(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), by failing to maintain for review a copy of the Facility's CARB Executive Order.
9. 30 TEX. ADMIN. CODE § 334.51(b)(2)(C) and TEX. WATER CODE § 26.3475(c)(2), by failing to equip the diesel tank with a valve or other appropriate device designed to either automatically shut off the flow or restrict the flow of regulated substances into the tank when the liquid level in the tank reached a preset level.
10. 30 TEX. ADMIN. CODE § 334.45(c)(3)(A), by failing to have a functioning UL-listed emergency shutoff valve. Specifically, the shut-off valves fusible link for dispenser No. 1, super unleaded, was being held open by a wrench disabling the shear valve from shutting-off.

### III. DENIALS

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

#### IV. ORDER

1. It is, therefore, ordered by the TCEQ that Alishan pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Alishan'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 considering requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Alishan, Inc. dba Super Stop 16, Docket No. 2005-1477-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 Alishan. Alishan 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. If Alishan 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, Alishan's failure to comply is not a violation of this Agreed Order. Alishan shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Alishan shall notify the Executive Director within seven days after Alishan 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 Alishan shall be made in writing to the Executive Director. Extensions are not effective until Alishan 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 Alishan 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Alishan, or three days after the date on which the Commission mails notice of the Order to Alishan, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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



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

2/19/07

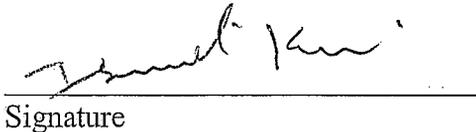
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 Alishan, Inc.'s compliance history;
- Greater scrutiny of any permit applications submitted by Alishan, Inc.;
- 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 Alishan, Inc.;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Alishan, Inc.; and
- TCEQ seeking other relief as authorized by law.

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



\_\_\_\_\_  
Signature

11-30-06

\_\_\_\_\_  
Date

ISMAIL KERAI

\_\_\_\_\_  
Name (Printed or typed)

PRESIDENT

\_\_\_\_\_  
Title

Authorized representative of  
Alishan, Inc. dba Super Stop 16