

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**      Page 1 of 2  
**DOCKET NO.: 2005-1925-MLM-E    TCEQ ID: RN104711569    CASE NO.: 27386**  
**RESPONDENT NAME: SPEEDY STOP FOOD STORES, LTD. DBA SPEEDY STOP #92**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> <b>EDWARDS AQUIFER</b>	<input checked="" type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input checked="" type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATIONS OCCURRED:</b> 8.1 acre tract of land, east of the intersection of IH-35 and SH-195, Georgetown, Williamson County</p> <p><b>TYPE OF OPERATION:</b> Convenience store with retail sales of gasoline</p> <p><b>SMALL BUSINESS:</b>    <input checked="" type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> One complaint was received. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 25, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320             Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  <b>TCEQ Enforcement Coordinator:</b> Ms. Dana Shuler, Waste Enforcement Section, MC 128, (512) 239-2505  <b>TCEQ Regional Contact:</b> Ms. Carolyn Runyon, Austin Regional Office, MC R-11, (512) 339-2929  <b>Respondent:</b> Mr. Carlton LaBeff, Owner, Speedy Stop Food Stores, Ltd.. dba Speedy Stop #92, 9701 U.S. Highway 59 North             Victoria, Texas 77905  <b>Respondent's Attorneys:</b> Mr. Donald H. Grissom and Mr. William W. Thompson, III, Attorneys at Law, Grissom &amp; Thompson, L.L.P.,             609 West 10<sup>th</sup> Street, Austin, Texas 78701</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b>                      May 23, 2005</p> <p><b>Date of Investigation Relating to this Case:</b>                      June 10, 2005</p> <p><b>Date of NOE Relating to this Case:</b>                      September 6, 2005</p> <p><b>Background Facts:</b> The EDPRP was filed on March 16, 2006. The case was referred to SOAH on September 1, 2006. The Respondent signed an Agreed Order on March 23, 2007.</p> <p><b>MLM:</b></p> <p>1. Failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing construction on property located within the Edwards Aquifer Recharge Zone, as documented during an investigation conducted at the Site by an Austin Central Office investigator on June 10, 2005 [30 TEX. ADMIN. CODE § 213.4(a)(1)].</p> <p>2. Failed to submit Notice of Intent (NOI) to obtain authorization to discharge storm water associated with commercial development home construction to water in the state through a Texas Pollutant Discharge Elimination System ("TPDES") Construction General Permit, as documented during an investigation conducted at the Site by an Austin Central Office investigator on June 10, 2005 [30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(a)].</p>	<p><b>Total Assessed:</b> \$29,625</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$29,625                      The Respondent has paid the administrative penalty in full.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b> The Executive Director recognizes that an Edwards Aquifer Protection Plan (EAPP) was approved by TCEQ on August 8, 2005.</p> <p>The Executive Director further recognizes that the Respondent Submitted a Notice of Intent (NOI) to TCEQ on June 10, 2005.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	12-Sep-2005			
	PCW	26-Jun-2007	Screening	17-Nov-2005	EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>					
Respondent	Speedy Stop Food Stores, Ltd. dba Speedy Stop #92				
Reg. Ent. Ref. No.	RN104711569				
Facility/Site Region	11-Austin	Major/Minor Source	Minor Source		

<b>CASE INFORMATION</b>					
Enf./Case ID No.	27386	No. of Violations	1		
Docket No.	2005-1925-MLM-E	Order Type	1660		
Media Program(s)	Edwards Aquifer	Enf. Coordinator	Dana Shuler		
Multi-Media	Water Quality	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** \$38,500

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

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

**Compliance History** 0% Enhancement **Subtotals 2, 3, & 7** \$0

Notes: The respondent has no previous NOVs, enforcement orders or judgements within the past five years.

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

Notes: Does not meet culpability criteria.

**Good Faith Effort to Comply** 25% Reduction **Subtotal 5** -\$9,625

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)
Notes	The NOE was mailed on September 6, 2005 and the EAPP was approved August 8, 2005.	

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

Total EB Amounts	\$58	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$4,000	

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$28,875

**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** \$28,875

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$28,875

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

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

Notes: No deferral recommended because this is not an expedited case.

**PAYABLE PENALTY** \$28,875

<b>Screening Date</b> 17-Nov-2005	<b>Docket No.</b> 2005-1925-MLM-E	<b>PCW</b>
<b>Respondent</b> Speedy Stop Food Stores, Ltd. dba Speedy Stop #92	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 27386	<i>PCW Revision May 19, 2005</i>	
<b>Reg. Ent. Reference No.</b> RN104711569		
<b>Media [Statute]</b> Edwards Aquifer		
<b>Enf. Coordinator</b> Dana Shuler		

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action ( <i>number of NOV's meeting criteria</i> )	0	0%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events (number of events)	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)**

<input type="text" value="No"/> <input type="button" value="&lt;"/>	<b>Adjustment Percentage (Subtotal 3)</b> <input type="text" value="0%"/>
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>> **Compliance History Person Classification (Subtotal 7)**

<input type="text" value="Average Performer"/> <input type="button" value="&lt;"/>	<b>Adjustment Percentage (Subtotal 7)</b> <input type="text" value="0%"/>
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>> **Compliance History Summary**

<b>Compliance History Notes</b>	The respondent has no previous NOV's, enforcement orders or judgements within the past five years.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)**

<b>Screening Date</b>	17-Nov-2005	<b>Docket No.</b>	2005-1925-MLM-E	<b>PCW</b>
<b>Respondent</b>	Speedy Stop Food Stores, Ltd. dba Speedy Stop #92		Policy Revision 2 (September 2002)	
<b>Case ID No.</b>	27386	PCW Revision May 19, 2005		
<b>Reg. Ent. Reference No.</b>	RN104711569			
<b>Media [Statute]</b>	Edwards Aquifer			
<b>Enf. Coordinator</b>	Dana Shuler			
<b>Violation Number</b>	<input type="text" value="1"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 213.4(a)(1)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	The Respondent failed to obtain approval of an Edwards Aquifer Protection Plan prior to commencing construction on property located within the Edwards Aquifer Recharge Zone, as documented during an investigation conducted June 10, 2005.			
<b>Base Penalty</b>	<input type="text" value="\$10,000"/>			

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

OR	<b>Harm</b>			Percent <input type="text" value="5%"/>	
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to insignificant amounts of pollutants as a result of this violation.				

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

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

**Violation Base Penalty**

Seventy-seven single events are recommended from the May 24, 2005 construction start date to the August 8, 2005 approval date for the Edwards Aquifer Protection Plan.

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

<b>Estimated EB Amount</b>	<input type="text" value="\$58"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$28,875"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$28,875"/>	

### Economic Benefit Worksheet

**Respondent:** Speedy Stop Food Stores, Ltd. dba Speedy Stop #92  
**Case ID No.:** 27386  
**Reg. Ent. Reference No.:** RN104711569  
**Media [Statute]:** Edwards Aquifer  
**Violation No.:** 1

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

Item Description	Item Cost <small>No commas or \$</small>	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)	\$4,000	24-May-2005	08-Aug-2005	0.2	\$3	\$56	\$58
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: The amount listed above is an estimate of the cost of developing an Edwards Aquifer Protection Plan. The date required is the date construction began and the final date is the date the plan was approved.

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 \$4,000

**TOTAL** \$58



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	12-Sep-2005	Screening	17-Nov-2005	EPA Due	
	PCW	05-Dec-2005				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Speedy Stop Food Stores, Ltd. dba Speedy Stop #92
Reg. Ent. Ref. No.	RN104711569
Facility/Site Region	11-Austin <input type="checkbox"/> Major/Minor Source <input type="checkbox"/> Minor Source <input type="checkbox"/>

<b>CASE INFORMATION</b>			
Enf./Case ID No.	27386	No. of Violations	1
Docket No.	2005-1925-MLM-E	Order Type	1660 <input type="checkbox"/>
Media Program(s)	Water Quality <input type="checkbox"/>	Enf. Coordinator	Dana Shuler
Multi-Media	Edwards Aquifer	EC's Team	Enforcement Team 7 <input 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>\$1,000</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>	0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$0</b>
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Notes: The respondent has no previous NOVs, enforcement orders or judgements within the past five years.

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

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	<b>-\$250</b>
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with a small x)
Notes	The NOE was mailed on September 6, 2005, NOI was submitted June 10, 2005.	

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$0	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$5,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$750</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:

<b>Final Penalty Amount</b>	<b>\$750</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$750</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: No deferral recommended because this is not an expedited case.

<b>PAYABLE PENALTY</b>	<b>\$750</b>
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<b>Screening Date</b>	17-Nov-2005	<b>Docket No.</b>	2005-1925-MLM-E	<b>PCW</b>
<b>Respondent</b>	Speedy Stop Food Stores, Ltd. dba Speedy Stop #92	<b>Policy Revision 2 (September 2002)</b>		
<b>Case ID No.</b>	27386	<b>PCW Revision May 19, 2005</b>		
<b>Reg. Ent. Reference No.</b>	RN104711569			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Dana Shuler			

**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> )	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)**

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

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

>> **Compliance History Summary**

**Compliance History Notes**

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



**Screening Date** 17-Nov-2005 **Docket No.** 2005-1925-MLM-E **PCW**  
**Respondent** Speedy Stop Food Stores, Ltd. dba Speedy Stop #92 *Policy Revision 2 (September 2002)*  
**Case ID No.** 27386 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN104711569  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Dana Shuler

**Violation Number**   
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 281.25(a)(4) and 40 Code of Federal Regulations § 122.26(a)  
**Secondary Rule Cite(s)**  
**Violation Description** Failure to submit Notice Of Intent (NOI) to obtain authorization to discharge storm water associated with commercial development home construction to water in the state through a Texas Pollutant Discharge Elimination System ("TPDES") Construction General Permit, as documented during an investigation conducted on June 10, 2005.

**Base Penalty**

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

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

>> **Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

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

**Violation Base Penalty**

One monthly event is recommended from the Investigation Date to the date the Respondent achieved compliance by submitting NOI on June 10, 2005.

**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: Speedy Stop Food Stores, Ltd. dba Speedy Stop #92  
 Case ID No.: 27386  
 Reg. Ent. Reference No.: RN104711569  
 Media [Statute]: Water Quality  
 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
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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	\$5,000	10-Jun-2005	10-Jun-2005	0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed costs include the amount to prepare and obtain a storm water Construction General Permit and submit a Notice of Intent ("NOI"), calculated from the date of the investigation to 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: \$5,000

**TOTAL** \$0

# Compliance History

Customer/Respondent/Owner-Operator:	CN602493967 Speedy Stop Food Stores, Ltd.	Classification: AVERAGE	Rating: 1.65
Regulated Entity:	RN104711569 SPEEDY STOP 92	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	EDWARDS AQUIFER	REGISTRATION	1105072204
Location:	INTERSECTION OF IH 35 & SH 195	Rating Date: 9/1/2005	Repeat Violator: NO
TCEQ Region:	REGION 11 - AUSTIN		
Date Compliance History Prepared:	May 16, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 16, 2000 to November 16, 2005		

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

Name: Dana Shuler Phone: (512) 239-2505

### Site Compliance History Components

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

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
N/A
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - 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  
SPEEDY STOP FOOD STORES,  
LTD. DBA SPEEDY STOP #92;  
RN104711569

§  
§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2005-1925-MLM-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 Speedy Stop Food Stores, Ltd. dba Speedy Stop #92 ("Speedy Stop") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Speedy Stop, represented by Donald H. Grissom and William W. Thompson, III, of the law firm of Grissom and Thompson, L.L.P., appear before the Commission and together stipulate that:

1. Speedy Stop owns an 8.1 acre tract of land located within the Edwards Aquifer recharge zone, east of the intersection of IH-35 and SH-195, Georgetown, Williamson County, Texas (the "Site").
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 TCEQ rules.
3. The Commission and Speedy Stop agree that the Commission has jurisdiction to enter this Agreed Order, and that Speedy Stop is subject to the Commission's jurisdiction.
4. Speedy Stop received notice of the violations alleged in Section II ("Allegations") on or about September 11, 2005.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Speedy Stop of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of twenty-nine thousand six hundred twenty-five dollars (\$29,625.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Speedy Stop has paid twenty-nine thousand six hundred twenty-five dollars (\$29,625.00) of the administrative 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 Speedy Stop have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 Speedy Stop has not complied with one or more of the terms or conditions in this Agreed Order.
10. 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.
11. 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

Speedy Stop is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 213.4(a)(1), by failing to obtain approval of an Edwards Aquifer Protection Plan prior to commencing construction on property located within the Edwards Aquifer Recharge Zone, as documented during an investigation conducted at the Site by a Austin Central office investigator on June 10, 2005.
2. 30 TEX. ADMIN. CODE § 281.25(a)(4) and 40 C.F.R. § 122.26(a), by failing to submit Notice of Intent (NOI) to obtain authorization to discharge storm water associated with commercial development home construction to water in the state through a Texas Pollutant Discharge

Elimination System ("TPDES") Construction General Permit, as documented during an investigation conducted at the Site by a Austin Central office investigator on June 10, 2005.

### III. DENIALS

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

### IV. ORDER

1. It is, therefore, ordered by the TCEQ that Speedy Stop pay an administrative penalty as set forth in Section I, Paragraph six above. The payment of this administrative penalty and Speedy Stop'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 or 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: Speedy Stop Food Stores dba Speedy Stop #92, Docket No. 2005-1925-MLM-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 Speedy Stop. Speedy Stop is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Site operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Speedy Stop 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Speedy Stop, or three days after the date on which the Commission mails notice of the Order to Speedy Stop, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Speedy Stop Food Stores, Ltd, dba Speedy Stop #92  
Docket No. 2005-192S-MLM-E  
Page 5

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*[Handwritten Signature]*

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

*8/8/07*

\_\_\_\_\_  
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 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.

*[Handwritten Signature]*  
\_\_\_\_\_  
Signature

*7-11-07*  
\_\_\_\_\_  
Date

*W.L. Thomas*  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
Speedy Stop Food Stores, Ltd. dba  
Speedy Stop #92

*Vice President*  
\_\_\_\_\_  
Title