

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2007-0958-PST-E **TCEQ ID:** RN101747012 **CASE NO.:** 33811
RESPONDENT NAME: Steven L. Robinson

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: 460 Highway 96 South, Silsbee, Hardin County</p> <p>TYPE OF OPERATION: Closed gasoline service station</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 26, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Greimel, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-5690; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Steven L. Robinson, Property Owner, 952 Lost Pine Lane, Silsbee, Texas 77656 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 16 and May 24, 2007</p> <p>Date of NOV/NOE Relating to this Case: April 23 and June 11, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation and record review.</p> <p>WASTE</p> <p>1) Failed to provide written notification with the agency of a major underground storage tank ("UST") construction activity at least 30 days prior to initiating the activity. Specifically, USTs were removed from the ground at the Facility without providing prior 30 day written notification [30 TEX. ADMIN. CODE § 334.6(b)(2)].</p> <p>2) Failed to contact the agency's appropriate regional office between 24 and 72 hours prior to the scheduled time of initiation of a proposed major UST construction activity. Specifically, USTs were removed from the ground at the Facility without contacting the regional office [30 TEX. ADMIN. CODE § 334.6(b)(2)(C)].</p> <p>3) Failed to accurately register USTs with the agency. Specifically, the registration incorrectly indicated the USTs at the Facility were removed from the ground [30 TEX. ADMIN. CODE § 334.7].</p> <p>4) Failed to empty USTs, intended for permanent removal, of all regulated substances and accumulated sludges or residues. Specifically, oil was observed leaking from a 250-gallon used oil tank which had been crushed and placed in a roll-away dumpster for removal [30 TEX. ADMIN. CODE § 334.55(a)(4)].</p>	<p>Total Assessed: \$5,250</p> <p>Total Deferred: \$1,050 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,200</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit an amended registration to reflect the current operational status and correct date of status of the UST system;</p> <p>ii. Empty all USTs, intended for permanent removal, of all regulated substances and accumulated sludges or residues and properly plug or cap the USTs.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit a report regarding the nature, cause, and estimated quantity of the release of regulated substances;</p> <p>c. Within 60 days after the effective date of this Agreed Order; submit a site assessment report regarding the release of regulated substances;</p> <p>d. Within 75 days after the effective date of this Agreed Order, implement appropriate corrective measures for cleanup of the spill of petroleum substances; and</p> <p>e. Within 90 days after the effective date of this Agreed Order; submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through d.</p>

5) Failed to properly plug or cap a removed tank prior to transporting it from the Facility. Specifically, it was observed that all the holes and openings were not properly plugged or capped on the 4,000-gallon steel UST and the tank was placed in a trailer for transportation [30 TEX. ADMIN. CODE § 334.55(b)(5)(C)(iii)].

6) Failed to contain and immediately clean up a spill of a petroleum substance from USTs that is less than 25 gallons. Specifically, it was observed that petroleum product was leaking onto soil from one 4,000 gallon and two 6,000 gallon steel USTs which had been removed from the ground [30 TEX. ADMIN. CODE § 334.75(b)].

7) Failed to submit a report regarding the initial abatement measures within 20 days after confirmation of a release of regulated substances. Specifically, no information was submitted to the agency regarding the release of regulated substances from USTs which was discovered during an investigation on March 26, 2007 [30 TEX. ADMIN. CODE § 334.77].

8) Failed to submit a site assessment report regarding a release of regulated substances within 45 days of release confirmation. Specifically, no information was submitted to the agency regarding the release of regulated substances from USTs which was discovered during an investigation on March 16, 2007 [30 TEX. ADMIN. CODE § 334.78].

Additional ID No(s): PST 61799



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 25, 2007

DATES	Assigned	30-Apr-2007	Screening	30-Apr-2007	EPA Due	
	PCW	14-Jun-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Steven L. Robinson		
Reg. Ent. Ref. No.	RN101747012		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	33811	No. of Violations	5
Docket No.	2007-0958-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Thomas Greimel
Multi-Media		EC's Team	Team 6
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section			
TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$5,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>			
Compliance History	5% Enhancement	Subtotals 2, 3, & 7	\$250
Notes	Enhancement for one previous NOV with same or similar violations.		
Culpability	No 0% Enhancement	Subtotal 4	\$0
Notes	The respondent does not meet the culpability criteria.		
Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
	<small>Before NOV NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	X	(mark with x)	
Notes	The respondent does not meet the good faith criteria.		
	Subtotal 6		\$0
Total EB Amounts	\$299	<small>*Capped at the Total EB \$ Amount</small>	
Approx. Cost of Compliance	\$4,700		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$5,250
OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%)</small>			
Notes			
	Final Penalty Amount		\$5,250
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$5,250
DEFERRAL		Adjustment	-\$1,050
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
Notes	Deferral offered for expedited settlement.		
PAYABLE PENALTY			\$4,200

Screening Date 30-Apr-2007

Docket No. 2007-0958-PST-E

PCW

Respondent Steven L. Robinson

Policy Revision 2 (September 2002)

Case ID No. 33811

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101747012

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	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 submitted</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) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one previous NOV with same or similar violations.

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

Screening Date 30-Apr-2007	Docket No. 2007-0958-PST-E	PCW
Respondent Steven L. Robinson	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 33811	<i>PCW Revision May 25, 2007</i>	
Reg. Ent. Reference No. RN101747012		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Thomas Greimel		
Violation Number 1		
Rule Cite(s)	30 Tex. Admin. Code § 334.6(b)(2) and 334.6(b)(2)(C)	
Violation Description	Failed to provide written notification with the TCEQ of a major UST construction activity at least 30 days prior to initiating the activity. Failed to contact the agency's appropriate regional office between 24 and 72 hours prior to the scheduled time of initiation of the proposed activity. Specifically, USTs were removed from the ground at the Facility without providing prior 30 day written notification or contacting the regional office.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

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

Matrix Notes

100% of the rule requirement has not been met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	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="text" value="x"/>

Violation Base Penalty

One single event is recommended based on documentation of the violation during the March 16, 2007 investigation.

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 Steven L. Robinson
 Case ID No. 33811
 Reg. Ent. Reference No. RN101747012
 Media Petroleum Storage Tank
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$100	14-Feb-2007	16-Mar-2007	1.0	\$5	\$100	\$105

Notes for AVOIDED costs

Estimated cost to provide written notification and contact the regional office regarding the removal of USTs. Date Required is 30 days prior to the investigation date. Final Date is the date written construction notification was provided.

Approx. Cost of Compliance

\$100

TOTAL

\$105

Screening Date	30-Apr-2007	Docket No.	2007-0958-PST-E	PCW
Respondent	Steven L. Robinson	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	33811	<i>PCW Revision May 25, 2007</i>		
Reg. Ent. Reference No.	RN101747012			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Thomas Greimel			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 334.7			
Violation Description	Failed to accurately register USTs with the TCEQ. Specifically, the registration incorrectly indicated the USTs at the Facility were removed from the ground.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent	0%
	Release	Major	Moderate	Minor		
	Actual					
	Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	10%
		X				

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

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events: 1 45 Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during the March 16, 2007 investigation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: \$4	Violation Final Penalty Total: \$1,050
This violation Final Assessed Penalty (adjusted for limits) \$1,050	

Economic Benefit Worksheet

Respondent: Steven L. Robinson
 Case ID No. 33811
 Reg. Ent. Reference No. RN101747012
 Media Petroleum Storage Tank
 Violation No. 2

Percent Interest	Years of Depreciation
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)				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)	\$100	16-Mar-2007	31-Jan-2008	0.9	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to submit accurate UST registration information. Date Required is the investigation date. Final Date is the date the respondent is projected to come into 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

\$100

TOTAL

\$4

Screening Date	30-Apr-2007	Docket No.	2007-0958-PST-E	PCW
Respondent	Steven L. Robinson	Policy Revision 2 (September 2002)		
Case ID No.	33811	PCW Revision May 25, 2007		
Reg. Ent. Reference No.	RN101747012			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Thomas Greimel			

Violation Number

Rule Cite(s)

Violation Description
 Failed to empty USTs, intended for permanent removal, of all regulated substances and accumulated sludges or residues. Specifically, oil was observed leaking from a 250-gallon used oil tank which had been crushed and placed in a roll-away dumpster for removal. Failed to properly plug or cap a removed tank prior to transporting it from the Facility. Specifically, it was observed all the holes and openings were not properly plugged or capped on the 4,000-gallon steel UST and the tank was placed in a trailer for transportation.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the March 16, 2007 investigation date to the April 30, 2007 screening date.

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: Steven L. Robinson
 Case ID No. 33811
 Reg. Ent. Reference No. RN101747012
 Media: 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
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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)	\$500	16-Mar-2007	31-Jan-2008	0.9	\$22	n/a	\$22

Notes for DELAYED costs: Estimated cost to adequately empty removed USTs of petroleum substances and properly plug all holes and openings. Date Required is the investigation date. Final Date is the date the respondent is projected to come into 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

\$22

Screening Date	30-Apr-2007	Docket No.	2007-0958-PST-E	PCW
Respondent	Steven L. Robinson	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	33811	<i>PCW Revision May 25, 2007</i>		
Reg. Ent. Reference No.	RN101747012			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Thomas Greimel			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 334.75(b)			
Violation Description	Failed to contain and immediately clean up a spill of a petroleum substance from USTs that is less than 25 gallons. Specifically, it was observed that petroleum product was leaking onto soil from one 4,000 gallon and two 6,000 gallon steel USTs which had been removed from the ground.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0%
Matrix Notes	The environment was exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events	1	Number of violation days	45	
<i>mark only one with an x</i>	daily			Violation Base Penalty \$1,000
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

One quarterly event is recommended from the March 16, 2007 investigation date to the April 30, 2007 screening date.

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$44	Violation Final Penalty Total	\$1,050
		This violation Final Assessed Penalty (adjusted for limits)	\$1,050

Economic Benefit Worksheet

Respondent: Steven L. Robinson
 Case ID No. 33811
 Reg. Ent. Reference No. RN101747012
 Media 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
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	16-Mar-2007	31-Jan-2008	0.9	\$44	n/a	\$44

Notes for DELAYED costs

Estimated cost to cleanup and properly dispose of contaminated soil resulting from the spill. Date Required is the investigation date. Final Date is the date the respondent is projected to come into 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

\$1,000

TOTAL

\$44

Screening Date	30-Apr-2007	Docket No.	2007-0958-PST-E	PCW
Respondent	Steven L. Robinson	Policy Revision 2 (September 2002)		
Case ID No.	33811	PCW Revision May 25, 2007		
Reg. Ent. Reference No.	RN101747012			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Thomas Greimel			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code §§ 334.77 and 334.78			
Violation Description	Failed to submit a report regarding initial abatement measures within 20 days after confirmation of a release of regulated substances. Failed to submit a site assessment report regarding the release within 45 days after release confirmation. Specifically, no information was submitted by the respondent to the TCEQ regarding the release of regulated substances from USTs which was discovered during an investigation conducted on March 16, 2007.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent	<input type="text" value="0%"/>

>> Programmatic Matrix

	Falsification				
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	
				Percent	<input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an 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

One single event is recommended based on the May 24, 2007 investigation which documented the violation.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$124"/>	Violation Final Penalty Total <input type="text" value="\$1,050"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,050"/>	

Economic Benefit Worksheet

Respondent Steven L. Robinson
 Case ID No. 33811
 Reg. Ent. Reference No. RN101747012
 Media 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
No commas or \$							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$3,000	5-Apr-2007	31-Jan-2008	0.8	\$124	n/a	\$124

Notes for DELAYED costs: Estimated cost to submit the initial abatement measures and site assessment reports regarding a spill of regulated substances. Date Required is 20 days after the release discovery date of March 16, 2007. Final Date is the date the respondent is projected to come into 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	\$3,000	TOTAL	\$124
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Compliance History

Customer/Respondent/Owner-Operator:	CN600940951 Steven L. Robinson	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101747012 Fine Tuning	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):			
Location:	460 HIGHWAY 96 S, SILSBEE, TX, 77656	Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 10 - BEAUMONT		
Date Compliance History Prepared:	July 12, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 12, 2002 to July 12, 2007		

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

Name: Thomas Greimel Phone: (512) 239-5690

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 04/23/2007 (555691)
N/A
 - 2 04/23/2007 (554446)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - Date: 04/23/2007 (555691)
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 334, SubChapter A 334.6[G]
 - Description: Failure to notify the Commission of construction activity 30 days prior to initiating such activity.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 334, SubChapter A 334.6(b)(4)[G]
 - Description: Failure to request a 30 day Construction waiver prior to initiating construction activity.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 334, SubChapter A 334.6(b)(2)(C)
 - Description: Failure to notify within 24 to 72 hours the Texas Commission on Environmental Quality Region 10 Office of the start of construction activity.
- 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 STEVEN L.
ROBINSON
RN101747012

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

AGREED ORDER
DOCKET NO. 2007-0958-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Steven L. Robinson ("Mr. Robinson") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Robinson appear before the Commission and together stipulate that:

1. Mr. Robinson owns a closed gasoline service station at 460 Highway 96 South in Silsbee, Hardin County, Texas (the "Facility").
2. Mr. Robinson's five underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
3. The Commission and Mr. Robinson agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Robinson is subject to the Commission's jurisdiction.
4. Mr. Robinson received notice of the violations alleged in Section II ("Allegations") on or about April 28, 2007 and June 16, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Robinson of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Five Thousand Two Hundred Fifty Dollars (\$5,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Robinson has paid Four Thousand Two Hundred Dollars (\$4,200) of the administrative

penalty and One Thousand Fifty Dollars (\$1,050) is deferred contingent upon Mr. Robinson's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Robinson fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Robinson to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Robinson 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 Mr. Robinson 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

As owner of the Facility, Mr. Robinson is alleged to have:

1. Failed to provide written notification with the agency of a major UST construction activity at least 30 days prior to initiating the activity, in violation of 30 TEX. ADMIN. CODE § 334.6(b)(2), as documented during an investigation conducted on March 16, 2007. Specifically, USTs were removed from the ground at the Facility without providing prior 30 day written notification.
2. Failed to contact the agency's appropriate regional office between 24 and 72 hours prior to the scheduled time of initiation of a proposed major UST construction activity, in violation of 30 TEX. ADMIN. CODE § 334.6(b)(2)(C), as documented during an investigation conducted on March 16, 2007. Specifically, USTs were removed from the ground at the Facility without contacting the regional office.
3. Failed to accurately register USTs with the agency, in violation of 30 TEX. ADMIN. CODE § 334.7, as documented during an investigation conducted on March 16, 2007. Specifically, the registration incorrectly indicated the USTs at the Facility were removed from the ground.
4. Failed to empty USTs, intended for permanent removal, of all regulated substances and accumulated sludges or residues, in violation of 30 TEX. ADMIN. CODE § 334.55(a)(4), as documented during an investigation conducted on March 16, 2007. Specifically, oil was observed leaking from a 250-gallon used oil tank which had been crushed and placed in a roll-away dumpster for removal.

5. Failed to properly plug or cap a removed tank prior to transporting it from the Facility, in violation of 30 TEX. ADMIN. CODE § 334.55(b)(5)(C)(iii), as documented during an investigation conducted on March 16, 2007. Specifically, it was observed that all the holes and openings were not properly plugged or capped on the 4,000-gallon steel UST and the tank was placed in a trailer for transportation.
6. Failed to contain and immediately clean up a spill of a petroleum substance from USTs that is less than 25 gallons, in violation of 30 TEX. ADMIN. CODE § 334.75(b), as documented during an investigation conducted on March 16, 2007. Specifically, it was observed that petroleum product was leaking onto soil from one 4,000 gallon and two 6,000 gallon steel USTs which had been removed from the ground.
7. Failed to submit a report regarding the initial abatement measures within 20 days after confirmation of a release of regulated substances, in violation of 30 TEX. ADMIN. CODE § 334.77, as documented during a record review conducted on May 24, 2007. Specifically, no information was submitted to the agency regarding the release of regulated substances from USTs which was discovered during an investigation conducted on March 16, 2007.
8. Failed to submit a site assessment report regarding a release of regulated substances within 45 days of release confirmation, in violation of 30 TEX. ADMIN. CODE § 334.78, as documented during a record review conducted on May 24, 2007. Specifically, no information was submitted to the agency regarding the release of regulated substances from USTs which was discovered during an investigation conducted on March 16, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Robinson pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Robinson's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Steven L. Robinson, Docket No. 2007-0958-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. It is further ordered that Mr. Robinson shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
- i. Submit an amended registration to reflect the current operational status and correct date of status of the UST system, in accordance with 30 TEX. ADMIN. CODE § 334.7 to:

Registration and Reporting Section
Permitting & Remediation Support Division, MC138
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087
 - ii. Empty all USTs, intended for permanent removal, of all regulated substances and accumulated sludges or residues and properly plug or cap the USTs, in accordance with 30 TEX. ADMIN. CODE § 334.55.
- b. Within 45 days after the effective date of this Agreed Order, submit a report regarding the nature, cause, and estimated quantity of the release of regulated substances, in accordance with 30 TEX. ADMIN. CODE § 334.77;
- c. Within 60 days after the effective date of this Agreed Order, submit a site assessment report regarding the release of regulated substances, in accordance with 30 TEX. ADMIN. CODE § 334.78;
- d. Within 75 days after the effective date of this Agreed Order, implement appropriate corrective measures for cleanup of the spill of petroleum substances, in accordance with 30 TEX. ADMIN. CODE § 334.75; and
- e. Within 90 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.d.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Robinson.
4. If Mr. Robinson 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, Mr. Robinson's failure to comply is not a violation of this Agreed Order. Mr. Robinson shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Robinson shall notify the Executive Director within seven days after Mr. Robinson becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 Mr. Robinson shall be made in writing to the Executive Director. Extensions are not effective until Mr. Robinson receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Robinson 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Robinson, or three days after the date on which the Commission mails notice of the Order to Mr. Robinson, 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

John S. Sullivan
For the Executive Director

12/7/07
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Steven L. Robinson
Signature

8-15-07
Date

Steven L. Robinson
Name (Printed or typed)
Authorized Representative of
Steven L. Robinson

Property owner
Title

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

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 439, QUANTUM MECHANICS II
PROBLEM SET 10

1. A particle of mass m is confined to a one-dimensional potential well of width a . The potential is zero inside the well and infinite outside. The wave function $\psi(x)$ is real and satisfies the boundary conditions $\psi(0) = \psi(a) = 0$. The energy eigenvalues are $E_n = \frac{\hbar^2 k_n^2}{2m}$, where $k_n = \frac{n\pi}{a}$. The wave functions are $\psi_n(x) = \sqrt{\frac{2}{a}} \sin(k_n x)$.

2. A particle of mass m is confined to a one-dimensional potential well of width a . The potential is zero inside the well and infinite outside. The wave function $\psi(x)$ is real and satisfies the boundary conditions $\psi(0) = \psi(a) = 0$. The energy eigenvalues are $E_n = \frac{\hbar^2 k_n^2}{2m}$, where $k_n = \frac{n\pi}{a}$. The wave functions are $\psi_n(x) = \sqrt{\frac{2}{a}} \sin(k_n x)$.

3. A particle of mass m is confined to a one-dimensional potential well of width a . The potential is zero inside the well and infinite outside. The wave function $\psi(x)$ is real and satisfies the boundary conditions $\psi(0) = \psi(a) = 0$. The energy eigenvalues are $E_n = \frac{\hbar^2 k_n^2}{2m}$, where $k_n = \frac{n\pi}{a}$. The wave functions are $\psi_n(x) = \sqrt{\frac{2}{a}} \sin(k_n x)$.

4. A particle of mass m is confined to a one-dimensional potential well of width a . The potential is zero inside the well and infinite outside. The wave function $\psi(x)$ is real and satisfies the boundary conditions $\psi(0) = \psi(a) = 0$. The energy eigenvalues are $E_n = \frac{\hbar^2 k_n^2}{2m}$, where $k_n = \frac{n\pi}{a}$. The wave functions are $\psi_n(x) = \sqrt{\frac{2}{a}} \sin(k_n x)$.

5. A particle of mass m is confined to a one-dimensional potential well of width a . The potential is zero inside the well and infinite outside. The wave function $\psi(x)$ is real and satisfies the boundary conditions $\psi(0) = \psi(a) = 0$. The energy eigenvalues are $E_n = \frac{\hbar^2 k_n^2}{2m}$, where $k_n = \frac{n\pi}{a}$. The wave functions are $\psi_n(x) = \sqrt{\frac{2}{a}} \sin(k_n x)$.

6. A particle of mass m is confined to a one-dimensional potential well of width a . The potential is zero inside the well and infinite outside. The wave function $\psi(x)$ is real and satisfies the boundary conditions $\psi(0) = \psi(a) = 0$. The energy eigenvalues are $E_n = \frac{\hbar^2 k_n^2}{2m}$, where $k_n = \frac{n\pi}{a}$. The wave functions are $\psi_n(x) = \sqrt{\frac{2}{a}} \sin(k_n x)$.