EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0159-PWS-E **TCEQ ID:** RN101264810 **CASE NO.:** 35293

RESPONDENT NAME: JRS Mart, Inc. dba J C Korner

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: J C Korner, 7102 Highway 36, Jones Creek, Brazoria County

TYPE OF OPERATION: Gas station with a public water supply

SMALL BUSINESS: X **Yes** ____ **No**

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 16, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Stephen Thompson, Enforcement Division, Water Enforcement SectionTeam 2, MC 169, (512) 239-2558; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171

Respondent: Mr. Robert Pate, Vice President, JRS Mart, Inc., 407 Spencers Glen Drive, Sugar Land, TX 77479

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** January 7, 2008 **Date of NOV/NOE Relating to this Case:** January 14, 2008 (NOE) **Background Facts:** This was a routine record review. **WATER** 1) Failure to submit "as-built" plans and specifications that describe the existing facilities that are prepared by a registered professional engineer well versed in the design and construction of public water systems [30 TEX. ADMIN. CODE §§ 290.39(e)(1) and 290.46(n)(1) and TEX. HEALTH & SAFETY CODE § 341.035(c)]. 2) Failure to locate ground water sources so there will be no danger of pollution from unsanitary surroundings. Specifically, it was noted during the record review that a septic tank drainfield was within 150 feet of the well site [30 TEX. ADMIN. CODE § 290.41(c)(1)(A)]. 3) Failure to provide the well with a concrete sealing block extending at least three feet from the well casing in all directions. Specifically, it was noted during the record review that the perimeter of the concrete sealing block is less than three feet from the well casing on the back side of the well[30 TEX. ADMIN. CODE § 290.41(c)(3)(J)]. 4) Failure to install all water system electrical wiring in compliance with a local or national electrical code [30 TEX. ADMIN. CODE § 290.46(v)].	**Total Assessed:** $784 **Total Deferred:** $156 _X_Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid (Due) to General Revenue:** $108 (remaining $520 due in five monthly payments of $104 each) **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order: i. Provide the well with a concrete sealing block extending at least three feet from the well casing in all directions; and ii. Install all water system electrical wiring in compliance with a local or national electrical code. b. Within 60 days after the effective date of this Agreed Order, submit "as-built" plans and specifications for the water system that describe the existing facilities as well as any proposed modifications which are necessary to bring the regulated entity into compliance that are prepared by a registered professional engineer well versed in the design and construction of public water systems; c. Within 75 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 Provision a. and b.; d. Within 180 days after the effective date of this Agreed Order, ensure that ground water sources are located such that there will be no danger of pollution from unsanitary surroundings, or obtain an exception to 30 TEX. ADMIN. CODE § 290.41 to allow for a well to be located within 150 feet of a septic tank drainfield; and e. Within 195 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 Provision d.

Additional ID No(s).: PWS ID 0200611

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision November 6, 2007*

DATES					
Assigned	14-Jan-2008				
PCW	28-Jan-2008	Screening	25-Jan-2008	EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	JRS Mart, Inc. dba J C Korner		
Reg. Ent. Ref. No.	RN101264810		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35293	No. of Violations	4
Docket No.	2008-0159-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Stephen Thompson
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	*Subtotal 1*	$700
ADJUSTMENTS (+/-) TO SUBTOTAL 1		

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

Compliance History — 12% Enhancement — *Subtotals 2, 3, & 7* — $84

Notes: The penalty enhancement is due to two prior Notices of Violation ("NOVs") that contain violations that are the same or similar to the violations in the current enforcement action and one prior dissimilar NOV.

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

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

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

0% Enhancement* — *Subtotal 6* — $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$120
Approx. Cost of Compliance	$2,700

SUM OF SUBTOTALS 1-7	*Final Subtotal*	$784
OTHER FACTORS AS JUSTICE MAY REQUIRE 0%	*Adjustment*	$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	$784
STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty*	$784
DEFERRAL 20% Reduction *Adjustment*	-$156

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	$628

Screening Date 25-Jan-2008 **Docket No.** 2008-0159-PWS-E **PCW**

Respondent JRS Mart, Inc. dba J C Korner

Policy Revision 2 (September 2002)

Case ID No. 35293

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101264810

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

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 (*number of NOVs meeting criteria*)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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 (*number of judgements or consent decrees meeting criteria*)	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 (*number of counts*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		Please Enter Yes or No	
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) 12%

>> 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

The penalty enhancement is due to two prior Notices of Violation ("NOVs") that contain violations that are the same or similar to the violations in the current enforcement action and one prior dissimilar NOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 12%

Screening Date	25-Jan-2008	**Docket No.** 2008-0159-PWS-E	**PCW**
Respondent	JRS Mart, Inc. dba J C Korner		*Policy Revision 2 (September 2002)*
Case ID No.	35293		*PCW Revision November 6, 2007*
Reg. Ent. Reference No.	RN101264810		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Stephen Thompson		

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.39(e)(1) and 290.46(n)(1) and Tex. Health & Safety Code § 341.035(c)

Violation Description Failed to submit "as-built" plans and specifications that describe the existing facilities that are prepared by a registered professional engineer well versed in the design and construction of public water systems.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment $900

$100

Violation Events

Number of Violation Events 1 | 18 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $51

Statutory Limit Test

Violation Final Penalty Total $112

This violation Final Assessed Penalty (adjusted for limits) $112

Economic Benefit Worksheet

Respondent JRS Mart, Inc. dba J C Korner
Case ID No. 35293
Reg. Ent. Reference No. RN101264810
Media Public Water Supply
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
	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	$1,000	7-Jan-2008	1-Oct-2008	0.7	$2	$49	$51
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 delayed costs include the amount necessary to secure the services of a registered professional engineer to prepare and submit "as-built" plans of the water system to the TCEQ, calculated from the date of the record review to 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 $1,000

TOTAL $51

Screening Date 25-Jan-2008 **Docket No.** 2008-0159-PWS-E **PCW**

Respondent JRS Mart, Inc. dba J C Korner *Policy Revision 2 (September 2002)*

Case ID No. 35293 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101264810

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(A)

Violation Description Failed to locate ground water sources so there will be no danger of pollution from unsanitary surroundings. Specifically, it was noted during the record review that a septic tank drainfield was within 150 feet of the well site.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to locate a well site at least 150 feet from a septic tank drainfield could expose the water supply to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 1 | 18 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $250

One monthly event is recommended, calculated from the date of the record review, January 7, 2008, to the date of screening, January 25, 2008.

Economic Benefit (EB) for this violation

Estimated EB Amount $37

Statutory Limit Test

Violation Final Penalty Total $280

This violation Final Assessed Penalty (adjusted for limits) $280

Economic Benefit Worksheet

Respondent JRS Mart, Inc. dba J C Korner
Case ID No. 35293
Reg. Ent. Reference No. RN101264810
Media Public Water Supply
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
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	7-Jan-2008	1-Oct-2008	0.7	$37	n/a	$37
Notes for DELAYED costs	The delayed costs include the amount necessary to relocate the well or obtain an exception to the rule requirement. Calculated from the date of the record review to 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 $1,000

TOTAL $37

Screening Date 25-Jan-2008 **Docket No.** 2008-0159-PWS-E **PCW**

Respondent JRS Mart, Inc. dba J C Korner *Policy Revision 2 (September 2002)*

Case ID No. 35293 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101264810

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(J)

Violation Description Failed to provide the well with a concrete sealing block extending at least three feet from the well casing in all directions. Specifically, it was noted during the record review that the perimeter of the concrete sealing block is less than three feet from the well casing on the back side of the well.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to provide the well with a concrete sealing block that extends at least three feet in all directions from the well casing could expose the water supply to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 1 | 18 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $100

One quarterly event is recommended, calculated from the date of the record review, January 7, 2008, to the date of screening, January 25, 2008.

Economic Benefit (EB) for this violation

Estimated EB Amount $23

Statutory Limit Test

Violation Final Penalty Total $112

This violation Final Assessed Penalty (adjusted for limits) $112

Economic Benefit Worksheet

Respondent JRS Mart, Inc. dba J C Korner
Case ID No. 35293
Reg. Ent. Reference No. RN101264810
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	$500	7-Jan-2008	1-Sep-2008	0.7	$1	$22	$23
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 delayed costs include the amount necessary to extend the size of the concrete sealing block around the well casing, calculated from the date of the record review to 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 $23

Screening Date 25-Jan-2008 **Docket No.** 2008-0159-PWS-E **PCW**

Respondent JRS Mart, Inc. dba J C Korner *Policy Revision 2 (September 2002)*

Case ID No. 35293 *PCW Revision November 6, 2007*

Reg. Ent. Reference No. RN101264810

Media [Statute] Public Water Supply

Enf. Coordinator Stephen Thompson

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.46(v)

Violation Description Failed to install all water system electrical wiring in compliance with a local or national electrical code.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to install water system wiring in compliance with a local or national electrical code could result in a loss of power to the well pump motor causing a loss of water pressure which could expose the water supply to a significant amount of contaminants which would exceed levels protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 1 | 18 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $250

One monthly event is recommended, calculated from the date of the record review, January 7, 2008, to the date of screening, January 25, 2008.

Economic Benefit (EB) for this violation

Estimated EB Amount $9

Statutory Limit Test

Violation Final Penalty Total $280

This violation Final Assessed Penalty (adjusted for limits) $280

Economic Benefit Worksheet

Respondent JRS Mart, Inc. dba J C Korner
Case ID No. 35293
Reg. Ent. Reference No. RN101264810
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	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	$200	7-Jan-2008	1-Sep-2008	0.7	$0	$9	$9
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 delayed costs include the amount necessary to properly install the well pump electrical wiring in accordance with a local or national electrical code, calculated from the date of the record review to 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: $200

TOTAL: $9

Compliance History

Customer/Respondent/Owner-Operator:	CN601547276	JRS Mart, Inc.	Classification: AVERAGE	Rating: 0.50
Regulated Entity:	RN101264810	J C KORNER	Classification: AVERAGE	Site Rating: 0.50
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		0200611
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION		70145
Location:	7102 HIGHWAY 36, JONES CREEK, BRAZORIA COUNTY, TX		Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 12 - HOUSTON			
Date Compliance History Prepared:	January 14, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 14, 2003 to January 14, 2008			

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

Name: Stephen Thompson Phone: (512) 239-2558

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.)

1 09/20/2006 (511169)
2 05/03/2007 (514851)
3 05/11/2007 (559750)
4 01/11/2008 (613612)

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

Date: 09/25/2006 (511169)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(1)

Description: Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as-built" plans and specifications can be prepared and submitted for our review.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(A)

Description: Failure to locate ground water sources so there will be no danger of pollution from insanitary surroundings.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description: Failure to provide the well with a concrete sealing block extending at least 3 feet from the exterior well casing in all directions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)

Description: Failure to install all water system electrical wiring in compliance with a local or national electrical code.

Date: 05/03/2007 (514851)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter A 334.8(c)(5)(C)
Description: Failure to tag, label or mark each UST with the designated UST identification number listed on the UST registration and self-certification form filed with the agency.

Date: 05/11/2007 (559750)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(1)
Description: Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as-built" plans and specifications can be prepared and submitted for our review.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(A)
Description: Failure to locate ground water sources so there will be no danger of pollution from insanitary surroundings.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
Description: Failure to provide the well with a concrete sealing block extending at least 3 feet from the exterior well casing in all directions.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
Description: Failure to install all water system electrical wiring in compliance with a local or national electrical code.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
JRS MART, INC. DBA J C KORNER	§	
RN101264810	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-0159-PWS-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 JRS Mart, Inc. dba J C Korner ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a gas station with a public water supply at 7102 Highway 36 in Jones Creek, Brazoria County, Texas (the "Facility") that has approximately one service connection and serves at least 25 people per day for at least 60 days per year.

2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 19, 2008.

4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

5. An administrative penalty in the amount of Seven Hundred Eighty-Four Dollars ($784) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Eight Dollars ($108) of the administrative penalty and One Hundred Fifty-Six Dollars ($156) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely

and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Five Hundred Twenty Dollars ($520) of the administrative penalty shall be payable in five monthly payments of One Hundred Four Dollars ($104) 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 the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

6. 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.

7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

8. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

9. 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.

10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to submit "as-built" plans and specifications that describe the existing facilities that are prepared by a registered professional engineer well versed in the design and construction of public water systems, in violation of 30 TEX. ADMIN. CODE §§ 290.39(e)(1) and 290.46(n)(1) and TEX. HEALTH & SAFETY CODE § 341.035(c), as documented during a record review conducted on January 7, 2008.

2. Failed to locate ground water sources so there will be no danger of pollution from unsanitary surroundings, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(A), as documented during a record review conducted on January 7, 2008.

3. Failed to provide the well with a concrete sealing block extending at least three feet from the well casing in all directions, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J) as documented during a record review conducted on January 7, 2008.

4. Failed to install all water system electrical wiring in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v) as documented during a record review conducted on January 7, 2008.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent'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: JRS Mart, Inc. dba J C Korner, Docket No. 2008-0159-PWS-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 the Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Agreed Order:

      i. Provide the well with a concrete sealing block extending at least three feet from the well casing in all directions, in accordance with 30 TEX. ADMIN. CODE § 290.41; and

      ii. Install all water system electrical wiring in compliance with a local or national electrical code, in accordance with 30 TEX. ADMIN. CODE § 290.46.

   b. Within 60 days after the effective date of this Agreed Order, submit "as-built" plans and specifications for the water system that describe the existing facilities as well as any proposed modifications which are necessary to bring the regulated entity into compliance that are prepared by a registered professional engineer well versed in the design and construction of public water systems, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans shall be submitted to:

Water Supply Division
Utility Creation & Plan Review Team, MC 153
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

c. Within 75 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 2.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.

d. Within 180 days after the effective date of this Agreed Order, ensure that ground water sources are located such that there will be no danger of pollution from unsanitary surroundings, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain an exception to 30 TEX. ADMIN. CODE § 290.41 to allow for a well to be located within 150 feet of a septic tank drainfield, in accordance with 30 TEX. ADMIN. CODE § 290.39.

e. Within 195 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 No. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent 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.

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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent 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 the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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 Sadler
For the Executive Director

5/21/2008
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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

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

R. Pate
Signature

4-4-08
Date

ROBERT PATE
Name (Printed or typed)
Authorized Representative of
JRS Mart, Inc. dba J C Korner

VP
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.