Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of General Counsel **Date:** February 21, 2008

From: Enforcement Division

Subject: Field Citation Compliance Certification
Kash 'N' Karry, Inc. dba Magic Texaco
(Convenience store with retail sales of gasoline)
Docket No. 2008-0084-PST-E, RN101542330

Regarding the enforcement action listed above, the penalties have been paid and corrective actions have been verified complete by the Field Operations Division.

If there are any questions, please contact Bryan Sinclair of my staff at 239-2171.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)
PETROLEUM STORAGE TANK FIELD CITATION

TCEQ

Field Citation No. 20107

REGION 04

Investigation Date: 11 / 19 / 2009 Time: 11:00 ☒ AM ☐ PM Docket No: 2006-0084-PST-E

Investigator Name: Lonnie Gilley Investigator Signature: Lonnie Gilley Investigation No.: 609228

Responsible Party (RP):	KASH-N-KARRY, INC.	CN No.	600811699
Regulated Entity:	MAGIC TEXACO	**RN No.**	101542330
Physical Address:	110 W. SouthLake Blvd, SouthLake **County:** TARRANT	Additional ID No.	0065383

An investigation was conducted at the regulated entity named above. The following violation(s), with a checked box and/or assessed penalty, are alleged against the responsible party named above:

ALLEGED VIOLATION	30 TEX. ADMIN. CODE (TAC) RULE	ASSESSED PENALTY			
		MAJOR		MINOR	
Failure to provide release detection	30 TAC §334.50(a)(1)(A)	☐	$ 3,500	☑	$ 1,750
Failure to provide corrosion protection	30 TAC §334.49(a)(1)	☐	$ 3,500	☐	$ 1,750
Failure to implement inventory control methods	30 TAC §334.50(d)(1)(B)	☐	$ 3,500	☐	$ 1,750
Failure to provide spill containment and overfill prevention	30 TAC §334.51(b)(2)	☐	$ 3,500	☐	$ 1,750
Failure to possess a valid TCEQ Delivery Certificate prior to receiving fuel	30 TAC §334.8(c)(5)(A)(i)			☐	$ 875
Failure to have Stage I vapor recovery equipment	30 TAC §115.221	☐	$ 1,750	☐	$ 875
Failure to have Stage II vapor recovery equipment	30 TAC §115.241	☐	$ 1,750	☐	$ 875
Failure to submit initial/renewal UST Registration and Self-certification form.	30 TAC §334.8(c)			☐	$ 875
Failure to maintain Financial Assurance	30 TAC §37.815(a) and (b)	# tanks ___ x $1,750 = $_____		# tanks ___ x $700 = $_____	
Failure to obtain a required occupational license (PST)	30 TAC §30.5 (a)			☐	$ 210

Investigator Comments: (including corrective action) Automatic Tank Gauge (EBW AutoStik) not performing monthly leak test as required to meet release detection requirements for underground storage tanks. (3 tanks at the facility)

TOTAL ASSESSED PENALTY: $ 1,750.00

IF YOU CHOOSE TO SETTLE the alleged violation(s) within **30 days** from the investigation date noted above, please submit this form with the Authorized Representative's original signature AND check or money order for the total assessed penalty to the address below. Please include the Field Citation No. on your payment method.

Financial Administration Division, MC 214
Texas Commission on Environmental Quality
PO Box 13088
Austin, Texas 78711-3088

Certification of completed corrective action for each alleged violation must be submitted to the TCEQ region address circled on the back of this form within 45 days from the investigation date. Your signature below and penalty payment within 30 days from the investigation date indicates that you will correct the alleged violation(s). Failure to provide documentation of completed corrective action within the 45 days may result in additional penalties.

The RP named above generally denies the alleged violation(s) with an assessed penalty above. Payment of the penalty is made only in the interest of settlement.

As an Authorized Representative, I understand that by signing this citation and agreeing to pay the administrative penalty, I waive certain procedural rights, including the right to formal notice of violation(s) alleged in this citation, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal.

Authorized Representative Signature	Printed Name	Title	Date
	FAISAL KHAN.	PRESIDENT.	12-7-7

FOR COMMISSION USE ONLY

Commission Signature _____ Date _____

IF YOU CHOOSE TO CONTEST the alleged violation(s) in this citation, notify the investigator named above. The alleged violation(s) above will be referred to the TCEQ's Enforcement Division. Please be aware this Field Citation total assessed penalty amount will no longer be available.

FAILURE TO RESPOND TO THIS CITATION: If you fail to pay the assessed penalty, the TCEQ Enforcement Division will pursue further enforcement action including assessment of increased administrative penalties. Financial inability to pay the penalty does not excuse failure to respond to and correct the alleged violation(s).

TCEQ REGIONAL OFFICES

1 – AMARILLO	2 – LUBBOCK	3 – ABILENE
Regional Director - Brad Jones 3918 Canyon Dr. Amarillo, TX 79109-4933 806-353-9251 FAX: 806-358-9545	**Regional Director - Randy Ammons** 5012 50th St., Ste. 100 Lubbock, TX 79414-3421 806-796-7092 FAX: 806-796-7107	**Regional Director - Winona Henry** 1977 Industrial Blvd. Abilene, TX 79602-7833 325-698-9674 FAX: 325-692-5869
4 – DALLAS/FORT WORTH	**5 – TYLER**	**6 – EL PASO**
Regional Director - Tony Walker 2309 Gravel Dr. Fort Worth, TX 76118-6951 817-588-5800 FAX: 817-588-5700	**Regional Director - Leroy Biggers** 2916 Teague Dr. Tyler, TX 75701-3734 903-535-5100 FAX: 903-595-1562	**Regional Director - Archie Clouse** 401 E. Franklin Ave., Ste. 560 El Paso, TX 79901-1212 915-834-4949 FAX: 915-834-4940
7 – MIDLAND	**8 – SAN ANGELO**	**9 – WACO**
Regional Director - Jed Barker 3300 North A St., Bldg. 4-107 Midland, TX 79705-5406 432-570-1359 FAX: 432-570-4795	**Regional Director - Ricky Anderson** 622 S. Oakes, Ste. K San Angelo, TX 76903-7035 325-655-9479 FAX: 325-658-5431	**Regional Director - Anna Dunbar** 6801 Sanger Ave., Ste. 2500 Waco, TX 76710-7826 254-751-0335 FAX: 254-772-9241
10 – BEAUMONT	**11 – AUSTIN**	**12 – HOUSTON**
Regional Director - Georgie Volz 3870 Eastex Fwy. Beaumont, TX 77703-1830 409-898-3838 FAX: 409-892-2119	**Regional Director - Patty Reeh** 2800 S IH 35, Ste. 100 Austin, TX 78704-5700 512-339-2929 FAX: 512-339-3795	**Regional Director - Donna Phillips** 5425 Polk St., Ste. H Houston, TX 77023-1452 713-767-3500 FAX: 713-767-3520
13 – SAN ANTONIO	**14 – CORPUS CHRISTI**	**15 – HARLINGEN**
Regional Director - Richard Garcia 14250 Judson Rd. San Antonio, TX 78233-4480 210-490-3096 FAX: 210-545-4329	**Regional Director - Susan Clewis** NRC Bldg., Ste. 1200 6300 Ocean Dr., Unit 5839 Corpus Christi, TX 78412-5839 361-825-3100 FAX: 361-825-3101	**Regional Director - Lorinda Gardner** 1804 West Jefferson Ave. Harlingen, TX 78550-5247 956-425-6010 FAX: 956-412-5059
16 – LAREDO	**WORLD WIDE WEB**	
Regional Director - Lorinda Gardner 707 East Calton Rd., Ste. 304 Laredo, TX 78041-3887 956-791-6611 FAX: 956-791-6716	TCEQ rules, publications, agendas and highlights of Commission meetings and other environmental information are available from the convenience of your computer by accessing the TCEQ World Wide Web Home Page over the Internet at: **www.tceq.state.tx.us.**	