

# Texas Commission on Environmental Quality

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## INTEROFFICE MEMORANDUM

**To:** Office of General Counsel

**Date:** December 5, 2008

**From:** Enforcement Division

**Subject:** Field Citation Compliance Certification  
City of Austin (Fleet Refueling)  
Docket No. 2008-1789-PST-E, RN103153987

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

Field Citation No.  
**20404**

Investigation Date: 06/05/08 Time: 1:00  AM  PM  
 Investigator Name: Jania Munoz Investigator Signature: [Signature] Docket No. 5008-1789-PST-E  
 Investigation No.: 62384

Responsible Party (RP): <u>City of Austin</u>	CN No. <u>600/35/98</u>
Regulated Entity: <u>Fire Station 31</u>	RN No. <u>103/53987</u>
Physical Address: <u>5507 FM 2222 Austin TX</u> County: <u>Travis</u>	Additional ID No. <u>47014</u>

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)	<input type="checkbox"/>	\$ 3,500	<input type="checkbox"/>	\$ 1,750
Failure to provide corrosion protection	30 TAC §334.49(a)(1)	<input type="checkbox"/>	\$ 3,500	<input type="checkbox"/>	\$ 1,750
Failure to implement inventory control methods	30 TAC §334.50(d)(1)(B)	<input type="checkbox"/>	\$ 3,500	<input type="checkbox"/>	\$ 1,750
Failure to provide spill containment and overflow prevention	30 TAC §334.51(b)(2)	<input type="checkbox"/>	\$ 3,500	<input type="checkbox"/>	\$ 1,750
Failure to possess a valid TCEQ Delivery Certificate prior to receiving fuel	30 TAC §334.8(c)(5)(A)(i)	<input type="checkbox"/>		<input type="checkbox"/>	\$ 875
Failure to have Stage I vapor recovery equipment	30 TAC §115.221	<input type="checkbox"/>	\$ 1,750	<input type="checkbox"/>	\$ 875
Failure to have Stage II vapor recovery equipment	30 TAC §115.241	<input type="checkbox"/>	\$ 1,750	<input type="checkbox"/>	\$ 875
Failure to submit initial/renewal UST Registration and Self-certification form.	30 TAC §334.8(c)	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	\$ 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)	<input type="checkbox"/>		<input type="checkbox"/>	\$ 210
Investigator Comments: (Including corrective action) <u>Please see DMIT renewal UST registration</u>				<b>TOTAL ASSESSED PENALTY: \$ 875.00</b>	

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.

[Signature] WILLIAM O'CONNOR Fleet Psm Manager 10/23/08  
 Authorized Representative Signature Printed Name Title Date

TCEQ COMMISSION SIGNATURE

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).

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