

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2006-2220-PST-E TCEQ ID: RN101556694 CASE NO.: 32109**

**RESPONDENT NAME: MILLENIUM GASOLINE CORPORTION DBA TEASLEY SHELL**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 1700 Teasley Lane, Denton, Denton County</p> <p><b>TYPE OF OPERATION:</b> Convenience store with retail sales of gasoline</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. The Respondent owes past-due penalties from enforcement actions at two other facility locations: 2004-0085-PST-E (RN101555373; \$11,100; default PFD; the Respondent no longer owns); and 2004-1176-PST-E (RN101556082; \$4,301; default order; the Respondent no longer owns).</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on December 28, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Tracy Chandler, Litigation Division, MC 175, (512) 239-0629                  Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019  <b>TCEQ Enforcement Coordinator:</b> Mr. Thomas Greimel, Waste Enforcement Division, TCEQ, MC 128, (512) 239-5690  <b>TCEQ Regional Contact:</b> Mr. Tony Walker, (817), Dallas Regional Office, MC R-4, (817) 588-5800  <b>Respondent:</b> Mr. Barkat A. Daredia, President, Millenium Gasoline Corp., 6600 Old Gate Road, Plano, Texas 75024;                  Mr. Barkat A. Daredia, President, Millenium Gasoline Corp., 11250 Harry Hines Boulevard, Ste. 205,                  Dallas, Texas 75229  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 23, 2006</p> <p><b>Date of NOE Relating to this Case:</b> December 8, 2006</p> <p><b>Background Facts:</b> The EDP RP was filed and mailed to the Respondent on June 15, 2007. Service was unsuccessful. The EDFARP was filed and mailed to the Respondent on May 2, 2008. According to the return receipt "green card," Respondent received notice of the EDFARP on May 7, 2008, as evidenced by the signature on the card. The EDSARP was filed and mailed to the Respondent on July 17, 2008. According to the return receipt "green card," the Respondent received notice of the EDSARP on July 19, 2008, as evidenced by the signature on the card. The Respondent failed to file an answer to either the EDFARP or the EDSARP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p><b>Current Compliance Status:</b> The Respondent no longer owns or operates the Facility. The Respondent still owes UST fees for TCEQ Financial Account No. 005744OU for fiscal years 2005 and 2006.</p> <p><b>PST:</b></p> <p>1. Failed to maintain records on-site at the Station ordinarily manned during business hours, and make immediately available for review upon request [30 TEX. ADMIN. CODE § 115.246(4) and (7)(A) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2. Failed to verify proper operation of the Stage II Vapor Recovery System at least once every 12 months [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$8,400</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Due to General Revenue:</b> \$8,400 This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p>The Executive Director recognizes that the Respondent no longer owns or operates the Station.</p> <p><b>Ordering Provisions:</b></p> <p>The Respondent shall:</p> <ol style="list-style-type: none"> <li>1. Within 30 days, submit payment for outstanding UST fees, including any associated penalties and interest.</li> <li>2. Within 45 days, submit written certification to demonstrate compliance with the Ordering Provision above.</li> </ol>

3. Failed to make every current employee aware of the purposes and correct operating procedures of the Stage II Vapor Recovery System [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].

4. Failed to have required UST records maintained, readily accessible and available for inspection upon request by a representative of the TCEQ [30 TEX. ADMIN. CODE § 334.10(b)].

5. Failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring); failed to provide release detection for the piping associated with the USTs; failed to test the line leak detectors at least once per year for performance and operational reliability; and failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(b)(1)(A), (b)(2), (b)(2)(A)(i)(III), and (d)(1)(B)(ii), and TEX. WATER CODE § 26.3475(a) and (c)(1)].

6. Failed to pay outstanding UST fees for TCEQ Financial Account No. 0057440U for fiscal years 2005 and 2006 [30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702].



# Penalty Calculation Worksheet (PCW)

<b>DATES</b>	Assigned	11-Dec-2006		
	PCW	30-May-2007	Screening	29-Dec-2006
		EPA Due		

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Millenium Gasoline Corporation dba Teasley Shell		
Reg. Ent. Ref. No.	RN101556694		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	32109	No. of Violations	6
Docket No.	2006-2220-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Thomas Greimel
Multi-Media		EC's Team	EnforcementTeam 6
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1:</b>	<b>\$8,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	5% Enhancement	<b>Subtotals 2, 3, &amp; 7:</b>	<b>\$400</b>
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Notes: Enhancement for one NOV with same or similar violations.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4:</b>	<b>\$0</b>
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Notes: The respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5:</b>	<b>\$0</b>
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	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.

<b>Total EB Amounts</b>	\$240	0% Enhancement*	<b>Subtotal 6:</b>	<b>\$0</b>
<b>Approx. Cost of Compliance</b>	\$4,800	*Capped at the Total EB \$ Amount		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal:</b>	<b>\$8,400</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment:</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	<b>\$8,400</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty:</b>	<b>\$8,400</b>
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<b>DEFERRAL</b>	0% Reduction	<b>Adjustment:</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

This is not an expedited case.

<b>PAYABLE PENALTY</b>	<b>\$8,400</b>
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Screening Date 29-Dec-2006

Docket No. 2006-2220-PST-E

PCW

Respondent Millenium Gasoline Corporation dba Teasley Shell

Policy Revision 2 (September 2002)

Case ID No. 32109

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101556694

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 (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
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) 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 NOV with same or similar violations

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

Screening Date 29-Dec-2006

Docket No. 2006-2220-PST-E

PCW

Respondent Millenium Gasoline Corporation dba Teasley Shell

Policy Revision 2 (September 2002)

Case ID No. 32109

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101556694

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 115.246(4) and (7)(A) and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain records on-site at the Station ordinarily manned during business hours, and make immediately available for review upon request. Specifically, records not available for review included a copy of the California Air Resources Board Executive Order, inspection tags, maintenance records, a Stage II training certificate, and test results.

Base Penalty \$10,000

>> 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 \$9,000

\$1,000

Violation Events

Number of Violation Events 1

68 Number of violation days

mark only one with an x

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 October 23, 2006 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** Millenium Gasoline Corporation dba Teasley Shell  
**Case ID No.** 32109  
**Reg. Ent. Reference No.** RN101556694  
**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	\$0	\$0
Record Keeping System	\$100	23-Oct-2006	23-Aug-2007	0.8	\$4	\$0	\$4
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost maintain Stage II records. The Date Required is the investigation date and the Final Date is 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	\$100	TOTAL	\$4
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Screening Date 29-Dec-2006

Docket No. 2006-2220-PST-E

PCW

Respondent Millenium Gasoline Corporation dba Teasley Shell

Policy Revision 2 (September 2002)

Case ID No. 32109

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101556694

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 115.245(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to verify proper operation of the Stage II vapor recovery system at least once every 12 months. Specifically, Stage II annual system compliance testing had not been conducted.

Base Penalty \$10,000

>> 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

Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

367 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	x
single event		

Violation Base Penalty \$2,500

One annual event is recommended for the 12 month period preceding the October 23, 2006 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$98

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

## Economic Benefit Worksheet

Respondent Millenium Gasoline Corporation dba Teasley Shell

Case ID No. 32109

Reg. Ent. Reference No. RN101556694

Media Petroleum Storage Tank

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item/Description	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for DELAYED costs

### Avoided Costs

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

Item/Description	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$1,000	23-Oct-2005	25-Oct-2006	1.9	\$96	\$2	\$98

Notes for AVOIDED costs

Estimated cost for annual testing to verify proper operation of the Stage II equipment. The Date Required is one year prior to the investigation date and the Final Date is the compliance date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$98

Screening Date 29-Dec-2006

Docket No. 2006-2220-PST-E

PCW

Respondent Millenium Gasoline Corporation dba Teasley Shell

Policy Revision 2 (September 2002)

Case ID No. 32109

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101556694

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 115.248(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to make every current employee aware of the purposes and correct operating procedures of the Stage II vapor recovery system.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would 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 68 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
single event		

Violation Base Penalty \$1,000

One quarterly event is recommended from the October 23, 2006 investigation date to the December 29, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

## Economic Benefit Worksheet

Respondent Millenium Gasoline Corporation dba Teasley Shell

Case ID No. 32109

Reg. Ent. Reference No. RN101556694

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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Item Description: 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	\$500	23-Oct-2006	23-Aug-2007	0.8	\$21	n/a	\$21
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

Estimated cost of Stage II training. The Date Required is the investigation date and the Final Date is 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**

\$21

Screening Date 29-Dec-2006

Docket No. 2006-2220-PST-E

PCW

Respondent Millenium Gasoline Corporation dba Teasley Shell

Policy Revision 2 (September 2002)

Case ID No. 32109

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101556694

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 334.10(b)

Violation Description Failed to have required UST records maintained, readily accessible and available for inspection upon request by a representative of the TCEQ.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%
100% of the rule requirement was not met.					

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 68

mark only one with an x	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 October 23, 2006 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 Millenium Gasoline Corporation dba Teasley Shell

Case ID No. 32109

Reg. Ent. Reference No. RN101556694

Media Petroleum Storage Tank

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$0	\$0
Record Keeping System	\$100	23-Oct-2006	23-Aug-2007	0.8	\$4	\$0	\$4
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost to maintain records for all USTs. The Date Required is the investigation date and the Final Date is the estimated date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 29-Dec-2006

Docket No. 2006-2220-PST-E

PCW

Respondent Millenium Gasoline Corporation dba Teasley Shell

Policy Revision 2 (September 2002)

Case ID No. 32109

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101556694

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 334.50(b)(1)(A), 334.50(b)(2), 334.50(b)(2)(A)(i)(III) and 334.50(d)(1)(B)(ii) and Tex. Water Code § 26.3475(a) and 26.3475(c)(1)

Violation Description Failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring). Failed to provide release detection for the piping associated with the USTs. Failed to test the line leak detectors at least once per year for performance and operational reliability. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 68

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the October 23, 2006 investigation date to the December 29, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$112

Violation Final Penalty Total \$2,625

This violation Final Assessed Penalty (adjusted for limits) \$2,625

## Economic Benefit Worksheet

Respondent Millenium Gasoline Corporation dba Teasley Shell

Case ID No. 32109

Reg. Ent. Reference No. RN101556694

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)	\$1,000	23-Oct-2006	23-Jul-2007	0.7	\$2	\$50	\$52
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	\$0	\$0
Record Keeping System				0.0	\$0	\$0	\$0
Training/Sampling				0.0	\$0	\$0	\$0
Remediation/Disposal				0.0	\$0	\$0	\$0
Permit Costs				0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	23-Oct-2006	25-Oct-2006	0.0	\$0	\$0	\$0

Notes for DELAYED costs

Estimated cost to monitor piping associated with the USTs. The Date Required is the date of investigation and the Final Date is the date of compliance. Estimated cost to provide release detection for the USTs. The Date Required is the date of investigation and the Final Date is 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)	\$600	23-Oct-2005	25-Oct-2006	1.9	\$58	\$2	\$60

Notes for AVOIDED costs

Estimated cost for annual testing of the line leak detectors. The Date Required is one year prior to the investigation date and the Final Date is the compliance date.

Approx. Cost of Compliance

\$3,100

**TOTAL**

\$112

Screening Date 29-Dec-2006

Docket No. 2006-2220-PST-E

PCW

Respondent Millenium Gasoline Corporation dba Teasley Shell

Policy Revision 2 (September 2002)

Case ID No. 32109

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101556694

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Thomas Greimel

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 334.22(a) and Tex. Water Code § 5.702

Violation Description Failed to pay outstanding UST fees for TCEQ Financial Account No. 0057440U for fiscal years 2005 and 2006.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Matrix Notes text area

Adjustment \$10,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

- daily
- monthly
- quarterly
- semiannual
- annual
- single event

Please Select One

Violation Base Penalty \$0

No additional administrative penalty was calculated for this violation as penalties and interest will be assessed on the next fee billing.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

## Economic Benefit Worksheet

Respondent Millenium Gasoline Corporation dba Teasley Shell

Case ID No. 32109

Reg. Ent. Reference No. RN101556694

Media Petroleum Storage Tank

Violation No. 6

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)				0.0	\$0	N/A	\$0

Notes for DELAYED costs

N/A

**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 \$0

TOTAL: \$0

## Compliance History

Customer/Respondent/Owner-Operator:	CN600821763	Millenium Gasoline Corporation	Classification: AVERAGE	Rating: 2.26
Regulated Entity:	RN101556694	TEASLEY SHELL	Classification: AVERAGE	Site Rating: 3.33
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		REGISTRATION	32128
Location:	1700 TEASLEY LN, DENTON, TX, 76205		Rating Date: 9/1/2006 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	December 18, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 18, 2001 to December 18, 2006			

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

Name: Jason Godeaux Phone: 512-239-2541

### 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 | 12/07/2006 | (518629) |
| 2 | 05/25/2004 | (273298) |
| 3 | 07/11/2003 | (139365) |

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

- |              |  |                          |
|--------------|--|--------------------------|
| Date:        | 07/10/2003 (139365)  |                          |
| Self Report? | NO   | Classification: Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.246(7)(A)   |                          |
| Description: | Failure to maintain records on-site at facilities ordinarily manned during business hours, and made immediately available for review upon request by authorized representatives of the Texas Commission on Environmental Quality (TCEQ), the U.S. Environmental Protection Agency (EPA), or local air pollution control program. |                          |
| Self Report? | NO   | Classification: Minor    |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.242(9)[G]   |                          |
| Description: | Failure to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II system.   |                          |
| Self Report? | NO   | Classification: Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.242(3)(A)   |                          |
| Description: | Failure to provide and maintain the Stage II vapor recovery system in proper operating condition, as specified by California Air Resources Board (CARB) Executive Order(s), and free of defects that would impair the effectiveness of the system, including the absence or disconnection of any component.                      |                          |
| Self Report? | NO   | Classification: Moderate |
| Citation:    | 30 TAC Chapter 115, SubChapter C 115.245(2)  |                          |
| Description: | Failure to verify proper operation of the Stage II equipment at least once every 12  |                          |

months. The verification shall include all functional tests that were required for the initial system test, except for TXP-101, Vapor Space Manifold, and TXP-103, Dynamic Backpressure, which must be performed once every 36 months.

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  
MILLENIUM GASOLINE  
CORPORATION DBA TEASLEY  
SHELL,  
RN101556694

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## DEFAULT ORDER DOCKET NO. 2006-2220-PST-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Second Amended Report and Petition filed pursuant to TEX. WATER CODE chs. 5, 7, and 26, TEX. HEALTH & SAFETY CODE ch. 382, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is Millenium Gasoline Corporation dba Teasley Shell ("MGC").

The Commission makes the following Findings of Fact and Conclusions of Law:

### FINDINGS OF FACT

1. MGC owned and operated a convenience store with retail sales of gasoline located at 1700 Teasley Lane, Denton, Denton County, Texas (the "Station").
2. MGC's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. MGC's USTs contain a regulated petroleum substance as defined in the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During an inspection conducted on October 23, 2006, a TCEQ Dallas/Fort Worth Regional Office investigator documented that MGC:
  - a. Failed to maintain records on-site at the Station ordinarily manned during business hours, and make immediately available for review upon request. Specifically, records not available for review included a copy of the California Air Resources Board Executive Order, inspection tags, maintenance records, a Stage II training certificate, and test results.

- b. Failed to verify proper operation of the Stage II vapor recovery system at least once every 12 months. Specifically, Stage II annual system compliance testing had not been conducted.
  - c. Failed to make every current employee aware of the purposes and correct operating procedures of the Stage II vapor recovery system.
  - d. Failed to have required UST records maintained, readily accessible and available for inspection upon request by a representative of the TCEQ.
  - e. Failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring); failed to provide release detection for the piping associated with the USTs; failed to test the line leak detectors at least once per year for performance and operational reliability; and failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons.
  - f. Failed to pay outstanding UST fees for TCEQ Financial Account No. 0057440U for fiscal years 2005 and 2006.
4. MGC received notice of the violations on or about December 13, 2006.
  5. The Executive recognizes that MGC no longer owns and/or operates the Station as of November 3, 2006.
  6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Millenium Gasoline Corporation dba Teasley Shell" (the "EDPRP") in the TCEQ Chief Clerk's office on June 15, 2007.
  7. By letter dated June 15, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director mailed the EDPRP to MCG. Service of the EDPRP was unsuccessful.
  8. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Millenium Gasoline Corporation dba Teasley Shell" (the "EDFARP") in the TCEQ Chief Clerk's office on May 2, 2008.

9. By letter dated May 2, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served MGC with notice of the EDFARP. According to the return receipt "green cards," MGC received notice of the EDFARP on May 7, 2008, as evidenced by the signature on the cards.
10. The Executive Director filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Millenium Gasoline Corporation dba Teasley Shell" (the "EDSARP") in the TCEQ Chief Clerk's office on July 17, 2008.
11. By letter dated July 17, 2008, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served MGC with notice of the EDSARP. According to the return receipt "green card," MGC received notice of the EDSARP on July 19, 2008, as evidenced by the signature on the card.
12. More than 20 days have elapsed since MGC received notice of the EDFARP and the EDSARP, provided by the Executive Director. MGC failed to file an answer to either the EDFARP or the EDSARP, failed to request a hearing, and failed to schedule a settlement conference.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, MGC is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5, 7, and 26, TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., MGC failed to maintain records on-site at the Station ordinarily manned during business hours, and make immediately available for review upon request. Specifically, records not available for review included a copy of the California Air Resources Board Executive Order, inspection tags, maintenance records, a Stage II training certificate, and test results in violation of 30 TEX. ADMIN. CODE § 115.246(4) and (7)(A) and TEX. HEALTH & SAFETY CODE § 382.085(b).
3. As evidenced by Finding of Fact No. 3.b., MGC failed to verify proper operation of the Stage II vapor recovery system at least once every 12 months. Specifically, Stage II annual system compliance testing had not been conducted, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. As evidenced by Finding of Fact No. 3.c., MGC failed to make every current employee aware of the purposes and correct operating procedures of the Stage II vapor recovery system in

- violation of 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b).
5. As evidenced by Finding of Fact No. 3.d., MGC failed to have required UST records maintained, readily accessible and available for inspection upon request by a representative of the TCEQ in violation of 30 TEX. ADMIN. CODE § 334.10(b).
  6. As evidenced by Finding of Fact No. 3.e., MGC failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring); failed to provide release detection for the piping associated with the USTs; failed to test the line leak detectors at least once per year for performance and operational reliability; and failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A), (b)(2), (b)(2)(A)(i)(III), and (d)(1)(B)(ii), and TEX. WATER CODE §§ 26.3475(a) and (c)(1).
  7. As evidenced by Finding of Fact No. 3.f., MGC failed to pay outstanding UST fees for TCEQ Financial Account No. 0057440U for fiscal years 2005 and 2006 in violation of 30 TEX. ADMIN. CODE § 334.22(a) and TEX. WATER CODE § 5.702.
  8. As evidenced by Finding of Fact Nos. 8, 9, 10 and 11, the Executive Director has timely served MGC with proper notice of the EDFARP and the EDSARP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
  9. As evidenced by Finding of Fact No. 12, MGC has failed to file a timely answer to either the EDFARP or the EDSARP, as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against MGC and assess the penalty recommended by the Executive Director.
  10. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against MGC for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
  11. An administrative penalty in the amount of eight thousand four hundred dollars (\$8,400.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.

12. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. MGC is assessed an administrative penalty in the amount of eight thousand four hundred dollars (\$8,400.00) for violations of TEX. WATER CODE chs. 5 and 26, TEX. HEALTH & SAFETY CODE ch. 382, and rules of the TCEQ. The payment of this administrative penalty and MGC's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Millenium Gasoline Corporation dba Teasley Shell; Docket No. 2006-2220-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. MGC shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order submit payment for outstanding UST fees, including any associated penalties and interest and with the notation "Millenium Gasoline Corporation dba Teasley Shell, TCEQ Financial Account No. 0057440U," to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

- b. Within 45 days after the effective date of this 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.a.

- 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:

Sam Barrett, Waste Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2301 Gravel Drive  
Fort Worth, Texas 76118-6951

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon MGC.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by MGC shall be made in writing to the Executive Director. Extensions are not effective until MGC receives written approval from

the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to MGC if the Executive Director determines that MGC has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Millenium Gasoline Corporation dba Teasley Shell  
DOCKET NO. 2006-2220-PST-E  
Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

AFFIDAVIT OF TRACY CHANDLER

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

"My name is Tracy Chandler. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Millenium Gasoline Corporation dba Teasley Shell" (the "EDPRP") with the Office of the Chief Clerk on June 15, 2007.

I sent the EDPRP to MGC at its last known address on June 15, 2007, via certified mail, return receipt requested, and via first class mail, postage prepaid. Service was unsuccessful.

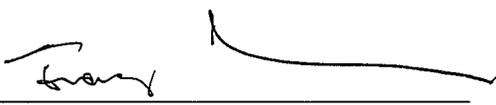
On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Millenium Gasoline Corporation dba Teasley Shell" (the "EDFARP") with the Office of the Chief Clerk on May 2, 2008.

I sent the EDFARP to MGC at its last known address on May 2, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green cards," MGC received notice of the EDFARP on May 7, 2008, as evidenced by the signature on the cards.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Millenium Gasoline Corporation dba Teasley Shell" (the "EDSARP") with the Office of the Chief Clerk on July 17, 2008.

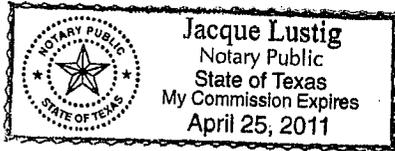
I sent the EDSARP to MGC at its last known address on July 17, 2008, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," MGC received notice of the EDSARP on July 19, 2008, as evidenced by the signature on the card.

More than 20 days have elapsed since MGC received notice of the EDFARP and the EDSARP. MGC failed to file an answer to either the EDFARP or the EDSARP, failed to request a hearing, and failed to schedule a settlement conference."

  
\_\_\_\_\_  
Tracy Chandler  
Attorney  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Tracy Chandler, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 24<sup>th</sup> day of October, A.D., 2008.



Jacquie Lustig  
Notary Signature