

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1855-PST-E TCEQ ID: RN102409034 CASE NO.: 31235

RESPONDENT NAME: OSCAR FOOD CORP. DBA CIRCLE A STORE

ORDER TYPE:		
<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 checked="" type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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

SITE WHERE VIOLATION(S) OCCURRED: 14525 Woodforest Blvd., Houston, Harris County

TYPE OF OPERATION: convenience store with retail sales of gasoline

SMALL BUSINESS: 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 February 9, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Mr. Terry Murphy, Air Enforcement Section, MC 149, (512) 239-5025

TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623

Respondent: Mr. Nizar Rajab Ali, President, Oscar Food Corp., 14525 Woodforest Blvd., Houston, Texas 77015; Mr. Nizar Rajab Ali, President, Oscar Food Corp., 12703 Veterans Memorial Drive, Ste. 105, Houston, Texas 77014-2007

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: N/A</p> <p>Dates of Investigations Relating to this Case: May 24, 2006 and July 11, 2006</p> <p>Date of NOE Relating to this Case: June 15, 2006</p> <p>Background Facts: The EDPRP was filed on July 26, 2007 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that the Respondent received notice of the EDPRP. The Respondent has failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>On December 18, 2008, the ED mailed to the Respondent via certified mail, return receipt requested, notice of the ED's intent to shut down the Station.</p> <p>Current Compliance Status: Not in compliance.</p> <p>PST:</p> <p>1. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the underground storage tanks ("USTs") at the Station [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].</p> <p>2. Failed to maintain and make available legible copies of all required UST records for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.10(b)].</p> <p>3. Failed to maintain Stage II 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(1), 115.246(3), 115.246(4), 115.246(5), 115.246(6), and 115.246(7)(A), and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$16,770</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$16,770</p> <p>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 proposed Order.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1. The Respondent's UST delivery certificate is revoked immediately. Respondent may submit an application for a new delivery certificate only after Respondent has complied with all of the requirements set forth in the Ordering Provisions below.</p> <p>2. Immediately, the Respondent shall take the following steps to shut down operations of all USTs at the Station:</p> <ul style="list-style-type: none"> a. Cease dispensing fuel from the USTs; b. Cease receiving deliveries of regulated substances into the USTs; c. Padlock dispensers; d. Empty the USTs of all regulated substances; and e. Temporarily remove the USTs from service. <p>3. Within 10 days, send UST delivery certificate to TCEQ.</p> <p>4. Within 15 days, submit to the Executive Director a detailed written report, documenting steps taken to comply with Ordering Provisions 2.a. through 2.e. and 3 above.</p> <p>5. Within 15 days, if Respondent elects to permanently remove from service any USTs at the Facility, Respondent shall do so immediately and submit to the TCEQ a written report documenting same.</p> <p>6. Respondent shall remain out of service until such time as it demonstrates to the satisfaction of the Executive Director that it has completed the Ordering Provisions 7.a.-7.c., below.</p> <p>7. Prior to resuming sales of gasoline, Respondent shall:</p> <ul style="list-style-type: none"> a. Install overfill prevention equipment for all USTs; b. Inspect the impressed current cathodic protection system and conduct triennial testing of the cathodic protection system; and c. Implement a release detection method for the USTs and the piping associated with the USTs and conducting testing of the line leak detectors. <p>8. Prior to receiving deliveries of gasoline, Respondent shall:</p>

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to maintain all components of the Stage II Vapor Recovery System in proper operating condition as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system, and failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II Vapor Recovery System [30 TEX. ADMIN. CODE § 115.242(3), 115.242(3)(A), 115.242(3)(B), and 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>5. Failed to conduct monthly inspections of the Stage II Vapor Recovery System [30 TEX. ADMIN. CODE § 115.244(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>6. Failed to provide overfill prevention equipment for the UST system [30 TEX. ADMIN. CODE § 334.51(b)(1)(B) and TEX. WATER CODE § 26.3475(c)(2)].</p> <p>7. Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly, and failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of at least once every three years [30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and 334.49(c)(4)(C) and TEX. WATER CODE § 26.3475(d)].</p> <p>8. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), failed to test the line leak detectors at least once per year for performance and operational reliability; failed to monitor the pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system, and failed to perform automatic test for substance loss that can detect a release which equals or exceeds a rate of 0.2 gallons per hour from any portion of the tank which contained regulated substances [30 TEX. ADMIN. CODE § 334.50(b)(1)(A), 334.50(b)(2)(A)(i)(III), 334.50(b)(2)(A)(ii), and 334.50(d)(4)(A)(ii)(II) and TEX. WATER CODE § 26.3475(a) and (c)(1)].</p> <p>9. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel [30 TEX. ADMIN. CODE § 334.48(c)].</p>		<p>a. Make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs;</p> <p>b. Maintain and make available legible copies of all required UST records for inspection upon request by agency personnel;</p> <p>c. Maintain all Stage II records on-site at the Station and immediately make them available for review upon request;</p> <p>d. Maintain all components of the Stage II Vapor Recovery System in proper operating condition as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system, and post operating instructions on the front of each dispensing pump equipped with Stage II Vapor Recovery System;</p> <p>e. Begin conducting monthly inspections of the Stage II Vapor Recovery System;</p> <p>f. Begin conducting effective manual or automatic inventory control procedures for all USTs; and</p> <p>g. Obtain a new delivery certificate from the TCEQ.</p> <p>9. Within 10 days of resuming sales of gasoline, Respondent shall submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provisions 7.a. through 8.g. above.</p> <p>10. Upon obtaining a new delivery certificate, Respondent shall post the delivery certificate in a location where the document is clearly visible at all times.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	28-Aug-2006	Screening	13-Sep-2006	EPA Due	
	PCW	08-May-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Oscar Food Corp. dba Circle A Store
Reg. Ent. Ref. No.	RN102409034
Facility/Site Region	12-Houston
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	31235	No. of Violations	9
Docket No.	2006-1855-PST-E	Order Type	Findings
Media Program(s)	Petroleum Storage Tank	Enf. Coordinator	Terry Murphy
Multi-Media		EC's Team	Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Enhancement **Subtotals 2, 3, & 7**

Notes: Enhancement for one Notice of Violation (NOV) with same or similar violations, two NOV's without same or similar violations, and one 1660 Agreed Order.

Culpability Enhancement **Subtotal 4**

Notes: The respondent does not meet the culpability criteria.

Good Faith Effort to Comply Reduction **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$2,459"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$7,500"/>	

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes: This case meets the findings order criteria.

PAYABLE PENALTY

Screening Date 13-Sep-2006

1-7-09 ppw

Docket No. 2006-1855-PST-E

PCW

Respondent Oscar Food Corp. dba Circle A Store

Policy Revision 2 (September 2002)

Case ID No. 31235

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102409034

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Terry Murphy

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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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%
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 disclosed)	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%
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%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 29%

>> 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 Notice of Violation (NOV) with same or similar violations, two NOVs without same or similar violations, and one 1660 Agreed Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 29%

Screening Date 13-Sep-2006

1-7-09.ppw

Docket No. 2006-1855-PST-E

PCW

Respondent Oscar Food Corp. dba Circle A Store

Policy Revision 2 (September 2002)

Case ID No. 31235

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102409034

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

1-7-09.dwy

Economic Benefit Worksheet

Respondent Oscar Food Corp. dba Circle A Store
Case ID No. 31235
Reg. Ent. Reference No. RN102409034
Media [Statute] 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
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)	\$150	30-May-2005	11-May-2007	1.9	\$15	n/a	\$15

Notes for DELAYED costs: Estimated cost to prepare and submit the UST Registration & Self-Certification form for renewal of a delivery certificate. The Date Required is the expiration date of the previous delivery certificate 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 **\$150** **TOTAL** **\$15**

Screening Date 13-Sep-2006

1-7-09.gpw

Docket No. 2006-1855-PST-E

PCW

Respondent Oscar Food Corp. dba Circle A Store

Policy Revision 2 (September 2002)

Case ID No. 31235

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102409034

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Harm

Release	Major	Moderate	Minor	Percent
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Oscar Food Corp. dba Circle A Store
Case ID No. 31235
Reg. Ent. Reference No. RN102409034
Media [Statute] Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime	EB
						Costs	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	\$500	11-Jul-2006	11-May-2007	0.8	\$21	n/a	\$21
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: Estimated cost to maintain the required records. The Date Required is the date of the 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$500**

TOTAL \$21

1-7-09.gpw

Screening Date 13-Sep-2006 **Docket No.** 2006-1855-PST-E **PCW**

Respondent Oscar Food Corp. dba Circle A Store *Policy Revision 2 (September 2002)*

Case ID No. 31235 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102409034

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 115.246(1), 115.246(3), 115.246(4), 115.246(5), 115.246(6), and 115.246(7)(A)

Secondary Rule Cite(s) Tex. Health & Safety Code § 382.085(b)

Violation Description
 Failed to maintain Stage II records on-site at the Station ordinarily manned during business hours, and make immediately available for review upon request. Specifically, the respondent did not maintain a daily inspection log, proof of attendance and completion of Stage II training, maintenance logs for all repair and/or replacements for Stage II equipment, Stage II testing results, and a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II vapor recovery system.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

4-7-09.gbw

Economic Benefit Worksheet

Respondent Oscar Food Corp. dba Circle A Store
Case ID No. 31235
Reg. Ent. Reference No. RN102409034
Media [Statute] 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
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	\$500	11-Jul-2006	11-May-2007	0.8	\$21	n/a	\$21
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: Approximate cost of maintaining required records. Date required is the investigation date. 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 13-Sep-2006

1-7-09.gpw

Docket No. 2006-1855-PST-E

PCW

Respondent Oscar Food Corp. dba Circle A Store

Policy Revision 2 (September 2002)

Case ID No. 31235

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102409034

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Terry Murphy

Violation Number 4

Primary Rule Cite(s)
Secondary Rule Cite(s)

30 Tex. Admin. Code § 115.242(3), 115.242(3)(A), 115.242(3)(B), and 115.242(9)

Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to maintain all components of the Stage II vapor recovery system in proper operating condition as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system. Specifically, the dispenser no. 2 regular unleaded nozzle was leaking, the swivel adapters were not installed on any of the fills or Stage I dry breaks, and the dispenser no. 1 unleaded hose was torn. Also, the respondent failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II vapor recovery system. Specifically, the operating instructions were not posted for dispensers nos. 1 and 2.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$1,000

One quarterly event is recommended based on documentation of the violation during the July 11, 2006 investigation date to the September 13, 2006 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$31

Violation Final Penalty Total \$1,290

This violation Final Assessed Penalty (adjusted for limits) \$1,290

1-7-09.cpw

Economic Benefit Worksheet

Respondent Oscar Food Corp. dba Circle A Store
Case ID No. 31235
Reg. Ent. Reference No. RN102409034
Media [Statute] Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$750	11-Jul-2006	11-May-2007	0.8	\$31	n/a	\$31

Notes for DELAYED costs

Estimated cost to maintain the Stage II vapor recovery components. Date required is the date of the investigation. 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 **\$750**

TOTAL \$31

Screening Date 13-Sep-2006

1-7-09.gpw

Docket No. 2006-1855-PST-E

PCW

Respondent Oscar Food Corp. dba Circle A Store

Policy Revision 2 (September 2002)

Case ID No. 31235

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102409034

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Oscar Food Corp. dba Circle A Store
Case ID No. 31235
Reg. Ent. Reference No. RN102409034
Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	11-Jul-2006	11-May-2007	0.8	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to conduct monthly inspections of the Stage II vapor recovery system. The Date Required is the date of the 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$100**

TOTAL \$4

1-7-09.gpw

Screening Date 13-Sep-2006 **Docket No.** 2006-1855-PST-E **PCW**

Respondent Oscar Food Corp. dba Circle A Store *Policy Revision 2 (September 2002)*

Case ID No. 31235 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102409034

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	X
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Oscar Food Corp. dba Circle A Store
Case ID No. 31235
Reg. Ent. Reference No. RN102409034
Media [Statute] 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
Delayed Costs							
Equipment	\$500	11-Jul-2006	11-May-2007	0.8	\$1	\$28	\$29
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: Estimated cost to properly install overfill prevention device. The Date Required is the date of the 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)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **TOTAL**

Screening Date 13-Sep-2006

1-7-09.gpw

Docket No. 2006-1855-PST-E

PCW

Respondent Oscar Food Corp. dba Circle A Store

Policy Revision 2 (September 2002)

Case ID No. 31235

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102409034

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 334.49(c)(2)(C) and 334.49(c)(4)(C)

Secondary Rule Cite(s) Tex. Water Code § 26.3475(d)

Violation Description

Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly. Specifically, the respondent did not conduct the bimonthly inspections. Also, the respondent failed to inspect and test the corrosion protection system for operability and adequacy of protection at a frequency of a least once every three years. Specifically, the respondent did not conduct the triennial test.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

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

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

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended based on documentation of the violation during the July 11, 2006 investigation date to the September 13, 2006 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

1-7-09.csw

Economic Benefit Worksheet

Respondent Oscar Food Corp. dba Circle A Store
Case ID No. 31235
Reg. Ent. Reference No. RN102409034
Media [Statute] Petroleum Storage Tank
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime	EB
						Costs	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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$500	11-May-2006	11-Jul-2006	0.2	\$4	\$84	\$88
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	11-Jul-2003	11-Jul-2006	3.0	\$150	\$1,000	\$1,150

Notes for AVOIDED costs

Estimated cost to conduct bimonthly inspection of the rectifier and other components of the impressed current cathodic protection system. The Date Required two months prior to the investigation. The Final Date is the investigation date. Estimated cost to conduct the required triennial testing of the corrosion protection system. The Date Required is the three years prior to the investigation. The Final Date is the date of the investigation.

Approx. Cost of Compliance

TOTAL

Screening Date 13-Sep-2006

1-7-09.ppw

Docket No. 2006-1855-PST-E

PCW

Respondent Oscar Food Corp. dba Circle A Store

Policy Revision 2 (September 2002)

Case ID No. 31235

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102409034

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Terry Murphy

Violation Number 8

Primary Rule Cite(s)

30 Tex. Admin. Code § 334.50(b)(1)(A), 334.50(b)(2)(A)(i)(III), 334.50(b)(2)(A)(ii), and 334.50(d)(4)(A)(ii)(II)

Secondary Rule Cite(s)

Tex. Water Code § 26.3475(a) and (c)(1)

Violation Description

Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, the respondent did not conduct inventory volume measurements in conjunction with automatic tank gauging as a release detection method. Also, the respondent failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detectors had not been performance tested annually. The respondent also failed to monitor the pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system. Specifically, the respondent did not conduct the monthly monitoring of the piping associated with the UST system. Also, the respondent failed to perform automatic test for substance loss that can detect a release which equals or exceeds a rate of 0.2 gallons per hour from any portion of the tank which contained regulated substances. Specifically, the respondent did not conduct monthly tank tests on the UST system.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual				Percent	25%
	Potential	X				

>> Programmatic Matrix

		Major	Moderate	Minor		
Falsification					Percent	

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

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended based on documentation of the violation during the July 11, 2006 investigation date to the September 13, 2006 screening date.

Economic Benefit (EB) for this violation

Estimated EB Amount \$1,112

Statutory Limit Test

Violation Final Penalty Total \$3,225

This violation Final Assessed Penalty (adjusted for limits) \$3,225

Economic Benefit Worksheet

Respondent Oscar Food Corp. dba Circle A Store
Case ID No. 31235
Reg. Ent. Reference No. RN102409034
Media [Statute] Petroleum Storage Tank
Violation No. 8

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)	\$1,500	11-Jul-2006	11-May-2007	0.8	\$62	n/a	\$62

Notes for DELAYED costs Estimated costs to monitor all USTs and associated piping for releases. 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 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	11-Jul-2005	11-Jul-2006	1.0	\$50	\$1,000	\$1,050

Notes for AVOIDED costs Avoided cost for annual testing of the line leak detectors. The Date Required is the one year prior to the investigation date. The Final Date is the date of the investigation.

Approx. Cost of Compliance **\$2,500**

TOTAL \$1,112

1-7-09.gpw

Screening Date 13-Sep-2006 **Docket No.** 2006-1855-PST-E **PCW**

Respondent Oscar Food Corp. dba Circle A Store *Policy Revision 2 (September 2002)*

Case ID No. 31235 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102409034

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Terry Murphy

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input checked="" type="checkbox"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Oscar Food Corp. dba Circle A Store
Case ID No. 31235
Reg. Ent. Reference No. RN102409034
Media [Statute] Petroleum Storage Tank
Violation No. 9

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)	\$1,000	11-Jul-2006	11-May-2006	-0.2	-\$1	-\$11	-\$12
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: Estimated cost to conduct effective inventory control. Date Required is the date of the investigation and 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 **\$1,000** **TOTAL** **-\$12**

Description: Failed to comply with Ordering Provisions of Commission Order Docket No. 2004-2116-PST-E.
Date: 02/25/2003 (275405)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)[G]
30 TAC Chapter 37, SubChapter I 37.815(b)[G]

Description: Failure to provide acceptable financial assurance
Date: 06/20/2006 (480993)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)[G]

Description: Failure to develop and maintain all UST records.
Self Report? NO Classification: Minor
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 TCEQ, EPA, or any local air pollution control program with jurisdiction.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.246(6)

Description: Failure to maintain a daily inspection log according to 115.244 (Inspection Requirements).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.246(4)

Description: Failure to maintain proof of attendance and completion of training as specified in 115.248 (state approved Stage II training course) and documentation of all Stage II training for each employee.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)

Description: Failure to maintain a maintenance log for all repair/replacements conducted at the facility.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.246(1)

Description: Failure to maintain a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II Vapor Recovery system and any related components installed at the facility.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)

Description: Failure to maintain a record of the results of testing conducted at the facility according to 115.245 (Testing Requirements).
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)(B)

Description: Failure to maintain hose in a manner that the hose is not crimped, kinked, or flattened such that the vapor passage is blocked, or the back-pressure through the vapor system exceeds the value as certified in the approved system's CARB Executive Order(s).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)[G]

Description: Failure to maintain all components of the Stage II Vapor Recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the 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 the California Air Resources Board (CARB) Executive Order, including the absence or disconnection of any component that is a part of the approved system.

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 OSCAR FOOD
CORP. DBA CIRCLE A STORE;
RN102409034**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT AND SHUTDOWN ORDER DOCKET NO. 2006-1855-PST-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 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, corrective action of the respondent, and revocation of the respondent's fuel delivery certificate. The Commission also considered the Executive Director's Motion requesting entry of an Order requiring the respondent, Oscar Food Corp. dba Circle A Food Store, ("Oscar Food") to shutdown or remove from service the Underground Storage Tanks ("USTs") at the Circle A Store Station, PST Station I.D. 8919, located at 14525 Woodforest Blvd., Houston, Harris County, Texas.

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

FINDINGS OF FACT

1. Oscar Food owns and operates a convenience store with retail sales of gasoline, located at 14525 Woodforest Blvd., Houston, Harris County, Texas (the "Station").
2. The two USTs at the Station contain regulated substances as defined in the Commission's rules. The USTs are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. On May 24, 2006, and July 11, 2006, an investigator from the TCEQ Houston Regional Office documented that Oscar Food:
 - a. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Station accepted one fuel delivery without a delivery certificate;

- b. Failed to maintain and make available legible copies of all required UST records for inspection upon request by agency personnel;
- c. Failed to maintain Stage II records on-site at the Station ordinarily manned during business hours, and make immediately available for review upon request. Specifically, Oscar Food did not maintain a daily inspection log, proof of attendance and completion of Stage II training, maintenance logs for all repair and/or replacements for Stage II equipment, Stage II testing results, and a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II vapor recovery system;
- d. Failed to maintain all components of the Stage II vapor recovery system in proper operating condition as specified by the manufacture and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system. Specifically, the dispenser no. 2 regular unleaded nozzle was leaking, the swivel adapters were not installed on any of the fills or Stage I dry breaks, and the dispenser no. 1 unleaded hose was torn. Also, Oscar Food failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II vapor recovery system. Specifically, the operating instructions were not posted for dispenser nos. 1 and 2;
- e. Failed to conduct monthly inspections of the Stage II vapor recovery system. Specifically, Oscar Food did not inspect the pressure/vacuum relief valves, vapor check valves, or Stage I dry breaks on a monthly basis;
- f. Failed to provide overfill prevention equipment for the UST system;
- g. Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly. Specifically, Oscar Food did not conduct the bimonthly inspections. Also, Oscar Food failed to inspect and test for operability and adequacy of protection at a frequency of at least once every three years. Specifically, Oscar Food did not conduct the triennial test;
- h. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, Oscar Food did not conduct inventory volume measurements in conjunction with the automatic tank gauging as a release detection method. Also, Oscar food failed to test the line leak detectors at least once per year for performance and operational reliability;

Specifically, the line leak detectors had not been performance tested annually. Oscar Food also failed to monitor the pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping system. Specifically, Oscar Food did not conduct monthly monitoring of the piping associated with the UST system. Also, Oscar Food failed to perform the automatic test for substance loss that can detect a release which equals or exceeds a rate of 0.2 gallons per hour from any portion of the tank which contained regulated substances. Specifically, Oscar Food did not conduct monthly tank tests on the UST system; and

- i. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel.
4. By letter dated August 25, 2006, the TCEQ Houston Regional Office provided Oscar Food with notice of the violations and the TCEQ's authority to shut down and remove from service USTs not in compliance with the release detection, spill and/or overflow prevention, and corrosion protection regulations if the violations were not corrected.
 5. Oscar Food received notice of the violations on or about June 20, 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 Oscar Food Corp. dba Circle A Store" (the "EDPRP") in the TCEQ Chief Clerk's Office on July 26, 2007.
 7. By letter dated July 26, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Oscar Food with notice of the EDPRP. The United States Postal service returned the wrapper sent by certified mail as "unclaimed". The first class mail has not been returned, indicating that Oscar Food received notice of the EDPRP.
 8. More than 20 days have elapsed since Oscar Food received notice of the EDPRP, provided by the Executive Director. Oscar Food failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.
 9. By letter dated August 25, 2006, TCEQ provided Oscar Food with notice of TCEQ's intent to order the USTs at the Station shut down and removed from service if Oscar Food failed to correct the release detection, spill and/or overflow prevention, and corrosion protection violations within 30 days after Oscar Food's receipt of the notice.

10. As of the date of entry of this Order, Oscar Food has not corrected the violations noted during the May 24, 2006 investigation.
11. The USTs at the Station do not have adequate overfill prevention equipment, corrosion protection, tank release detection equipment and pressurized piping leak detection equipment as required by 30 TEX. ADMIN. CODE §§ 334.49, 334.50, and 334.51, and may be releasing petroleum products to the environment without the knowledge of the tank owner or operator. Therefore, conditions at the Station constitute an imminent peril to public health, safety, and welfare.

CONCLUSIONS OF LAW

1. As Evidenced by Finding of Fact Nos. 1 and 2, Oscar Food's USTs are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs.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., Oscar Food violated TEX. WATER CODE § 26.3467(a) and 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i), by failing to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs; specifically, the Station accepted one fuel delivery without a delivery certificate.
3. As evidenced by Finding of Fact No. 3.b., Oscar Food violated 30 TEX. ADMIN. CODE § 334.10(b), by failing to maintain and make available legible copies of all required UST records for inspection upon request by agency personnel.
4. As evidenced by Finding of Fact No. 3.c., Oscar Food violated TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE §§ 115.246(1), 115.246(3), 115.246(4), 115.246(5), 115.246(6) and 115.246(7)(A), by failing to maintain Stage II records on-site at the Station ordinarily manned during business hours, and make immediately available for review upon request. Specifically, Oscar Food did not maintain a daily inspection log, proof of attendance and completion of Stage II training, maintenance logs for all repair and/or replacements for Stage II equipment, Stage II testing results, and a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II vapor recovery system.
5. As evidenced by Finding of Fact No. 3.d., Oscar Food violated TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE §§ 115.242(3), 115.242(3)(A),

115.242(3)(B), and 115.242(9), by failing to maintain all components of the Stage II vapor recovery system in proper operating condition as specified by the manufacture and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system. Specifically, the dispenser no. 2 regular unleaded nozzle was leaking, the swivel adapters were not installed on any of the fills or Stage I dry breaks, and the dispenser no. 1 unleaded hose was torn. Also, Oscar Food failed to post operating instructions conspicuously on the front of each dispenser equipped with a Stage II vapor recovery system. Specifically, the operating instructions were not posted for dispenser nos. 1 and 2.

6. As evidenced by Finding of Fact No. 3.e, Oscar Food violated TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.244(3), by failing to conduct monthly inspections of the Stage II vapor recovery system. Specifically, Oscar Food did not inspect the pressure/vacuum relief valves, vapor check valves, or Stage I dry breaks on a monthly basis.
7. As evidenced by Finding of Fact No. 3.f., Oscar Food violated TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(b)(1)(B), by failing to provide overflow prevention equipment for the UST system.
8. As evidenced by Finding of Fact No. 3.g., Oscar Food violated TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and 334.49(c)(4)(C), by failing to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly. Specifically, Oscar Food did not conduct the bimonthly inspections. Also, Oscar Food failed to inspect and test for operability and adequacy of protection at a frequency of at least once every three years. Specifically, Oscar Food did not conduct the triennial test.
9. As evidenced by Finding of Fact No. 3.h., Oscar Food violated TEX. WATER CODE § 26.3475(a) and (c)(1), and 30 TEX. ADMIN. CODE §§ 334.50(b)(1)(A), 334.50(b)(2)(A)(i)(III), 334.50(b)(2)(A)(ii), and 334.50(d)(4)(A)(ii)(II), by failing to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, Oscar Food did not conduct inventory volume measurements in conjunction with the automatic tank gauging as a release detection method. Also, Oscar Food failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detectors had not been performance tested annually. Oscar Food also failed to monitor the pressurized piping associated with the UST system in a manner designed to detect releases from any portion of the piping associated with the UST system. Also, Oscar Food failed to perform

the automatic test for substance loss that can detect a release which equals or exceeds a rate of 0.2 gallons per hour from any portion of the tank which contained regulated substances. Specifically, Oscar Food did not conduct monthly tank tests on the UST system.

10. As evidenced by Finding of Fact No. 3.i., Oscar Food violated 30 TEX. ADMIN. CODE § 334.48(c), by failing to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel.
11. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Oscar Food with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
12. As evidence by Finding of Fact No. 8, Oscar Food has failed to file a timely answer to the EDPRP, 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 Oscar Food and assess the penalty recommended by the Executive Director.
13. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Oscar Food for violations of the Texas Water Code and the Texas Health & Safety Code within the Commission's jurisdiction, for violation of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
14. An administrative penalty in the amount of sixteen thousand seven hundred seventy dollars (\$16,770.00) is justified by the facts in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
15. As evidenced by Finding of Fact Nos. 3, 4, 5, 9 and 10, Oscar Food failed to correct documented violations of Commission requirements within 30 days after Oscar Food received notice of the violations and notice of the Executive Director's intent to shut down the Station.
16. TEX. WATER CODE § 26.3475(e) authorizes the Commission to order a UST owner or operator to shut down a UST system, if within 30 days after receiving notice of the violations, the owner or operator fails to correct violations of Commission regulatory requirements relating to release detection for tanks and/or piping, spill and overflow protection for tanks, corrosion protection for tanks and piping, and/or lack of acceptable financial assurance.

17. 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 with its jurisdiction.
18. Pursuant to TEX. ADMIN. CODE § 334.8(c)(6), the Commission has the authority to revoke Oscar Food's UST delivery certificate if the Commission finds good cause exists.
19. Good cause for revocation of Oscar Food's UST delivery certificate exists as justified by Finding of Fact Nos. 3.a. through 10 and Conclusion of Law Nos. 2 through 12 and 15.
20. As evidenced by Finding of Fact No. 11, current conditions at the Station constitute an imminent peril to public health, safety and welfare. Therefore, pursuant to the Administrative Procedures Act, TEX. GOV'T. CODE § 2001.144(a)(3), this Order is final and effective on the date rendered.

ORDERING PROVISIONS

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. Immediately upon the effective date of this Order, Oscar Food shall take the following steps to shut down operations of all USTs at the Station:
 - a. Cease dispensing fuel from the USTs;
 - b. Cease receiving deliveries of regulated substances into the USTs;
 - c. Padlock the dispensers;
 - d. Empty the USTs of all regulated substances in accordance with 30 TEX. ADMIN. CODE § 334.54(d); and
 - e. Temporarily remove the USTs from service in accordance with 30 TEX. ADMIN. CODE § 334.54.
2. Oscar Food's UST delivery certificate is revoked immediately upon the effective date of this Order. Oscar Food may submit an application for a new delivery certificate only after Oscar Food has complied with all of the requirements set forth in these Ordering Provisions.

3. Within 10 days of after the effective date of this Order, Oscar Food shall send its UST delivery certificate to:

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

4. Within 15 days after the effective date of this Order, Oscar Food shall submit to the Executive Director a detailed written report, documenting the steps it has taken to comply with Ordering Provision Nos. 1.a through 1.e and 3. Oscar Food shall submit the report to:

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

and

Nicole Bealle, Waste Section Manager
TCEQ Houston Regional Office
5425 Polk St., Ste. H
Houston, Texas 77023-1425

5. If Oscar Food elects to permanently remove from service any USTs at the Station, Oscar Food shall immediately and permanently remove the UST system in accordance with 30 TEX. ADMIN. CODE § 334.55. If Oscar Food permanently removes any portion of the UST system from service, Oscar Food shall, within 15 days after the effective date of this Order, submit to the Commission a written report documenting compliance with 30 TEX. ADMIN. CODE § 334.55. Oscar Food shall submit the written report to:

Petroleum Storage Tank Registration Team, MC 138
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

6. Oscar Food is assessed an administrative penalty in the amount of sixteen thousand seven hundred seventy dollars (\$16,770.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Oscar Food's compliance with all the terms and conditions set forth in this Order completely resolve only 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: Oscar Food Corp. dba Circle A Store; Docket No. 2006-1855-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

7. Oscar Food's USTs shall remain out of service, pursuant to TEX. WATER CODE § 26.3475 and as directed by Ordering Provision Nos. 1.a through 1.e, until such time as Oscar Food demonstrates to the satisfaction of the Executive Director that it corrected the violations noted in Finding of Fact Nos. 3.f. through 3.h., and Conclusion of Law Nos. 7 through 9, as listed herein.
8. Prior to resuming retail sales of gasoline, Oscar Food shall:
- a. install overfill prevention equipment for all USTs in accordance with TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(b)(1)(B).
 - b. inspect the impressed current cathodic protection system and conduct triennial testing of the cathodic protection system, in accordance with TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE §§ 334.49(c)(2)(C) and 334.39(c)(4)(C).
 - c. implement a release detection method for the USTs and the piping associated with the USTs and conduct testing of the line leak detectors, in accordance with TEX. WATER CODE § 26.3475(a) and (c)(1), and 30 TEX. ADMIN. CODE § 334.50(b)(1)(A), 334.50(b)(2)(A)(i)(III), 334.50(b)(2)(A)(ii) and 334.50(d)(4)(A)(ii)(II).

9. Prior to receiving deliveries of gasoline, Oscar Food shall:
 - a. Make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs; in accordance with TEX. WATER CODE § 26.3467(a) and 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i).
 - b. Maintain and make available legible copies of all required UST records for inspection upon request by agency personnel, in accordance with 30 TEX. ADMIN. CODE § 334.10(b).
 - c. Maintain all Stage II records on-site at the Station and immediately make them available for review upon request, in accordance with TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE §§ 115.246(1), 115.246(3), 115.246(4), 115.246(5), 115.246(6) and 115.246(7)(A).
 - d. Maintain all components of the Stage II vapor recovery system in proper operating condition as specified by the manufacture and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system, and post operating instruction on the front of each dispensing pump equipped with Stage II Vapor Recovery System, in accordance with TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE §§ 115.242(3), 115.242(3)(A), 115.242(3)(B), and 115.242(9).
 - e. Begin conducting monthly inspections of the Stage II vapor recovery system, in accordance with TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE §§ 115.244(3).
 - f. Begin conducting effective manual or automatic inventory control procedures for all USTs, in accordance with 30 TEX. ADMIN. CODE § 334.48(c).
 - g. Obtain a new delivery certificate from the TCEQ.
10. Within 10 days of resuming retail sales of gasoline, Oscar Food shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 8.a through 9.g. The written 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

and

Nicole Bealle, Waste Section Manager
TCEQ Houston Regional Office
5425 Polk St., Ste. H
Houston, Texas 77023-1425

11. Upon obtaining a new delivery certificate, Oscar Food shall post the delivery certificate in a location where the document is clearly visible at all times, in accordance with 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(iii).
12. All relief not expressly granted in this Order is denied.
13. The provisions of this Order shall apply to and be binding upon Oscar Food. Oscar Food is ordered to give notice of this Order to personnel who maintain day to day control of the USTs at the Station.
14. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Oscar Food if the Executive Director determines that Oscar Food is noncompliant with or in violation of any of the terms and conditions set forth in this Order.

15. This Order shall terminate five years from its effective date or when Oscar Food demonstrates to the satisfaction of the Executive Director that it has corrected all of the violations noted herein.
16. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order is the date this decision was rendered, pursuant to the Administrative Procedure Act, TEX. GOV'T CODE § 2001.144(a)(3).

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission