EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2 DOCKET NO.: 2008-1358-PST-E TCEQ ID: RN102483641 CASE NO.: 36402 RESPONDENT NAME: CHEVRON U.S.A. INC.

V 1660 A ODFED ODDED	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING
<u>X</u> 1660 AGREED ORDER		SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	·
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
SITE WHERE VIOLATION(S) OCC County TYPE OF OPERATION: Two inacti	CURRED: Chevron 164875, located at 13870 North I ve underground storage tanks ("USTs")	Farm-to-Market Road 81, Panna Maria, Karnes
County TYPE OF OPERATION: Two inacti SMALL BUSINESS:Yes OTHER SIGNIFICANT MATTERS		
County TYPE OF OPERATION: Two inacti SMALL BUSINESS:Yes OTHER SIGNIFICANT MATTERS: facility location.	ve underground storage tanks ("USTs") <u>X</u> No There are no complaints. There is no record of addit	ional pending enforcement actions regarding thi
County TYPE OF OPERATION: Two inacti SMALL BUSINESS:Yes OTHER SIGNIFICANT MATTERS facility location. INTERESTED PARTIES: No one oth	ve underground storage tanks ("USTs") <u>X</u> No There are no complaints. There is no record of addit her than the ED and the Respondent has expressed an	ional pending enforcement actions regarding the interest in this matter.
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County TYPE OF OPERATION: Two inacti SMALL BUSINESS:Yes OTHER SIGNIFICANT MATTERS: facility location	ve underground storage tanks ("USTs") <u>X</u> No There are no complaints. There is no record of addit her than the ED and the Respondent has expressed an is <i>s Register</i> comment period expired on February 2, 200 linator: None nator: Mr. Mike Pace, Enforcement Division, Enforce Division, MC 219, (512) 239-2171	ional pending enforcement actions regarding thi interest in this matter. 09. No comments were received. ement Team 6, MC R-04, (817) 588-5933; Mr.
County TYPE OF OPERATION: Two inactiv SMALL BUSINESS:Yes OTHER SIGNIFICANT MATTERS: facility location INTERESTED PARTIES: No one off COMMENTS RECEIVED: The Texa CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coord TCEQ Enforcement I Respondent: Ms. Carol Lear, Mr. Judson C. Polikoff, Assis	ve underground storage tanks ("USTs") <u>X</u> No There are no complaints. There is no record of addit her than the ED and the Respondent has expressed an <i>s Register</i> comment period expired on February 2, 200 linator: None nator: Mr. Mike Pace, Enforcement Division, Enforce	ional pending enforcement actions regarding thi interest in this matter. 09. No comments were received. ement Team 6, MC R-04, (817) 588-5933; Mr. an Ramon, California 94583

RESPONDENT NAME: CHEVRON U.S.A. INC. DOCKET NO.: 2008-1358-PST-E

1.06366

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: Complaint Routine Enforcement Follow-up X Records Review Date(s) of Complaints Relating to this Case: None Date of Investigation Relating to this Case: July 28,2008 Date of NOV/NOE Relating to this Case: July 28,2008 (NOE) Background Facts: This was a record review.	Total Assessed: \$6,300 Total Deferred: \$1,260 	TAKEN/REQUIRED Ordering Provisions: The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order, permanently remove the UST system from service; b. Within 45 days after the effective date of this Agreed Order, submit a completed registration to indicate the correct ownership information and the current operational status of the UST system; and c. Within 60 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including
WASTE 1) Failure to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, two underground storage tanks ("USTs") for which any applicable component of the system is not brought into timely compliance with the upgrade requirements [30 TEX. ADMIN. CODE § 334.47(a)(2)]. 2) Failure to provide an amended registration for any change or additional	Major Source: Yes No Applicable Penalty Policy: September 2002	photographs, receipts, and/or other record to demonstrate compliance with Ordering Provisions a. and b.
nformation regarding the USTs within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not updated to reflect the correct ownership information and the current operational status of the UST system [30 TEX. ADMIN. CODE § 334.7(d)(3)].	an 1800 Raggina Bana da Santa ang Panganan ang Panganan Raggina Bana da Santa ang Panganan ang Panganan Raggina da Santa ang Panganan ang Panganan ang Panganan	

Additional ID No(s).: PST 34732

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	Penalty Calculation Worksheet (PCW)	
Policy Revision 2 (Sep	ptember 2002)	PCW Revision June 12, 2008
DATES Assigned	4 Aug 2008	
DATES Assigned PCW	· · · · · · · · · · · · · · · ·	
RESPONDENT/FACILITY	INFORMATION	
	CHEVRON U.S.A. INC.	
Reg. Ent. Ref. No.		
Facility/Site Region	13-San Antonio Major/Minor Source Minor	
CASE INFORMATION		
Enf./Case ID No.	36402 No. of Violations 2	
-	2008-1358-PST-E Order Type 1660	
	Petroleum Storage Tank Government/Non-Profit No	
Multi-Media		
	EC's Team Enforcement	Team 6
Admin. Penalty \$ I	Limit Minimum \$0 Maximum \$10,000	
	Penalty Calculation Section	
TOTAL BASE PENAL	LTY (Sum of violation base penalties) Subtotal 1	\$6,000
ADJUSTMENTS (+/-)	TO SUBTOTAL 1	
Subtotals 2-7 are obtain	ined by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance Histo		\$300
Notes	Enhancement for one prior NOV with same or similar violations.	
l l		
Culpability	No 0.0% Enhancement Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.	
Cood Foith Effort	A CARANTA TINI A MULTINI MUMINI AND	
GOOU Faith Ellon	t to Comply Total Adjustments Subtotal 5	\$0
Economic Benefit	it 0.0% Enhancement* Subtotal 6	\$0
	Total EB Amounts \$5,059 *Capped at the Total EB \$ Amount	· · ·
Approx. C	Cost of Compliance \$10,100	
SUM OF SUBTOTALS		¢0.000
SOM OF SUBTOTALS	S 1-7 Final Subtotal	\$6,300
	S JUSTICE MAY REQUIRE 0.0%	
	S JUSTICE MAY REQUIRE 0.0% Adjustment	\$0
Notes		•
L	Final Penalty Amount	\$6,300
	· · · · · · · · · · · · · · · · · · ·	• - ,
STATUTORY LIMIT A	DJUSTMENT	\$6,300
-		
DEFERRAL	20.0% Reduction Adjustment	-\$1,260
	alty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)	+ 1,400
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$5,040

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		ing Date 8-Aug-2008 Docket No. 2008-1358-PST-E.	· Policy R	PC evision 2 (September
	Cas	se ID No. 36402	P (CW Revision June 12
Reg	. Ent. Refer	ence No. RN102483641	e	in and
	Media	[Statute] Petroleum Storage Tank		
	Enf. Coc	ordinator Mike Pace		
		Compliance History Worksheet		Alan II.
Comp	liance History	Site Enhancement (Subtotal 2)		
p			ter 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%
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		0%
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	and Consent Decrees	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)	O	² 0%
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
		Please	Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Curici -	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%
	<u></u>	Adjustment Pe	rcentage (Sı	ibtotal 2) 5
Repea	at Violator (Su	btotal 3)		
	Nö	Adjustment Pe	rcentare (Cr	ıbtotal 3) 🔽 0
			oomaye (or	
Comp	liance History	Person Classification (Subtotal 7)		
	Average P	erformer Adjustment Pe	rcentario (Si	ibtotal 7) 0
Comp	liance History		ioentage (Ot	
	Compliance History Notes	Enhancement for one prior NOV with same or similar violations.		

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Respondent CHEVRON US & NGC. Case ID No. 5420 PCW Resolvance 20 PCW Resolvance 20 PCW Resolvance 21, 20 PCW Resolvance 20 PCW Resolvance 21, 20 PCW Resolvance	Screening Date	-	Docket N	lo. 2008-1358-PST-E	PCW
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Two monthly events (one month per tank) are recommended based on documentation of the violation during the July 28, 2008 record review to the August 8, 2008 screening date. screening date. cood Faith Efforts to Comply 0.0% Reduction screening date. Before NOV NOV to EDPRP/Settlement Offer screening date. Understand Screening date. screening date. Ordinary Ordinary screening date. N/A x (mark with x) Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$5,000 conomic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$5,056		No. 3 (circulation) (circulation) (circulation)			· · ·
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Ordinary		******	NOV to EDPRP/Settlement Of	fer	
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This violation Final Assessed Penalty (adjusted for limits) \$5,250	Lounated			riolation i inai rella	
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	E	conomic l	3enefit W	orks	heet		
Responden	t CHEVRON U.S	S.A. INC.					
Case ID No							
Reg. Ent. Reference No							
	Petroleum Stor	ago Tonk					Years of
		ayerank				Percent Interest	Depreciation
Violation No	• 1 ·						
						5.0	
χ_{1} (1)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amoun
Item Descriptio	n No commas or \$	an Arian and					
		,					
Delayed Cost	S	· · · · · · · · · · · · · · · · · · ·				1. Juni	
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	-			0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000 Estimated c	22-Dec-1998 ost to permanently	29-Jan-2009	<u>10.11</u> system fr	\$5,056 om service, The	date required is the	\$5,056 date when the
Other (as needed) Notes for DELAYED costs	Estimated c Respondent	ost to permanently was required to up	remove the UST s grade the UST sy	system fr stem and date.	om service, The I the final date is t	date required is the pased on the expect	date when the ed compliance
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Notes for DELAYED costs	Estimated c Respondent	ost to permanently was required to up	remove the UST s grade the UST sy	system fr stem and date.	om service, The I the final date is I item (except for \$0	date required is the pased on the expect one-time avoided \$0	date when the ed compliance costs) \$0
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Notes for DELAYED costs Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated c Respondent	ost to permanently was required to up	remove the UST s grade the UST sy	system fr stem and date. 0.00 0.00 0.00 0.00 0.00 0.00 0.00	om service. The I the final date is t item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	date required is the pased on the expect one-time avoided \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date when the ed compliance costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Cost Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated c Respondent	ost to permanently was required to up	remove the UST s grade the UST sy	system fr stem and date. 0.00 0.00 0.00 0.00 0.00 0.00	om service. The I the final date is t item (except for \$0 \$0 \$0 \$0 \$0	date required is the pased on the expect one-time avoided \$0 \$0 \$0 \$0 \$0 \$0	date when the ed compliance costs)
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Page 1 of 2, 12/30/2008, H:\Agreed Orders\ChevronUSAInc-2008-1358-PST-E\Chevron PCW .xls

Screening Date	8-Aug-2008	De	ocket No. 2008-1358-PST-E		PCW
•	CHEVRON U.S.A. IN	1C.		Policy Revis	ion 2 (September 2002)
Case ID No.				PCW	Revision June 12, 2008
Reg. Ent. Reference No.					
	Petroleum Storage T	ank			
Enf. Coordinator					
Violation Number					:
Rule Cite(s)		30 Tex. Admin. (Code § 334.7(d)(3)		
Violation Description	regarding the US addition. Specifica	Ts within 30 days from fally, the registration was	on for any change or additional info the date of the occurrence of the c not updated to reflect the correct tional status of the UST system.	hange or	
			B	ase Penalty	\$10,000
		R R			
>> Environmental, Property ar		Matrix Irm			
Release		erate Minor			
OR Actual				_	W Country of the State
Potential	II		Percent 0%	0	•
			s haranas		
>>Programmatic Matrix Falsification	Major Mode	erate Minor			
			Percent 10%	6	
	JJ.	l		<u></u>	
Matrix	100%	% of the rule requiremen	t was not met.		
Notes			·		
			Adjustment	\$9,000	
					\$1,000
Violation Events	en i sanda de l		1. たいれた時間、他に行いて読得にあったまです。		
Number of Vi	iolation Events	1	11 Number of violation d	ays	
	daily				
	monthly				
mark only one	quarterly		Violation B	ase Penalty	\$1,000
with an x	semiannual				-
a cometa (a)	annual single event	x .			
		<u>.</u>			
One single ev	vent is recommended l	based on the document record review.	ation of the violation during the Jul	y 28, 2008	
]					
Good Faith Efforts to Comply		0.0% Reduction	Mary Contractor		\$0
	Before	NOV NOV to EDPRP/Se	ttlement Offer		(
	Extraordinary				
	Ordinary				
	Ordinary	x (mark with x)		٦	
	Ordinary N/A	Respondent does not m	neet the good faith criteria for this plation.]	
	Ordinary N/A	Respondent does not m	blation.	 on Subtotal	\$1,000
Economic Benefit /EB) for this	Ordinary	Respondent does not m	Violati		\$1,000
Economic Benefit (EB) for this	Ordinary	Respondent does not m	blation.		\$1,000
	Ordinary	Respondent does not m	Violati	est	\$1,000
	Ordinary N/A Notes The	Respondent does not m vic	Violati Violati Statutory Limit T	est enalty Total	

ana na manaka na manakana n	E	conomic E	Benefit W	orks	heet		
Respondent	CHEVRON U.S	.A. INC.					
Case ID No.						1	
Reg. Ent. Reference No.							
		an Tonk			· · ·		Years of
	Petroleum Stora	agerank				Percent Interest	Depreciation
Violation No.	2				11 Mar 1	وبالحائمة بالآب الكل	· ·
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	a the annual				1		
Equipment		<u> </u>	a data manati	0.00	\$0	\$0	\$0
Buildings			and a support	0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Lingingeringreenstruction				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	28-Jul-2008	14-Feb-2009	0.55	\$3	n/a	\$3
Notes for DELAYED costs		date a	nd the final date i	s the exp	ected date of con	· ·	
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e			one-time avoided c	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]			<u></u>	0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	19 19 - 20 Mer L						
	L				····	· · · · · · · · · · · · · · · · · · ·	

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Compliance History

Custome	r/Respondent/Owner-Operator:	CN600132484	CHEVRON U.S.A.	INC.		Classification:	AVERAGE	Rating: 2.73
Regulate	d Entity:	RN102483641	CHEVRON 16487	5		Classification:	AVERAGE	Site Rating: 3.50
ID Numbe	er(s):	PETROLEUM ST REGISTRATION	PETROLEUM STORAGE TANK REGISTRAT			TION		34732
Location:		13870 North FM	81, Panna Maria			Rating Date: S	September 01 07	Repeat Violator: NO
TCEQ Re	egion:	REGION 13 - SAI						
Date Con	npliance History Prepared:	August 20, 2008						•
Agency D	Decision Requiring Compliance History:	Enforcement						
Complian	ice Period:	August 20, 2003 t	o August 20, 2008					
TCEQ Sta Name:	aff Member to Contact for Additional Infor Mike Pace		nis Compliance Histor one: 588-5933	•		· .		
·		Site C	ompliance History	Compo	nents			
1. Has the	e site been in existence and/or operation	for the full five year	compliance period?		Yes			
2. Has the	ere been a (known) change in ownership	of the site during th	e 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			
Compor	nents (Multimedia) for the Site :					κ.		
A.	Final Enforcement Orders, court judgen	nents, and consent	decrees of the state o	f Texas an	d the federal	government.		
	N/A		· .					
В.	Any criminal convictions of the state of N/A	Texas and the feder	al government.				,	
C.	Chronic excessive emissions events.				•			
	N/A			7				
D.	The approval dates of investigations. (C	CEDS Inv. Track. N	lo.)					
	¹ 05/31/2007 (557122) 2 07/28/2008 (685583)			.'		•		·
E.	Written notices of violations (NOV). (CC	EDS Inv. Track. No	.)					
	Date: 06/01/2007 (557122	2)						
	•	oter 334, SubChapte available at the time	er A 334.10(b) of the investigation.	Classifica	ation: Minc)r .		
		oter 334, SubChapte tion not properly up		Classifica	ation: Minc	ρr		
			er C 334.47(a)(2) Ind are not in complia	Classifica				
F.	Environmental audits. N/A							
G.	Type of environmental management sys	stems (EMSs).						
	N/A							
н.	Voluntary on-site compliance assessme	ent dates.						
	N/A							
Ι.	Participation in a voluntary pollution red	uction program.						

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

-11 - 1444

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING CHEVRON U.S.A. INC. RN102483641 BEFORE THE TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1358-PST-E

I. JURISDICTION AND STIPULATIONS

At its _______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CHEVRON U.S.A. INC. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns two inactive underground storage tanks ("USTs") located at 13870 North Farm-To-Market Road 81 in Panna Maria, Karnes County, Texas (the "Facility").
- 2. The Respondent's two USTs are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 2, 2008.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Six Thousand Three Hundred Dollars (\$6,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Forty Dollars (\$5,040) of the administrative penalty and One Thousand Two Hundred Sixty Dollars (\$1,260) is deferred contingent upon the Respondent's

timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the USTs, the Respondent is alleged to have:

- 1. Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, two USTs for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, in violation of 30 TEX. ADMIN. CODE § 334.47(a)(2), as documented during a record review conducted on July 28, 2008.
- 2. Failed to provide an amended registration for any change or additional information regarding the USTs within 30 days from the date of the occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(3), as documented during a record review conducted on July 28, 2008. Specifically, the registration was not updated to reflect the correct ownership information and the current operational status of the UST system.

III. DENIALS

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

IV. ORDERING PROVISIONS

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1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: CHEVRON U.S.A. INC., 2008-1358-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, permanently remove the UST system from service, in accordance with 30 TEX. ADMIN. CODE § 334.55; and
 - b.
- Within 45 days after the effective date of this Agreed Order, submit a completed registration to indicate the correct ownership information and the current operational status of the UST system, in accordance with 30 TEX. ADMIN. CODE § 334.7 to:

Registration and Reporting Section Permitting & Remediation Support Division, MC 138 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

c.

Within 60 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. 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:

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and a second second

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

with a copy to:

Waste Section Manager San Antonio Regional Office Texas Commission on Environmental Quality 14250 Judson Road San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

or the Executive Director

1/23/2009 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEO, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

Śignature

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Name (Printed or typed) Authorized Representative of CHEVRON U.S.A. INC.

sistant Secretary

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Mr. C. San Const. M. S. S.

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