EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2008-1487-PST-E **TCEQ ID:** RN102142049 **CASE NO.:** 36566

RESPONDENT NAME: AAEMS LLC dba Kwik Mart 2

ORDER TYPE:			
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING 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	
TYPE OF OPERATION: Convenience stores SMALL BUSINESS:X_Yes	No re are no complaints. There is no record of additional and the ED and the Respondent has expressed an intersister comment period expired on February 2, 2009. r: None : Ms. Judy Kluge, Enforcement Division, Enforcement	al pending enforcement actions regarding this rest in this matter. No comments were received. ent Team 6, MC R-04, (817) 588-5825; Mr. nes Boulevard, Dallas, Texas 75229	

RESPONDENT NAME: AAEMS LLC dba Kwik Mart 2 DOCKET NO.: 2008-1487-PST-E

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED Corrective Actions Taken: Type of Investigation: Total Assessed: \$9,521 Complaint The Executive Director recognizes that the Total Deferred: \$1,904 X Routine Respondent has implemented the Enforcement Follow-up X Expedited Settlement following corrective measures at the Records Review Financial Inability to Pay Station: Date(s) of Complaints Relating to this Case: None SEP Conditional Offset: \$0 a. On August 29, 2008, the TCEQ DFW Regional Office received documentation verifying that the triennial testing of the Total Paid (Due) to General Revenue: \$232 Date of Investigation Relating to this cathodic protection system has been Case: August 12, 2008 (remaining \$7,385 due in 35 monthly payments successfully conducted; of \$211 each) Date of NOV/NOE Relating to this Case: b. On September 2, 2008, the TCEQ DFW September 9, 2008 (NOE) Site Compliance History Classification Regional Office investigator verified that X High Average Poor the cathodic protection lead to the supreme Background Facts: This was a routine unleaded submersible pump had been investigation. Person Compliance History Classification properly attached; X High Average Poor WASTE c. On September 2, 2008, the TCEQ DFW Major Source: ___ Yes _X_ No Regional Office investigator verified that 1) Failure to inspect and test the protected all shear valves have been properly component for electrical isolation. Applicable Penalty Policy: September 2002 anchored; and Specifically, the supreme submersible pump cathodic protection lead was d. On September 2, 2008, the TCEQ DFW observed not attached to the submersible Regional Office investigator verified that pump [30 Tex. Admin. Code § the Respondent had replaced the paper for 334.49(b)(3)(B) and Tex. WATER CODE § the Healy vapor monitor and the system is 26.3475(d)]. functioning properly. 2) Failure to have the cathodic protection **Ordering Provisions:** system inspected and tested for operability and adequacy of protection at a frequency The Order will require the Respondent to: of at least once every three years. Specifically, the triennial test had not been a. Immediately upon the effective date of conducted [30 Tex. ADMIN. CODE § this Agreed Order: 334.49(c)(4) and TEX. WATER CODE § 26.3475(d)]. i. Begin conducting effective manual or automatic inventory control procedures for 3) Failure to ensure that all underground storage tanks ("USTs") are monitored in a all USTs; and manner which will detect a release at a ii. Begin maintaining all Stage II records at frequency of at least once every month (not the Station. to exceed 35 days between each monitoring). Specifically, the automatic b. Within 30 days after the effective date tank gauge was not being put into test of this Agreed Order, install and mode monthly [30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § implement a release detection method for all USTs at the Station, and begin 26.3475(c)(1)]. recording volume measurement and reconciliation of inventory control records; 4) Failure to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to c. Within 45 days after the effective date of detect a release which equals or exceeds this Agreed Order, submit written the sum of 1.0 percent of the total

RESPONDENT NAME: AAEMS LLC dba Kwik Mart 2 DOCKET NO.: 2008-1487-PST-E

substance flow-through for the month plus 130 gallons [30 Tex. ADMIN. CODE § 334.50(d)(1)(B)(ii) and Tex. WATER CODE § 26.3475(c)(1)].

- 5) Failure to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day [30 Tex. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and Tex. WATER CODE § 26.3475(e)(1)].
- 6) Failure to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel [30 Tex. ADMIN. CODE § 334.48(c)].
- 7) Failure to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser. Specifically, the shear valves were not anchored [30 Tex. ADMIN. CODE § 334.45(c)(3)(A)].
- 8) Failure to maintain Stage II records at the Station and make them immediately available for inspection upon request by agency personnel. Specifically, the California Air Resources Board ("CARB") Executive Order for the Stage II vapor recovery system and the Stage II Station representative certification were not available for review [30 Tex. ADMIN. CODE § 115.246(1) and (4) and Tex. HEALTH & SAFETY CODE § 382.085(b)].
- 9) Failure to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order, and free of defects that would impair the effectiveness of the system, including, but not limited to absence or disconnection of any component that is a part of the approved system. Specifically, there was no paper in the Healy vapor recovery system monitor [30 Tex. ADMIN. CODE § 115.242(3)(K) and Tex. Health & Safety Code § 382.085(b)].

certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. through b.

Additional ID No(s).: PST No. 39353

DATES Assigned 15-Sep-2008 Screening 16-Sep-2008 EPA Due RESPONDENT/FACILITY INFORMATION Respondent AzeRos Luc dos Kwik Mart 2 Reg. Ent. Ref. No. RN102142049 Red. RN102142049 Red. RN102142049 Red. RN102142049 Red. RN102142049 RN	Policy Revision 2 (Sep	Penalty Cal	culation W	orksheet (P	•	vision June 12, 2008
RESPONDENTIFACILITY INFORMATION RESPONDENTIFACILITY INFORMATION Respondent [AAE/ISS LLC dba kwik Mart 2] Reg. Ent. Ref. No. (RN102142049 Facility/Site Region) Dallas/Fort Worth CASE INFORMATION. Enf. Case ID No. (36566 Ber. (Case ID No. (36566) Dallas/Fort Worth Major/Minor Source Minor CASE INFORMATION. Enf. Case ID No. (36566) Decket No. (2008-1487-PST-E) Media Program(s) Petroleum Storage Tank Multi-Media Admin. Penalty \$ Limit Minimum S0 Maximum S10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violations base penalties) ADJUS*IMENTS (+)* TO SUBTOTAL 1 Shocals 2, 2 are obtained by multipling the Total Base Penalty (Subtotal 1 by the indicated percentage. Compliance History Notes Reduction for High Performer classification. Culpability No 0.0% Enancement Subtotals 2, 3, 8, 7 Subtotal 5 Subtotal 5 Subtotal 5 Subtotal 5 Subtotal 5 Subtotal 6 S0 Culpability No 0.0% Enancement Subtotals 2, 3, 8, 7 Subtotal 5 Subtotal 5 Subtotal 6 S0 Compliance History Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 Subtotal 5 Subtotal 5 Subtotal 6 S0 Compliance Base Penalty Total EB Amount Aprox. Cost of Compliance Subtotal Subtot	TCEQ					
Respondent AAEMS LLC dbe Kwik Mart 2 Reg. Ent. Ref. No. No. 1702/142049 Facility/Site Region Dallas/Fort Worth Major/Minor Source Minor CASE INFORMATION. Ent/Case ID No. 36568 Docket No. 2008-1487-PST-E Media Program(s) Petroleum Storage Tank Multi-Media Admin. Penalty \$ Limit Minimum \$0 Maximum \$160 Government/Non-Profit No Enf. Coordinator E0's Team E0's Team E0's Team E0's Enf. Coordinator E0's Team E0's Enf. Coordinator E0's Team E0's Enf. Coordinator E0's Team E0's E0's Team E0's Enf. Coordinator E0's Team E0's E0's E0's E0's E0's E0's E0's E0's			S-Sep-2008 EP/	\ Due		
Reg. Ent. Ref. No. RN102142049 Facility/Site Region Dallas/Fort Worth Major/Minor Source Minor CASE INFORMATION Ent. Case ID No. 36566 Docket No. 2008-1437-PST-E Docket No. 2008-1437-PST-PST-PST-PST-PST-PST-PST-PST-PST-PST	RESPONDENT/FACILITY	INFORMATION				
Case InFormation Dallas/Fort Worth Major/Minor Source Minor	Respondent	AAEMS LLC dba Kwik Mart 2	The state of the s			
Enf/Case ID No. 985968 Docket No. 985968 Media Program(s) Media Program(s) Petroleum Storage Tank Multi-Media Admin. Penalty \$ Limit Minimum So Maximum S10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) ADJUSTMENTS (+)- TO SUBTOTAL 1 Subtrate 2-7 see obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History Notes Reduction for High Performer classification. Gulpability No 0.0% Enhancement Subtotal 5 The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$11,125 Economic Banefit Total EB Amounts \$1,294 Approx. Cost of Compliance \$84,690 SUM OF SUBTOTALS 1-7 Final Subtotal 5 \$31,125 SUM OF SUBTOTALS 1-7 Final Subtotal 9 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1 Final Penalty Amount \$9,325 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 70% reduction) Notes Deferral offered for expedited settlement.			20 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1	Major/Minor Source	Minor	
Enf/Case ID No. 985968 Docket No. 985968 Media Program(s) Media Program(s) Petroleum Storage Tank Multi-Media Admin. Penalty \$ Limit Minimum So Maximum S10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) ADJUSTMENTS (+)- TO SUBTOTAL 1 Subtrate 2-7 see obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History Notes Reduction for High Performer classification. Gulpability No 0.0% Enhancement Subtotal 5 The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$11,125 Economic Banefit Total EB Amounts \$1,294 Approx. Cost of Compliance \$84,690 SUM OF SUBTOTALS 1-7 Final Subtotal 5 \$31,125 SUM OF SUBTOTALS 1-7 Final Subtotal 9 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1 Final Penalty Amount \$9,325 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 70% reduction) Notes Deferral offered for expedited settlement.	OVOCHNEODWATION	ONTA THE RESERVE CONTRACTOR IN THE PARKETHER.				
Docket No. 2008-1487-PST-E Media Program(s) Mouti-Media Admin. Penalty \$ Limit Minimum So Maximum So		36566		No. of Violations	6	
Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (sum of violation base penalties) ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2.7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage. Compliance History. Notes Reduction for High Performer classification. Culpability No 0.0% Enhancement Subtotal 5 The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments. Subtotal 5 Subtotal 5 \$1,125 Economic Benefit 0.0% Enhancement Subtotal 6 \$0 Notes The Respondent does not meet the culpability criteria. Subtotal 5 \$1,125 Subtotal 5 \$1,125 Subtotal 5 \$1,125 Subtotal 5 \$1,125 Culpability No 0.0% Enhancement Subtotal 6 \$0 Notes The Respondent does not meet the Total E8 3 Amount Subtotal 6 \$0 Approx. Cost of Compliance 31,294 Approx. Cost of Compliance 44,660 Total E8 Amount Subtotal by the indicated percentage. Reduces or enhances the Final Subtotal by the indicated percentage. Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount 99,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty 99,521 DEFERRAL 20,0% Reduction Adjustment -\$1,904 Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only, e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement	Docket No.	2008-1487-PST-E		• •		
Penalty Calculation Section Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal f \$10,500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 27 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 10.0% Enhancement Subtotals 2, 3, 8, 7 \$1,050 Notes Reduction for High Performer classification. Culpability No 0.0% Enhancement Subtotals 2, 3, 8, 7 \$1,050 Notes The Respondent does not meet the culpability criteria. Sood Faith Effort to Comply Total Adjustments Subtotal 5 \$1,125 Economic Benefit 0.0% Enhancement Subtotal 5 \$1,125 Economic Benefit Total EB Amounts \$1,284 \$1,294 Approx. Cost of Compliance \$4,850 SUM OF SUBTOTALS 1-7 Final Subtotal \$8,325 OTHER FACTORS AS JUSTICE MAY REQUIRE 14,4% Adjustment \$1,196 Reduces or enhances the Final Subtotal by the indicated percentage. Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.			Gov			1
Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$10,500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2.7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Complian ce History 10.0% Enhancement Subtotals 2, 3, 8.7 \$1,050 Notes Reduction for High Performer classification. Culpability No 0.0% Enhancement Subtotal 4 \$0 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,125 Economic Benefit 0.0% Enhancement Subtotal 6 \$0 Approx Total EB Amounts 51,294 (**S4.85) **Capped at the Total EB 3 Amount Approx Cost of Compliance Section Compliance Section Sectio	ividiti-iviedia		1.1 × 1.15×40 574 6918			6
TOTAL BASE PENALTY (Sum of violation base penalties) ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compilance History 10.0% Enhancement Subtotals 2, 3, & 7 Subtotal 4 \$0 Notes Reduction for High Performer classification. Culipability No 0.0% Enhancement Subtotal 5 \$1,125 Economic Benefit O.0% Enhancement Subtotal 5 \$1,125 Subtotal 5 \$1,125 Subtotal 6 \$0 Total EB Amounts Approx. Cost of Compilance \$4,850 SUM OF SUBTOTALS 1-7 Final Subtotal Subtotal 6 \$3,325 OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Recommended enhancement to capture the avoided costs of compilance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	Admin. Penalty \$	Limit Minimum \$0 Ma	ximum \$10,	000		
ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 4.0.0% Enhancement Subtotals 2, 3, & 7 Subtotal 4 \$0 Notes Reduction for High Performer classification. Culpability No 0.0% Enhancement Subtotal 4 \$0 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,125 Economic Benefit 0.0% Enhancement Subtotal 6 \$0 Approx. Cost of Compliance 1.294 **Capped at the Total EB 3 Amount Approx. Cost of Compliance 1.4860 SUM OF SUBTOTALS 1-7 Final Subtotal 5 \$1,126 OTHER FACTORS AS JUSTICE MAY REQUIRE 14.4% Adjustment 1.196 Reduces or enhances the Final Subtotal by the indicated percentage. Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount 1.29,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty 1.39,521 DEFERRAL 2.0.0% Reduction Adjustment 2.31,904 Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	_	Penalty	Calculation	Section		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History .10.0% Enhancement Subtotals 2, 3, 8.7 .51,050 Notes Reduction for High Performer classification. Culpability No 0.0% Enhancement Subtotal 4 \$0 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,125 Economic Benefit 0.0% Enhancement Subtotal 6 \$0 Total EB Amounts 51,294 "Capped at the Total EB \$ Amount Approx. Cost of Compliance \$4,650 "Capped at the Total EB \$ Amount \$8,325 SUM OF SUBTOTALS 1-7 Final Subtotal \$8,325 OTHER FACTORS AS JUSTICE MAY REQUIRE 14.4% Adjustment \$1,196 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1 Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL Reduces the Final Assessed Penalty by the indicated percentage. (Enlar number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	TOTAL BASE PENAL	TY (Sum of violation bas	e penalties)		Subtotal 1	\$10,500
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History .10.0% Enhancement Subtotals 2, 3, 8.7 .51,050 Notes Reduction for High Performer classification. Culpability No 0.0% Enhancement Subtotal 4 \$0 Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,125 Economic Benefit 0.0% Enhancement Subtotal 6 \$0 Total EB Amounts 51,294 "Capped at the Total EB \$ Amount Approx. Cost of Compliance \$4,650 "Capped at the Total EB \$ Amount \$8,325 SUM OF SUBTOTALS 1-7 Final Subtotal \$8,325 OTHER FACTORS AS JUSTICE MAY REQUIRE 14.4% Adjustment \$1,196 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1 Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL Reduces the Final Assessed Penalty by the indicated percentage. (Enlar number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	ADJUSTMENTS /4/\	TO SUPTOTAL 4				Tree to a
Notes Reduction for High Performer classification. Subtotal 4 \$0	Subtotals 2-7 are obtain	ned by multiplying the Total Base Penalty	(Subtotal 1) by the indic	ated percentage.		
Culpability No Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Economic Benefit Total EB Amounts \$1,294 *Capped at the Total EB \$ Amount Approx. Cost of Compliance \$4,850 *SUM OF SUBTOTALS 1-7 Final Subtotal \$3,325 OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,521 DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	Compliance Hist	ory -	-10.0% Enhand	ement Subt o	otals 2, 3, & 7	-\$1,050
Culpability No Notes The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Economic Benefit Total EB Amounts \$1,294 *Capped at the Total EB \$ Amount Approx. Cost of Compliance \$4,850 *SUM OF SUBTOTALS 1-7 Final Subtotal \$3,325 OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,521 DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	Notes	Reduction for Hig	h Performer classifi	cation		
The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Economic Benefit Total E8 Amounts Approx. Cost of Compliance S4,650 SUM OF SUBTOTALS 1-7 Final Subtotal \$3,325 OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	Hotee					
Good Faith Effort to Comply Total Adjustments Economic Benefit O.0% Enhancement Subtotal 5 \$0 Total EB Amounts Approx. Cost of Compliance S1.294 Adjustment S1.496 Adjustment S1.496 Adjustment S1.496 Approx. Cost of Compliance S1.494 Adjustment S1.496 Approx. Cost of Compliance S1.494	Culpability	No	0.0% Enhanc	ement	Subtotal 4	\$0
Good Faith Effort to Comply Total Adjustments Economic Benefit O.0% Enhancement Subtotal 5 \$0 Total EB Amounts Approx. Cost of Compliance S1.294 Adjustment S1.496 Adjustment S1.496 Adjustment S1.496 Approx. Cost of Compliance S1.494 Adjustment S1.496 Approx. Cost of Compliance S1.494		#L D		îra Larva		
Economic Benefit 0.0% Enhancement Subtotal 6 \$0 Total EB Amounts 31.294 Approx. Cost of Compliance \$4,650 SUM OF SUBTOTALS 1-7 Final Subtotal \$83,255 OTHER FACTORS AS JUSTICE MAY REQUIRE 14.4% Adjustment \$1,196 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,521 DEFERRAL Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	Notes	i ne Kespondent does	not meet the culpat	olity criteria.		
Economic Benefit 0.0% Enhancement Subtotal 6 \$0 Total EB Amounts 31.294 Approx. Cost of Compliance \$4,650 SUM OF SUBTOTALS 1-7 Final Subtotal \$83,255 OTHER FACTORS AS JUSTICE MAY REQUIRE 14.4% Adjustment \$1,196 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,521 DEFERRAL Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.			***			·····
Total EB Amounts Approx. Cost of Compliance \$1,294 \$4,650 SUM OF SUBTOTALS 1-7 Final Subtotal \$8,325 OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	Good Faith Effor	t to Comply Total Adjustments			Subtotal 5	\$1,125
Total EB Amounts Approx. Cost of Compliance \$1,294 \$4,650 SUM OF SUBTOTALS 1-7 Final Subtotal \$8,325 OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.						
SUM OF SUBTOTALS 1-7 SIM OF SUBTOTALS 1-7 SIM OF SUBTOTALS 1-7 Final Subtotal \$8,325 OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,521 DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	Economic Benef				Subtotal 6	\$0
OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,521 DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	. Approx.		Cupped at the Te	tar ED \$ Amount		
OTHER FACTORS AS JUSTICE MAY REQUIRE Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,521 DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	CHM OF CHETOTAL	C 1 7				¢0 225
Reduces or enhances the Final Subtotal by the indicated percentage. Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,521 DEFERRAL Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	SUM OF SUBTOTAL	5 1-1		Г	-เกลเ Subtotal	φο,323
Notes Recommended enhancement to capture the avoided costs of compliance associated with violation no. 1. Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,521 DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	OTHER FACTORS A	S JUSTICE MAY REQUIRE	Ξ ,	4.4%	Adjustment	\$1,196
STATUTORY LIMIT ADJUSTMENT STATUTORY LIMIT ADJUSTMENT DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	Reduces or enhances the Final S	ubtotal by the indicated percentage.		•	1 .	
Final Penalty Amount \$9,521 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$9,521 DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	Notes		*N607co/\@\\$!**X\60630030\$947 Q 66	80100910018680118680148618 4. 1758.28681868001		
STATUTORY LIMIT ADJUSTMENT DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.		compliance asso	ciated with violation	no. 1.		
DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.				Final Per	nalty Amount	\$9,521
DEFERRAL Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.	STATUTORY LIMIT A	DJUSTMENT		Final Asse	ssed Penalty	\$9.521
Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.) Notes Deferral offered for expedited settlement.						
Notes Deferral offered for expedited settlement.		ally by the indicted according (75)		Value of the second	Adjustment	-\$1,904
	Reduces the rinal Assessed Per	larry by the indicted percentage. (Enter n	umber orny, e.g. 2010f 2	о те аисиоп.)]	
DAVARI E DENIALTY	Notes	Deferral offered	for expedited settler	ment.		
DAVARI E DENALTY						
. T. C.	PAYABLE PENALTY					\$7,617

Screening Date 16-Sep-2008

Docket No. 2008-1487-PST-E

PCW

Respondent AAEMS LLC dba Kwik Mart 2

Case ID No. 36566

Policy Revision 2 (September 2002)
PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102142049

Media [Statute] Petroleum Storage Tank

	Compliance History Worksheet		
ance History Site Enhanc Component Number of		Enter Number Here	Adjust.
Written NOV	s with same or similar violations as those in the current enforcement actio OVs meeting criteria)	The Control of the Co	0%
Other written	NOVs	0;	0%
	final enforcement orders containing a denial of liability (number of order	s 0	0%
of liability, or	ted final enforcement orders, agreed final enforcement orders without a deni default orders of this state or the federal government, or any final prohibitor ders issued by the commission		0%
of this state of udgments criteria)	dicated final court judgments or consent decrees containing a denial of liabili or the federal government (number of judgements or consent decrees meetin		0%
and Consent Decrees Any adjudica judgments of government	ted final court judgments and default judgments, or non-adjudicated final court consent decrees without a denial of liability, of this state or the feder	irt al 0	0%
Convictions Any criminal	convictions of this state or the federal government (number of counts)	0	0%
Emissions Chronic exce	ssive emissions events (number of events)	0	0%
Environmenta	ring the executive director of an intended audit conducted under the Texa al, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of ich notices were submitted)	as of 0	0%
Disclosures of	of violations under the Texas Environmental, Health, and Safety Audit Privilegislature, 1995 (number of audits for which violations were disclosed)	je 0	0%
	Pl	ease Enter Yes or No	
Environment	al management systems in place for one year or more	No	0%
	-site compliance assessments conducted by the executive director under tance program	a No	0%
	in a voluntary pollution reduction program	No	0%
	ance with, or offer of a product that meets future state or federal governme al requirements	nt No	0%
	Adjustment	Percentage (Si	ıbtotal 2) [
t Violator (Subtotal 3)			
No	Adjustment	Percentage (St	ıbtotal 3)
iance History Person Clas	sification (Subtotal 7)		
High Performer	Adjustment	Percentage (Si	ıbtotal 7)
iance History Summary		100	
Compliance History Notes	Reduction for High Performer classification.		

Screening Date		Docket No. 2008-1487-PST-E	PCW
1 (50.000) 700 (40.00) (50.00) (40.00) (40.00) (40.00) (40.00)	AAEMS LLC dba Kwik Mart 2		Policy Revision 2 (September 2002)
Case ID No.			PCW Revision June 12, 2008
Reg. Ent. Reference No. Modia (Statute)	RN102142049 Petroleum Storage Tank		:
Enf. Coordinator	•		
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 3	34.49(b)(3)(B) and 334.49(c)(4) and Tex. Water Co 26.3475(d)	de §
	Mawaish Janish Albania. Tan Baranasa		
Violation Description	supreme submersible pump submersible pump. Also, fa tested for operability and ac	protected component for electrical isolation. Specificathodic protection lead was observed not attache alled to have the cathodic protection system inspect dequacy of protection at a frequency of at least once ifically, the triennial test had not been conducted.	d to the ed and
		Base	Penalty \$10,000
>> Environmental, Property and	l Human Health Matrix	Salaha	
	Harm		
OR Release Actual	Major Moderate	Minor	
Potential	X	Percent 25%	
W2018			
>>Programmatic Matrix Falsification	Major Moderate	Minor	
	8 1 6 2 4 5 1 1 1 5 5 5 5 1 A L	Percent 0%	· ·
			,
Matrix Human health o	or the environment will or coul	ld be exposed to pollutants which would exceed lev	els that
Notes are pro	otective of human health or er	nvironmental receptors as a result of the violation.	
No. 23 25 and 12	CONTRACTOR OF STATE O		Jan Locations
	na dilibia	Adjustment	\$7,500
•			\$2,500
Violation Events			
Number of Viol	ation Events 1	Number of violation days	
	daily x		
mark only one	quarterly	Violation Base	Penalty \$2,500
with an x	semiannual		
	annual single event		
·	. Example 1		
One monthly eve	ent is recommended based or	n documentation of the violation during the August	2 2008
		eptember 2, 2008 compliance date.	
	6		
Good Faith Efforts to Comply		eduction	\$625
E	Before NOV No	OV to EDPRP/Settlement Offer	
,	Ordinary x	and the second common and process and process and the second common and the second commo	
	N/A (m	nark with x)	
	Notes The Design		
•	Notes The Responder	nt came into compliance on September 2, 2008.	
,	Estisiossa jahan as kan as k	oka a lainteeninen in 1994, mitti 1984 1978 1979 aan aan de aankan it ka ka ka Sabababababi 1997 ah 28 birah b I	
		Violation	Subtotal \$1,875
Economic Benefit (EB) for this v	<i>r</i> iolation	Statutory Limit Test	a solitik
Estimated	EB Amount	\$1,200 Violation Final Pena	Ity Total \$1,858
	Th	nis violation Final Assessed Penalty (adjusted fo	r limits) \$1,858

e Required	Final Date	Yrs	\$0 \$0 \$0	5.0 Onetime Costs \$0 \$0 \$0	Depreciation 1! EB Amount
e Required	Final Date	0.00	\$0 \$0	Onetime Costs	EB Amount
		0.00	\$0		
		0.00	\$0		
		0.00	\$0		
		0.00	\$0		
		0.00			
			DU I	\$0	\$0 \$0
		11 0.00	\$0	\$0	\$0
		0.00	\$0 \$0	n/a	\$0
	A 1 1 1 1 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1	0.00	\$0	n/a	\$0
	Maragaila ay Cifa Laka	0.00	\$0 \$0	n/a	\$0
		0.00	\$0	n/a	\$0
	(1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	0.00	\$0	n/a	\$0
2-Aug-2008	2-Sep-2008	0.06	\$1	n/a	\$1
connect the ca ired is the date	athodic protection e of the investigat	n lead to the tion and the	e supreme unlead e final date is the	ded submersible pur date of compliance.	np. The date
IZE [1] avoid	ed costs before	entering it	em (except for	one-time avoided co	osts)
	MATERIAL AND	0.00	\$0	\$0	.\$0
	SVECTOR CARRY LA TRE	0.00	\$0	\$0	\$0
12 (Carrier and Long) 1 (2010)		0.00	\$0	\$0	\$0
			60	\$0	\$0
		0.00			
		0.00	\$0	\$0	\$0
2-Aug-2005	29-Aug-2008				\$0 \$1,196 \$0
irec	l is the dat	is the date of the investiga	[1] avoided costs before entering: II 0.00 0.00 0.00 0.00 0.00 0.00	is the date of the investigation and the final date is the [1] avoided costs before entering item (except for company of the costs) and the final date is the costs before entering item (except for costs) and costs before entering item (except fo	0.00 \$0 \$0 0.00 \$0 \$0

Screening Date	16-Sep-2008	Docket No. 2008-148	37-PST-E	PCW
Respondent	AAEMS LLC dba Kwik Mart 2		Policy F	Revision 2 (September 2002)
Case ID No.	36566		F	PCW Revision June 12, 2008
Reg. Ent. Reference No.	RN102142049		•	
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator				
Violation Number				=
Rule Cite(s)	30 Tex. Admin. Code § 334.5	0(b)(1)(A), (d)(1)(B)(ii), and (d)(1)(E Code § 26.3475(c)(1)	B)(iii)(I) and Tex. Water	
Violation Description	frequency of at least once ever Specifically, the automatic tank conduct reconciliation of deta sufficiently accurate to detect a	are monitored in a manner which w y month (not to exceed 35 days bet gauge was not being put into test r ailed inventory control records at lea release which equals or exceeds the for the month plus 130 gallons. F	tween each monitoring). mode monthly. Failed to ast once each month, he sum of 1.0 percent of	
	volume measurement for regu	llated substance inputs, withdrawaing in the tank each operating day.	and the second of the second o	
•			Base Penalty	· \$10,000
>> Environmental, Property an				
Release	Harm Major Moderate	Minor		
OR Actual				
Potential	x	Percent	25%	The state of the s
>>Programmatic Matrix Falsification	Moior Moderate	Minor		
r alsilication	Major Moderate	Percent	0%	
Matrix Human health o	or the environment will or could b	e exposed to pollutants which woul	d exceed levels that are	ille.
		onmental receptors as a result of th		,
			¢7.500	1
	3132341118111111111111111111111111111111	Adjustmen	t \$7,500	111111111111111111111111111111111111111
				\$2,500
Violation Events	Septiminal Control	10 4 18		
Number of Vio	olation Events 1	Number of	f violation days	
	daily			наранистира
mark only one	monthly quarterly x		Violation Base Penalty	\$2,500
with an x	semiannual		·	
	annual single event		• •	
	single event			
One quarterly e	event is recommended based on	documentation of the violation duri	ng the August 12, 2008.	
		otember 16, 2008 screening date.		
				.
Good Faith Efforts to Comply	0.0% Rec	fuction	11.219	\$0
	Before NOV NO	/ to EDPRP/Settlement Offer		
	Ordinary	5-2-358-3829/99/96:12-84829 8-3-448-809/99/95-2519/99		
	70.00	k with x)		
			X\$.781.001.00	
	Notes The Responder	It does not meet the good faith crite violation.	ena for this	
	<u> </u>		Violation Subtotal	\$2,500
Economic Benefit (EB) for this	violation	Statuto	ry Limit Test	at Frequencial Property of the second
Estimated	d EB Amount	\$57 Violat	ion Final Penalty Total	\$2,573
	Th	is violation Final Assessed Pena	ty (adjusted for limits)	\$2,573
				. , -1

		conomic E	Benefit W	orks	sheet		
Respondent	AAEMS LLC d	oa Kwik Mart 2	gipening annihar aithe aghae ria bui	e Militaria di Traduce	- PALIS - MARKET NAME AND AND STATE OF STATE	ode entre enterfance (18 km/s), a filit til en for ferfa	v kan dirikalilalalilililililil
Case ID No	36566						
Rea. Ent. Reference No	RN102142049						
Media	Petroleum Stor	age Tank				Percent Interest	Years of
Violation No	i i	3				Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or S						
ra e comitante de la comitante Comitante de la comitante de l		aliter and a series in the series of the series and	riyan yangin yang karpita ka kabipa kara dari barabay kara sarahan	a kalabania Piri kanasa	rantini, in a production and advantage desired and area are	Manager Carlotter Control (1997)	magaliangeneral and mar
Delayed Costs		****					
Equipment	27/17/21/21/21		A Company of the Comp	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	Name and Colors			0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Monitoring/Inventory Records		Secretary Secretary	Authoritation and the	0.00	\$0	n/a	\$0
Training/Sampling	17714 BERGER 1815	100000000000000000000000000000000000000		0.00	\$0	n/a	\$0
Remediation/Disposal	Legitation C. A. T. S.			0.00	\$0	n/a.	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	12-Aug-2008	18-May-2009	0.76	\$57	n/a	\$57
Notes for DELAYED costs		, and monthly recon	iciliation of invent	ory contr		ording daily inventory ate required is the in iance:	
Avoided Costs	ANN	NUALIZE [1] avoide	d costs before e	entering	item (except for	one-time avoided c	osts)
Disposal				0.00	\$0	\$0	\$0
Personnel	Billion in July 12	1. 1. 1. 1. 1. 1. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2. 2.	3,000,000,000,000	0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	42442 (S. 14. 14. 14. 14.		Gravisiana rajaina	0.00	\$0	\$0	\$0
Supplies/equipment	TANKET ALL			0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	and the constitution	2.2.00		0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
		<u> 2524 (1814) 253 (1867) (188</u>	<u>. Braci Chip, pairi</u>		<u>y widika venika se</u>	A Commence of the Commence of	January Pali

Screening Date 16-Sep-2008 Docket No. 2008-1487-PST-E	PCW
를 하게 되었다면 가게 하는 것이 되었다. 그는 사람들은 사람들이 되었다. 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그 그	Revision 2 (September 2002)
Reg. Ent. Reference No. RN102142049	PCW Revision June 12, 2008
Media [Statute] Petroleum Storage Tank	
Enf. Coordinator Judy Kluge	
Violation Number 3	=
Rule Cite(s) 30 Tex. Admin. Code § 334.48(c)	
	1
Violation Description 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. Base Penalty	\$10,000
Dase Perially	\$10,000
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor	
OR Actual Company Comp	
Potential X Percent 25%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
Percent 0%	
	ī
Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that are	
Notes protective of human health or environmental receptors as a result of the violation.	
	-
Adjustment \$7,500	<u>'</u>
	\$2,500
Violation Events	
	ather .
Number of Violation Events 35 Number of violation days	
daily	
monthly	
mark only one with an x semiannual Violation Base Penalty	\$2,500
annual	· · · · · · · · · · · · · · · · · · ·
single event.	
One quarterly event is recommended based on documentation of the violation during the August 12, 2008	
investigation to the September 16, 2008 screening date.	
Good Faith Efforts to Comply 0.0% Reduction	\$0
Before NOV NOV to EDPRP/Settlement Offer	Ψυ
Extraordinary	
Ordinary	
N/A (mark with x)	
Notes The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal	\$2,500
Economic Benefit (EB) for this violation Statutory Limit Test	φ2,500
Estimated EB Amount \$17 Violation Final Penalty Total	\$2,573
This violation Final Assessed Penalty (adjusted for limits)	\$2,573

Doonandoot		conomic i	Benefit W	orks	heet		101,700,200
Respondent	AAEMS LLC db	oa Kwik Mart 2	99.113.1 36. 213.438.8.131 ² 41311, 1011			1. C.	- The Company of the
Case ID No.	36566						
Rea. Ent. Reference No.							
	Petroleum Stor	age Tank					Years of
Violation No.		-g				Percent Interest	Depreciation
· · · · · · · · · · · · · · · · · · ·	ŽII EKKL			ing is		5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description						Commenced 2 Commenced 2	
Delayed Costs							
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	\$500	12-Aug-2008	18-Apr-2009	0.68	\$17	n/a	\$17
Training/Sampling				0,00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/au	\$0
Permit Costs	100 TO 10		CONTRACTOR LA CO	0.00	\$0	n/a	\$0
Other (as needed)	30 F15 / 1887 F14	*		0.00	\$0	n/a	\$0
	Louinated cos	st to conduct invent	ory control for an .				instances lisen
Notes for DELAYED costs	28.5113			nvestiga	tion and final date	is the expected date	
Avoided Costs	28.5113			nvestiga	tion and final date	is the expected date one-time avoided o	e of compliance
	28.5113			nvestiga entering	tion and final date	is the expected date one-time avoided o	e of compliance
Avoided Costs Disposal Personnel	28.5113			nvestiga entering 0.00	tion and final date item (except for \$0	is the expected date one-time avoided c	e of compliance costs) \$0
Avoided Costs Disposal	28.5113			nvestiga entering 0.00 0.00	item (except for \$0 \$0	is the expected date one-time avoided c \$0 \$0	of compliance osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	28.5113		ed costs before a	nvestiga entering 0.00 0.00 0.00	item (except for \$0 \$0 \$0	is the expected date one-time avoided: \$0 \$0 \$0 \$0	of compliance sosts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	28.5113		ed costs before a	entering 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	28.5113		ed costs before a	entering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	is the expected date one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	28.5113		ed costs before a	entering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sof compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	· · · · · · · · · · · · · · · · · · ·	Docket No. 2008-148	37-PST-E	PCW
TENNER SERVICE	AAEMS LLC dba Kwik Mart 2	2	Policy R	evision 2 (September 2002)
Case ID No.			P	CW Revision June 12, 2008
Reg. Ent. Reference No.				
Enf. Coordinator	Petroleum Storage Tank			
Violation Number	4			
Rule Cite(s)		- 41 - 41 - 41		
	30	Tex. Admin. Code § 334.45(c)(3)(A)		
a construction				
Violation Description	pressurized delivery or prod	sy shutoff valve (also known as shear fuct line and ensure that it is securely Specifically, the shear valves were no	anchored at the base of	
· ·			Base Penalty	\$10,000
>> Environmental, Property and	Human Health Matrix Harm			
Release	Major Moderate	Minor		
OR Actual				
Potential	x	Percent	10%	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
	J. J. Harrist L.	Percent	0%	
Matrix Human health or	r the environment will or coul	d be exposed to significant amounts o	of pollutants which would	111111111111111111111111111111111111111
		n health or environmental receptors a		
Million . <u>Miskeya fabili Sua</u>	eta situaken sestiskon ilgeskuura	- Sasting State of the Table 1997 The State of the State		
OGEN AND DEPOSITE OF THE PROPERTY OF THE PROPE		Adjustmer	t \$9,000	
			1	\$1,000
Violation Events	And the			
				a estera.
Number of Vio	lation Events 1	21 Number of	of violation days	
Transmission of the Control of the C	daily			
***************************************	monthly			
mark only one	quarterly x	•	Violation Base Penalty	\$1,000
with an x	semiannual			
	annual			
	single event			
One quarterly ev		on documentation of the violation duri September 2, 2008 compliance date.	ng the August 12, 2008	
Good Faith Efforts to Comply	25 nº// t	Reduction		\$250
Cood i ann Chores to Compi		NOV to EDPRP/Settlement Offer		Ψ250
·E	Extraordinary			
	Ordinary x			
	N/A(mark with x)	· .	
7427				
	Notes The Respond	ent came into compliance on Septemi	Jei 2, 2008.	
	<u> Parling with the an alleling</u>		2002-00-00-00-00-00-00-00-00-00-00-00-00	
			Violation Subtotal	\$750
Economic Benefit (EB) for this	violation	Ctat-it-	ny Limit Toet	
Loononino Deficit (ED) for tills	riolauvii	Sidiu10	ry Limit Test	
Estimated	EB Amount	\$2 Violat	ion Final Penalty Total	\$743
-		This violation Final Assessed Pena	Ity (adjusted for limite)	\$743
1		The Foldbort mai Assessed Felia	ity (aujusteu ioi iiiiilis)[φ/43

Reg. Ent. Reference No. Media Petroleum Storage Tank Percent Interest Ye Depr	Case ID No. 36		oa Kwik Mart 2				•	
Violation No. 4							· .	
Notes for DELAYED costs	pi 6 p	troleum Stor	age Tank			,	Percent Interest	Years of
Item Cost Date Required Final Date Yrs Interest Saved Onetime Costs EB / Item Description No commas or \$	Violation No. 4	reserve we was access interested and				a in a process and construction of an arrival and an arrival and arrival arrival and arrival arriv		Depreciation
Delayed Costs							5.0	1:
Delayed Costs S500 12-Aug-2008 2-Sep-2008 0.06 \$0 \$2 \$2 \$2 \$2 \$3 \$3 \$3 \$3			Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment Buildings	Item Description N	o commas or \$	***************************************	er saar gaareer kan e spaan war sa oon		and a contract of the same of	o postuji kaudininin kandinin kandinin kandin k	
Buildings							2003	
Other (as needed)		\$500	12-Aug-2008	2-Sep-2008			1117 1117	\$2
Engineering/construction Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOICEd Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) O.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	- I <u>-</u>							\$0
Land Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs AVOICEd Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) O.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$								\$0
Record Keeping System Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) O.00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	T T	2						\$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) O.00 \$0								\$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) One control of the shear valves on all dispensers. The date required is the investigation date final date is the date of compliance. Stimated cost to anchor the shear valves on all dispensers. The date required is the investigation date final date is the date of compliance. ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) One control of the investigation date final date is the date of compliance. One control of the investigation date final date is the date of compliance.	· · · ·	ADA KARAGATA					(0.000000000000000000000000000000000000	\$0
Permit Costs Other (as needed) Notes for DELAYED costs Estimated cost to anchor the shear valves on all dispensers. The date required is the investigation date final date is the date of compliance. AVOIGED COSTS ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		BACCACQUINE	C	A Company of				\$0
Notes for DELAYED costs Estimated cost to anchor the shear valves on all dispensers. The date required is the investigation date final date is the date of compliance. Avoided Costs	• 1==							\$0
Estimated cost to anchor the shear valves on all dispensers. The date required is the investigation date final date is the date of compliance. Avoided Costs			Madama, Sasari-Asamaani	1				\$0
Notes for DELAYED costs	Other (as needed)				0.00	\$0	n/a	\$0
Personnel	Avoided Costs			final date is	the date	of compliance.	one-time avoided c	osts)
Inspection/Reporting/Sampling		Line Control Control						\$0
Supplies/equipment		CASINE SINTER SE						\$0
Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Other (as needed) Other (as needed) Other (as needed)		2115275111311444 21152751131651244						\$0
ONE-TIME avoided costs [3] Other (as needed) 0.00	Supplies/equipment	3554.1576568 (BCC) 656						\$0
Other (as needed) 0.00 \$0 \$0				<u> </u>			5.00 T - 20 J	\$0
	Financial Assurance [2]	<u> 884-1165-52-5</u>	11 15 15 15 15 15 15 15 15 15 15 15 15 1					\$0
Notes for AVOIDED costs	Financial Assurance [2] NE-TIME avoided costs [3]	BUCK A COLEMEN A ACCE			0.00	\$0	<u> </u>	\$0
	Financial Assurance [2] NE-TIME avoided costs [3]					The second secon		
Approx. Cost of Compliance \$500	Financial Assurance [2] NE-TIME avoided costs [3] Other (as needed)							

Screening Date	16-Sep-2008	Docket No. 2008-148	7-PST-E	PCW
囊环 医松木 医动脉结束 计编码 计自由 医二氏性阴炎 医皮肤皮肤 化二氯甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基甲基	AAEMS LLC dba Kwik Mart 2		Policy R	evision 2 (September 2002)
Case ID No.			P	CW Revision June 12, 2008
Reg. Ent. Reference No.	Petroleum Storage Tank			
Enf. Coordinator	-			
Violation Number				
Rule Cite(s)	30 Tex Admin Code 8 115 246	(1) and (4) and Tex. Health & Sa	fety Code & 382 085(b)	
			(b)	1
Violation Description	Board ("CARB") Executive Orde	is at the Station and make them in ocy personnel. Specifically, the Cor or for the Stage II vapor recovery so we certification were not available	alifornia Air Resources system and the Stage II	
		•	Base Penalty	\$10,000
>> Environmental, Property ar	nd Usamon Hoolth Moteix			
Chanonnental, Floperty at	Harm			-
Release		<u>linor</u>		
OR Actual Potential		Percent	0%	
i oterniar		reicent	0.76	
>>Programmatic Matrix	12.632000			
Falsification	Major Moderate N	Ainor Percent	10%	
. <u>Herrick a biskt</u>		rercent	10%]	
NAME OF THE PARTY				
Matrix Notes	100% of the rule r	equirement was not met.		
ar Not the a week.				
		Adjustmen	t \$9,000	
			and the second	\$1,000
Violation Events	441111111111111111111111111111111111111		4.5	
				N'ASSES
Number of VI	olation Events 1	Number o	f violation days	
·	daily		• .	. [
	monthly			
mark only one with an x	quarterly semiannual	,	Violation Base Penalty	\$1,000
	annual			
	single event x			
· (89838878877877	s dayar . Karinda Milita kasa ka sa			
One single ev	vent is recommended based on doo	een introcede aangecentere name too modeen uit in in ein 49 keet	g the August 12, 2008	
	d INV	estigation.		
Good Faith Efforts to Comply	0.0% Podu	ofice		\$0
Cood rates Enorth to Comply		Ction o EDPRP/Settlement Offer		40
•	Extraordinary			
	Ordinary			
·	N/A X (mark v	with x)		***************************************
	Notes The Respondent do	es not the good faith criteria for t	nis violation.	***************************************
		9		***************************************
			Violation Subtotal	\$1,000
			-	\$1,000
Economic Benefit (EB) for this	violation	Statuto	y Limit Test	
Estimate	d EB Amount	\$17 Violat	ion Final Penalty Total	\$1,029
		violation Final Assessed Devel	to (adjusted for the E-	64 000
	INIS	violation Final Assessed Penal	ty (aujusteu for IImits)[\$1,029

	Petroleum Stor	rage Tank				Percent Interest	Years of
Violation No.	}			agindan:			Depreciation .
	Item Cost	Data Danisad	Final Date	Yrs	Interest Saved	5.0 Onetime Costs	1 EB Amount
Item Description		Date Required	Final Date	I (S	mieresi Saveu	Orieume costs	ED AIIIOUIIL
Rem Description	ING COMMINAS OF B			8905001.014.00		226624614	211.0000000000000
Delayed Costs	versen for description	ik da kila kanda da kanda k	7.7	100			
Equipment				0.00	\$0	.\$0	\$0
Buildings		FALEROOF STREET	en est d'unité de Colo	0.00	\$0	\$0	\$0
Other (as needed)			Mara di kada Malayaka	0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	12-Aug-2008	18-Apr-2009	0.68	\$17	h/a	\$17
Training/Sampling		San demonstration of the last		0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a Fr	\$0
Other (as needed)				0.00	\$0	п/а	.\$0
Notes for DELAYED costs Avoided Costs Disposal Personnel			date is the exp	ected da	ite of compliance.	s the investigation of one-time avoided of \$0	
			1 1/6 1/4 10 11 15 W	0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling Supplies/equipment				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling		10 10 10 10 10 10 10 10			\$0	\$0	\$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00	ΨΟ	A TO THE REAL PROPERTY AND ADDRESS.	

Screening Date	•	Docket No. 2008-14	37-PST-E	PCW
	AAEMS LLC dba Kwik Mari	t 2	Policy R	evision 2 (September 2002)
Case ID No.			P	CW Revision June 12, 2008
Reg. Ent. Reference No.				
A GRANGER PLANT OF THE PROPERTY OF THE PROPERT	Petroleum Storage Tank			
Enf. Coordinator Violation Number	Judy Kluge 6			
Rule Cite(s)	<u> </u>			Ī
(Constitution of the Constitution of the Const	30 Tex. Admin. Code §	115.242(3)(K) and Tex. Health & Safe	ty Code § 382.085(b)	
Violation Description	specified by the manufact defects that would impai absence or disconnecti	age II vapor recovery system in proper turer and/or any applicable CARB Exec ir the effectiveness of the system, inclu- tion of any component that is a part of the as no paper in the Healy vapor recover	utive Order, and free of ding, but not limited to ne approved system.	
ACCICIO			Base Penalty	\$10,000
S. F	d Ussanas Usalib Make			
>> Environmental, Property and	u muman mealui wali Harm	IX SEE AS CHILDENING A		
Release_	Major Moderate	Minor		
OR Actual				
Potential	X	Percent	10%	
>>Programmatic Matrix		and the state of t		
Falsification	Major Moderate	Minor		
		Percent	0%	
Matrix Human health o	r the environment will or co	uld be exposed to significant amounts of	of pollutants which would	
		an health or environmental receptors a		,
	Programme Control of State Sta	Salah Sa		
		Adjustmer	it \$9,000]
		Aujusanei	ψο,οοο	
remonent of the second of the				\$1,000
Violation Events				٤
VIOIAUON EVENUS		3 2 3 1 2 3 1 2 3 1 3 1 3 1 3 1 3 1 3 1		, atrace
Number of Vio	lation Events 1	21 Number of	of violation days	
•		7		
The state of the s	daily			
mark only one	monthly quarterly X		Violation Base Penalty	\$1,000
with an x	semiannual		Violation base Fenalty	Ψ1,000
The state of the s	annual			
Transfer	single event			
			C. C. Chen. C. Chen. C.	
One quarterly e		d on documentation of the violation dur		
	investigation date to	the September 2, 2008 compliance dat	e:	
Good Faith Efforts to Comply	25.0%			\$250
**************************************	Before NOV Extraordinary	NOV to EDPRP/Settlement Offer	% 	
	Ordinary	10-80-02886-8-71		
Visionistans	N/A	(mark with x)		
The state of the s				
reserve	Notes The Respon	ident came into compliance on Septem	ber 2, 2008.	
			500,5300	
			Violation Subtotal	\$750
-				47.00
Economic Benefit (EB) for this	violation	Statuto Statuto	ry Limit Test	45141
Fetimated	I EB Amount	\$1 Viola	tion Final Penalty Total	\$743
	/ unount	Ţ.j Viola	ac mair charty rotal	
		This violation Final Assessed Pena	lty (adjusted for limits)	\$743

		conomic l	3enefit W	orks/	sheet		
Respondent	AAEMS LLC di	ba Kwik Mart 2	SECTION OF THE SECTIO	ayanda in firmin siyar		se ramen semination in intrinsical aces	additional description of the second and second
Case ID No.	36566						
Rea. Ent. Reference No.	9						
	Petroleum Stor	age Tank					Years of
Violation No.	7					Percent Interest	Depreciation
				19 32 II. 11.0		F 0	A. A. A. S.
				alle e		5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	and the second supplies the second of the second second				ALLES AND	
Delayed Costs							
Equipment	\$150	12-Aug-2008	2-Sep-2008	0.06	\$0	\$1	\$1
Buildings	20 1 22 2 25 2 2 2 2 2			0.00	\$0	\$0	\$0
Other (as needed)	25			0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land	State Burde, American		LP 1. ADSTRACTA A DESIGNATION AND	0.00	\$0	n/a	\$0
Record Keeping System	100000000000000000000000000000000000000	1 1. Talan and 1.		0.00	\$0	n/a	\$0
Training/Sampling	Part of the Notes			0.00	\$0	n/a	\$0
Remediation/Disposal	The state of the state of			0.00	\$0	n/a	\$0
Permit Costs			facts to a contact section	0.00	\$0	n/a	\$0
Other (as needed)	Will Add Charles			0.00	\$0	n/a	\$0
Notes for DELAYED costs	Estimated c				nitor to ensure the final date is the da	system is functionia te of compliance.	ng. The date
Avoided Costs	INA	NUALIZE [1] avoide	ed costs before	enterina	item (except for	one-time avoided c	osts)
Disposal	10,757,1000			0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	GET HER CHOOSES		7 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]	2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	10.70.000.000.000	253 Vegi 447 English (F. 1849	0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	Haracia Mariasa			0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
		they vir generalieven)		Migraph Menn			
Notes for AVOIDED costs							

Compliance History

Customer/Respondent/Owner-Operator:

CN603397795

AAEMS LLC

Classification: HIGH

Rating: 0.00

Regulated Entity:

RN102142049

Kwik Mart 2

Classification: HIGH

Site Rating: 0.00

ID Number(s):

PETROLEUM STORAGE TANK

REGISTRATION

. 39353

Location:

REGISTRATION

1100 N MAIN ST, EULESS, TX, 76039

Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region:

REGION 04 - DFW METROPLEX

Date Compliance History Prepared:

September 16, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

September 16, 2003 to September 16, 2008

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

Name:

Judy Kluge

Phone:

817-588-5825

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership of the site during the compliance period?

No

3. If Yes, who is the current owner?

N/A

4. if Yes, who was/were the prior owner(s)?

N/A

5. When did the change(s) in ownership occur?

N/A

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

Any criminal convictions of the state of Texas and the federal government. В.

C. Chronic excessive emissions events.

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1) 09/08/08 (702115)

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

Environmental audits. F.

Type of environmental management systems (EMSs). G.

N/A

Η. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

Early compliance.

N/A

Sites Outside of Texas

N/A

anto evijo. Maja kasto is si ji se obu**s** Tanto evijo. Maja kasto is si ji se obu**s** Tanto in kasto is si kasto is

· Land The Company of Application (1985) Applicati

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	Š	
CONCERNING	§	TEXAS COMMISSION ON
AAEMS LLC DBA KWIK MART 2	Š	
RN102142049	§	ENVIRONMENTAL QUALITY
	•	

AGREED ORDER DOCKET NO. 2008-1487-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 AAEMS LLC dba Kwik Mart 2 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and 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 and operates a convenience store with retail sales of gasoline at 1100 North Main Street in Euless, Tarrant County, Texas (the "Station").
- 2. The Respondent's three underground storage tanks ("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. 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 September 14, 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 Nine Thousand Five Hundred Twenty-One Dollars (\$9,521) is assessed by the Commission in settlement of the violations alleged in Section II

.

and the second of the second o

en de la companya de la co

en kan menjerakan di persaman pangan berana dan kempangan berana dan kempangan berana dan berana dan berana da Menjerah dan berana dan kempangan berana dan berana dan berana dan berana dan berana dan berana dan berana dan

·*

("Allegations"). The Respondent has paid Two Hundred Thirty-Two Dollars (\$232) of the administrative penalty and One Thousand Nine Hundred Four Dollars (\$1,904) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Seven Thousand Three Hundred Eighty-Five Dollars (\$7,385) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Eleven Dollars (\$211) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

- 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 recognizes that the Respondent has implemented the following corrective measures at the Station:
 - a. On August 29, 2008, the TCEQ Dallas/Fort Worth Regional Office received documentation verifying that the triennial testing of the cathodic protection system has been successfully conducted;
 - b. On September 2, 2008, the TCEQ Dallas/Fort Worth Regional Office investigator verified that the cathodic protection lead to the supreme unleaded submersible pump had been properly attached;
 - c. On September 2, 2008, the TCEQ Dallas/Fort Worth Regional Office investigator verified that all shear valves have been properly anchored; and
 - d. On September 2, 2008, the TCEQ Dallas/Fort Worth Regional Office investigator verified that the Respondent had replaced the paper for the Healy vapor monitor and the system is functioning properly.
- 10. 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.

- 11. 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.
- 12. 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 and operator of the Station, the Respondent is alleged to have:

- 1. Failed to inspect and test the protected component for electrical isolation, in violation of 30 TEX. ADMIN. CODE § 334.49(b)(3)(B) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on August 12, 2008. Specifically, the supreme submersible pump cathodic protection lead was observed not attached to the submersible pump.
- 2. Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 Tex. ADMIN. CODE § 334.49(c)(4) and Tex. Water Code § 26.3475(d), as documented during an investigation conducted on August 12, 2008. Specifically, the triennial test had not been conducted.
- 3. Failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on August 12, 2008. Specifically, the automatic tank gauge was not being put into test mode monthly.
- 4. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons, in violation of 30 Tex. ADMIN. CODE § 334.50(d)(1)(B)(ii) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on August 12, 2008.
- 5. Failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day, in violation of 30 Tex. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on August 12, 2008.
- 6. 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, in violation of 30 Tex. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on August 12, 2008.
- 7. Failed to install an emergency shutoff valve (also known as shear or impact valve) on each pressurized delivery or product line and ensure that it is securely anchored at the base of the dispenser, in violation of 30 Tex. ADMIN. CODE § 334.45(c)(3)(A), as documented during an investigation conducted on August 12, 2008. Specifically, the shear valves were not anchored.

- 8. Failed to maintain Stage II records at the Station and make them immediately available for inspection upon request by agency personnel, in violation of 30 Tex. ADMIN. CODE § 115.246(1) and (4) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on August 12, 2008. Specifically, the California Air Resources Board ("CARB") Executive Order for the Stage II vapor recovery system and the Stage II Station representative certification were not available for review.
- 9. Failed to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order, and free of defects that would impair the effectiveness of the system, including, but not limited to absence or disconnection of any component that is a part of the approved system, in violation of 30 Tex. ADMIN. CODE § 115.242(3)(K) and Tex. Health & Safety Code § 382.085(b), as documented during an investigation conducted on August 12, 2008. Specifically, there was no paper in the Healy vapor recovery system monitor.

III. DENIALS

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

IV. ORDERING PROVISIONS

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: AAEMS LLC dba Kwik Mart 2, Docket No. 2008-1487-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. Immediately upon the effective date of this Agreed Order:
 - i. Begin conducting effective manual or automatic inventory control procedures for all USTs, in accordance with 30 TEX. ADMIN. CODE § 334.48; and
 - ii. Begin maintaining all Stage II records at the Station, in accordance with 30 TEX. ADMIN. CODE § 115.246.
 - b. Within 30 days after the effective date of this Agreed Order, install and implement a release detection method for all USTs at the Station, and begin recording volume

en de la composition La composition de la

measurement and reconciliation of inventory control records, in accordance with 30 TEX. ADMIN. CODE § 334.50; and

c. Within 45 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 No. 2.a.i. through 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:

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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- 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 Station 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

AAEMS LLC dba Kwik Mart 2 DOCKET NO. 2008-1487-PST-E Page 6

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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement 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.

.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Sole Grdlier	1/23/2009
For the Executive Director	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 TCEQ, 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.

Signature

Name (Printed or typed)
Authorized Representative of
AAEMS LLC dba Kwik Mart 2

11-10-2008

Title

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.