

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-1460-PST-E **TCEQ ID:** RN101569226 **CASE NO.:** 36487  
**RESPONDENT NAME:** Victron Stores, L.P. dba Tiger Mart 2

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Tiger Mart 2, 1679 West Henderson Street, Cleburne, Johnson County</p> <p><b>TYPE OF OPERATION:</b> Convenience store with retail sales of gasoline</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 16, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  TCEQ Attorney/SEP Coordinator: None  TCEQ Enforcement Coordinator: Mr. Thomas Greimel, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-5690;  Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  Respondent: Mr. Ali Sharaf, Registered Agent and President, Victron Stores, L.P., P.O. Box 2599, Waxahachie, Texas 75168  Mr. Walid Alameddine, Vice President, Victron Stores, L.P., P.O. Box 2599, Waxahachie, Texas 75168  Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 17, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 24, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WASTE</b></p> <p>1) Failure to control displaced vapors by a vapor control or a vapor balance system during the transfer of gasoline from a tank-truck into the underground storage tanks ("USTs") at the Station. Specifically, the Respondent did not install a Stage I vapor recovery adaptor and pressure/vacuum ("P/V") valve to capture displaced vapors [30 TEX. ADMIN. CODE § 115.221 and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>2) Failure to maintain UST records and make them immediately available for inspection upon request by agency personnel. Specifically, documentation of monthly automatic tank gauging test results for the past five years are incomplete and documentation indicating the over-fill drop tubes are in good condition and set at 95% shut-off level for each tank were not available for review [30 TEX. ADMIN. CODE §§ 334.10(b), 334.50(e)(2)(C), and 334.51(b)(3)(D)].</p> <p>3) Failure to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly. Specifically, the Respondent did not conduct the bimonthly inspections of the corrosion protection system [30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and TEX. WATER CODE § 26.3475(d)].</p>	<p><b>Total Assessed:</b> \$10,606</p> <p><b>Total Deferred:</b> \$2,121  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$8,485</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:</p> <p>a. Installed Stage I vapor recovery adaptor and P/V valve and replaced three coaxial drop tubes on August 8, 2008;</p> <p>b. Began maintaining UST records on September 6, 2008;</p> <p>c. Began conducting bimonthly inspections of the impressed current cathodic protection system on July 1, 2008; and</p> <p>d. Properly anchored shear valves on the dispensers on August 8, 2008.</p>

<p>4) Failure to install and maintain a secure anchor at the base of each Underwriters' Laboratories ("UL") listed emergency shutoff valve in a piping system in which regulated substances are conveyed under pressure to an aboveground dispensing unit. Specifically, it was observed that shear valves were not properly anchored on the dispensers [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)].</p>		
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Additional ID No(s): 71352





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

<b>DATES</b>	<b>Assigned</b>	28-Jul-2008			
	<b>PCW</b>	3-Dec-2008	<b>Screening</b>	14-Aug-2008	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Victron Stores, L.P. dba Tiger Mart 2
<b>Reg. Ent. Ref. No.</b>	RN101569226
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	36487	<b>No. of Violations</b>	4
<b>Docket No.</b>	2008-1460-PST-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Thomas Greimel
		<b>EC's Team</b>	Enforcement Team 6
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$12,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	0.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$0
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Notes: No adjustment for compliance history.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$2,000
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$116  
 Approx. Cost of Compliance: \$1,100  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	1.0%	<b>Adjustment</b>	\$106
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation No. 3.

<b>Final Penalty Amount</b>	\$10,606
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,606
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<b>DEFERRAL</b>	20.0%	Reduction	<b>Adjustment</b>	-\$2,121
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$8,485
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<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1460-PST-E	<b>PCW</b>
<b>Respondent</b> Victron Stores, L.P. dba Tiger Mart 2	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36487	<i>PCW Revision June 12, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN101569226		
<b>Media [Statute]</b> Petroleum Storage Tank		
<b>Enf. Coordinator</b> Thomas Greimel		

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	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 <i>(number of audits for which notices were submitted)</i>	0	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 0%

**>> Repeat Violator (Subtotal 3)**

<span style="border: 1px solid black; padding: 2px;">No</span>	<b>Adjustment Percentage (Subtotal 3)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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**>> Compliance History Person Classification (Subtotal 7)**

<span style="border: 1px solid black; padding: 2px;">Average Performer</span>	<b>Adjustment Percentage (Subtotal 7)</b> <span style="border: 1px solid black; padding: 2px;">0%</span>
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**>> Compliance History Summary**

<b>Compliance History Notes</b>	No adjustment for compliance history.
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**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 0%

<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1460-PST-E	<b>PCW</b>
<b>Respondent</b> Victron Stores, L.P. dba Tiger Mart 2		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 36487		<small>PCW Revision June 12, 2008</small>
<b>Reg. Ent. Reference No.</b> RN101569226		
<b>Media [Statute]</b> Petroleum Storage Tank		
<b>Enf. Coordinator</b> Thomas Greimel		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 115.221 and Tex. Health & Safety Code § 382.085(b)	
<b>Violation Description</b>	Failed to control displaced vapors by a vapor control or a vapor balance system during the transfer of gasoline from a tank-truck into the USTs at the Station. Specifically, the Respondent did not install a Stage I vapor recovery adaptor and pressure/vacuum ("P/V") valve to capture displaced vapors.	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
OR	<b>Harm</b>	
	Release    Major    Moderate    Minor	
	Actual	<input type="text"/>
	Potential	<input type="text" value="x"/>
	<b>Percent</b>	<input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification    Major    Moderate    Minor	
	<input type="text"/>	<input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.	
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>
		<input type="text" value="\$2,500"/>
<b>Violation Events</b>		
	<b>Number of Violation Events</b> <input type="text" value="1"/>	<input type="text" value="52"/> <b>Number of violation days</b>
<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$2,500"/>
	<input type="text" value="One quarterly event is recommended from the June 17, 2008 investigation date to the August 8, 2008 compliance date."/>	
<b>Good Faith Efforts to Comply</b>	<input type="text" value="10.0%"/> <b>Reduction</b>	<input type="text" value="\$250"/>
	<small>Before NOV    NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	
Ordinary	<input type="text" value="x"/>	
N/A	<input type="text"/> (mark with x)	
<b>Notes</b>	<input type="text" value="The Respondent came into compliance on August 8, 2008."/>	
	<b>Violation Subtotal</b>	<input type="text" value="\$2,250"/>
<b>Economic Benefit (EB) for this violation</b>		
	<b>Estimated EB Amount</b> <input type="text" value="\$4"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$2,273"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$2,273"/>	

## Economic Benefit Worksheet

**Respondent** Victron Stores, L.P. dba Tiger Mart 2  
**Case ID No.** 36487  
**Reg. Ent. Reference No.** RN101569226  
**Media** Petroleum Storage Tank  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$400	17-Jun-2008	8-Aug-2008	0.14	\$0	\$4	\$4
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a Stage I vapor recovery adaptor and PV Valve. Date Required is the date of the investigation. Final Date is the date of compliance.

### Avoided Costs

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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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]				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

Approx. Cost of Compliance

\$400

TOTAL

\$4

**Screening Date** 14-Aug-2008 **Docket No.** 2008-1460-PST-E **PCW**  
**Respondent** Victron Stores, L.P. dba Tiger Mart 2 *Policy Revision 2 (September 2002)*  
**Case ID No.** 36487 *PCW Revision June 12, 2008*  
**Reg. Ent. Reference No.** RN101569226  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Thomas Greimel

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**

**Base Penalty**

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="25%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

mark only one with an x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>
N/A	<input type="text" value="(mark with x)"/>	

**Notes**

**Violation Subtotal**

**Economic Benefit (EB) for this violation** **Statutory Limit Test**

Estimated EB Amount  Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent:** Victron Stores, L.P. dba Tiger Mart 2  
**Case ID No.:** 36487  
**Reg. Ent. Reference No.:** RN101569226  
**Media:** Petroleum Storage Tank  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	17-Jun-2008	6-Sep-2008	0.22	\$6	n/a	\$6
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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain UST records. Date Required is the date of the investigation. Final Date is the date of compliance.

### Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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]				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

Approx. Cost of Compliance

\$500

**TOTAL**

\$6

<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1460-PST-E	<b>PCW</b>			
<b>Respondent</b> Victron Stores, L.P. dba Tiger Mart 2		<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 36487		<i>PCW Revision June 12, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN101569226					
<b>Media [Statute]</b> Petroleum Storage Tank					
<b>Enf. Coordinator</b> Thomas Greimel					
<b>Violation Number</b>	<input type="text" value="3"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.49(c)(2)(C) and Tex. Water Code § 26.3475(d)				
<b>Violation Description</b>	Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly. Specifically, the Respondent did not conduct the bimonthly inspections of the corrosion protection system.				
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	x	<input type="text"/>	<input type="text"/>	
<b>Percent</b>		<input type="text" value="50%"/>			
<b>&gt;&gt; Programmatic Matrix</b>					
		<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>Percent</b>		<input type="text" value="0%"/>			
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.				
<b>Adjustment</b>		<input type="text" value="\$5,000"/>			
		<input type="text" value="\$5,000"/>			
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<input type="text" value="1"/>	<b>Number of violation days</b>		
		<input type="text" value="14"/>			
<i>mark only one with an x</i>	daily	<input type="text"/>			
	monthly	x			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
single event	<input type="text"/>				
<b>Violation Base Penalty</b>		<input type="text" value="\$5,000"/>			
One monthly event is recommended from the June 17, 2008 investigation date to the July 1, 2008 compliance date.					
<b>Good Faith Efforts to Comply</b>		<input type="text" value="25.0%"/>	<b>Reduction</b>		
		<small>Before NOV    NOV to EDPRP/Settlement Offer</small>			
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	x	<input type="text"/>			
N/A	<input type="text"/>	<small>(mark with x)</small>			
<b>Notes</b>	The Respondent came into compliance on July 1, 2008.				
<b>Violation Subtotal</b>		<input type="text" value="\$3,750"/>			
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>		<input type="text" value="\$106"/>	<b>Violation Final Penalty Total</b>		
			<input type="text" value="\$3,788"/>		
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>			
		<input type="text" value="\$3,788"/>			

## Economic Benefit Worksheet

**Respondent:** Victron Stores, L.P. dba Tiger Mart 2  
**Case ID No.:** 36487  
**Reg. Ent. Reference No.:** RN101569226  
**Media:** Petroleum Storage Tank  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

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

### 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				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)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$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]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	17-Apr-2008	1-Jul-2008	1.12	\$6	\$100	\$106
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost for conducting bimonthly inspection of the rectifier and other components of the impressed current cathodic protection system. Date Required is 60 days before the date of the investigation. Final Date is the compliance date.

Approx. Cost of Compliance

\$100

**TOTAL**

\$106

<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1460-PST-E	<b>PCW</b>		
<b>Respondent</b> Victron Stores, L.P. dba Tiger Mart 2	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 36487	<i>PCW Revision June 12, 2008</i>			
<b>Reg. Ent. Reference No.</b> RN101569226				
<b>Media [Statute]</b> Petroleum Storage Tank				
<b>Enf. Coordinator</b> Thomas Greimel				
<b>Violation Number</b>	4			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.45(c)(3)(A)			
<b>Violation Description</b>	Failed to install and maintain a secure anchor at the base of each Underwriters' Laboratories ("UL") listed emergency shutoff valve in a piping system in which regulated substances are conveyed under pressure to an aboveground dispensing unit. Specifically, it was observed that shear valves were not properly anchored on the dispensers.			
	<b>Base Penalty</b>	\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
				<b>Percent</b>
				25%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
				<b>Percent</b>
				0%
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.			
	<b>Adjustment</b>			\$7,500
				\$2,500
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	1	52	<b>Number of violation days</b>
<i>mark only one with an x</i>	daily			
	monthly			
	quarterly		x	
	semiannual			
	annual			
	single event			
				<b>Violation Base Penalty</b>
				\$2,500
One quarterly event is recommended from the June 17, 2008 investigation date to the August 8, 2008 compliance date.				
<b>Good Faith Efforts to Comply</b>		10.0%	Reduction	\$250
		Before NOV	NOV to EDFRP/Settlement Offer	
Extraordinary				
Ordinary			x	
N/A			(mark with x)	
<b>Notes</b>	The Respondent came into compliance on August 8, 2008.			
	<b>Violation Subtotal</b>			\$2,250
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
	<b>Estimated EB Amount</b>	\$1	<b>Violation Final Penalty Total</b>	\$2,273
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$2,273

## Economic Benefit Worksheet

**Respondent** Victron Stores, L.P. dba Tiger Mart 2  
**Case ID No.** 36487  
**Reg. Ent. Reference No.** RN101569226  
**Media** Petroleum Storage Tank  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### 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				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	17-Jun-2008	8-Aug-2008	0.14	\$1	n/a	\$1

**Notes for DELAYED costs** Estimated cost to properly install and maintain shear valve anchors. Date Required is the date of the investigation. Final Date is the date of compliance.

### Avoided Costs

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

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]				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**

Approx. Cost of Compliance \$100

**TOTAL** \$1

# Compliance History

Customer/Respondent/Owner-Operator: CN602815540 Victron Stores, L.P. Classification: AVERAGE Rating: 2.08  
Regulated Entity: RN101569226 Tiger Mart 2 Classification: AVERAGE Site Rating: 3.01  
BY DEFAULT  
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 71352  
REGISTRATION  
Location: 1679 W HENDERSON ST, CLEBURNE, TX, 76033 Rating Date: September 01 07 Repeat Violator: NO  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: September 07, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: September 7, 2003 to September 7, 2008  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Thomas Greimel Phone: (512) 239-5690

## 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? Yes
3. If Yes, who is the current owner? Victron Stores, L.P.
4. If Yes, who was/were the prior owner(s)? H & H Oil Co., Inc.
5. When did the change(s) in ownership occur? 6/1/2004

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 07/24/2008 (684471)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
VICTRON STORES, L.P. DBA TIGER  
MART 2  
RN101569226

§  
§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2008-1460-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 Victron Stores, L.P. dba Tiger 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 a convenience store with retail sales of gasoline at 1679 West Henderson Street in Cleburne, Johnson County, Texas (the "Station").
2. The Respondent's four 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 July 29, 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 Ten Thousand Six Hundred Six Dollars (\$10,606) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Four Hundred Eighty-Five Dollars (\$8,485) of the administrative penalty and Two Thousand One Hundred Twenty-One Dollars (\$2,121) 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 recognizes that the Respondent has implemented the following corrective measures at the Station:
  - a. Installed Stage I vapor recovery adaptor and pressure/vacuum ("P/V") valve and replaced three coaxial drop tubes on August 8, 2008;
  - b. Began maintaining UST records on September 6, 2008;
  - c. Began conducting bimonthly inspections of the impressed current cathodic protection system on July 1, 2008; and
  - d. Properly anchored shear valves on the dispensers on August 8, 2008.
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 of the Station, the Respondent is alleged to have:

1. Failed to control displaced vapors by a vapor control or a vapor balance system during the transfer of gasoline from a tank-truck into the USTs at the Station, in violation of 30 TEX. ADMIN. CODE § 115.221 and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation



conducted on June 17, 2008. Specifically, the Respondent did not install a Stage I vapor recovery adaptor and P/V valve to capture displaced vapors.

2. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE §§ 334.10(b), 334.50(e)(2)(C), and 334.51(b)(3)(D), as documented during an investigation conducted on June 17, 2008. Specifically, documentation of monthly automatic tank gauging test results for the past five years are incomplete and documentation indicating the over-fill drop tubes are in good condition and set at 95% shut-off level for each tank were not available for review.
3. Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on June 17, 2008. Specifically, the Respondent did not conduct the bimonthly inspections of the corrosion protection system.
4. Failed to install and maintain a secure anchor at the base of each Underwriters' Laboratories ("UL") listed emergency shutoff valve in a piping system in which regulated substances are conveyed under pressure to an aboveground dispensing unit, in violation of 30 TEX. ADMIN. CODE § 334.45(c)(3)(A), as documented during an investigation conducted on June 17, 2008. Specifically, it was observed that shear valves were not properly anchored on the dispensers.

### 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: Victron Stores, L.P. dba Tiger Mart 2, Docket No. 2008-1460-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. 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.



3. 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.
4. 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.
5. 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.



Victron Stores, L.P. dba Tiger Mart 2  
DOCKET NO. 2008-1460-PST-E  
Page 5

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

John Erdler  
For the Executive Director

2/16/2009  
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 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.

Walid Alameddine  
Signature

12-10-08  
Date

Walid Alameddine  
Name (Printed or typed)  
Authorized Representative of  
Victron Stores, L.P. dba Tiger Mart 2

Vice President  
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.

