

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2008-1720-PST-E **TCEQ ID:** RN101542710 **CASE NO.:** 36748
RESPONDENT NAME: Poly Trucking, Inc. dba Poly-Trucking

ORDER TYPE:		
<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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: Poly-Trucking, 1500 West Marshall Drive, Grand Prairie, Dallas County</p> <p>TYPE OF OPERATION: Trucking fleet refueling facility</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 13, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Steven Lopez, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-1896; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Steven Ross, President, Poly Trucking, Inc., 2000 West Marshall Drive, Grand Prairie, Texas 75051 Mr. C. D. Allgood, Corporate Eng. Manager, Poly Trucking, Inc., 2000 West Marshall Drive, Grand Prairie, Texas 75051 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 3, 2008</p> <p>Date of NOV/NOE Relating to this Case: October 17, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failure to maintain Stage II records at the Station and make them available for review upon request by agency personnel. Specifically, records not available for review included a copy of the California Air Resources Board Executive Order and Stage II employee training records [30 TEX. ADMIN. CODE § 115.246(1) and (4) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>2) Failure to conduct monthly inspections of the Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.244(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>3) Failure to verify proper operation of the Stage II equipment at least once every 12 months and the Stage II vapor space manifold and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first. Specifically, the Stage II annual and triennial compliance testing had not been conducted [30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>4) Failure to upgrade the Stage II equipment to ("ORVR") compatible systems [30 TEX. ADMIN. CODE § 115.242(1)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>	<p>Total Assessed: \$34,919</p> <p>Total Deferred: \$6,983 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$27,936</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:</p> <p>a) Began maintaining Stage II records at the Station on December 29, 2008;</p> <p>b) Began conducting the required monthly inspections of the Stage II vapor recovery system on October 31, 2008;</p> <p>c) Conducted the required annual and triennial testing of the Stage II equipment on November 4, 2008;</p> <p>d) Upgraded the Stage II equipment to ORVR compatible systems on November 4, 2008;</p> <p>e) Began maintaining UST records at the Station on October 31, 2008;</p> <p>f) Began conducting proper inventory control procedures on October 31, 2008;</p> <p>g) Implemented a release detection method for all USTs at the Station, successfully conducted the required piping tightness and line leak detector tests, and began recording daily volume measurement and monthly reconciliation of inventory control records on October 31, 2008;</p> <p>h) Repaired the spill buckets on tank nos. 1 and 3 on November 25, 2008;</p> <p>i) Secured the emergency shutoff valves at the base of the dispensers on October 31, 2008; and</p> <p>j) Submitted a Release Determination Report ("RDR") which was reviewed by the TCEQ Remediation Division, who concluded that the Station met closure requirements and no further corrective action is necessary. The RDR was approved on January 26, 2009.</p>

5) Failure to maintain the required ("UST") records and make them immediately available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.10(b)].

6) Failure to conduct effective manual or automatic inventory control procedures for the UST system [30 TEX. ADMIN. CODE § 334.48(c)].

7) Failure to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].

8) Failure to provide proper release detection for the pressurized piping associated with the USTs. Specifically, the Respondent did not conduct the annual piping tightness test [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].

9) Failure to test the line leak detectors at least once per year for performance and operational reliability [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a)].

10) Failure 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% of the total 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)].

11) Failure to conduct 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(c)(1)].

12) Failure to ensure that all spill and overfill prevention devices are maintained in good operating condition. Specifically, tank nos. 1 and 3 did not have liquid tight spill buckets [30 TEX. ADMIN. CODE § 334.51(a)(6) and TEX. WATER CODE § 26.3475(c)(2)].

13) Failure to ensure that the emergency shutoff valves (also known as a shear or impact valve) were securely anchored at the base of the dispensers. Specifically,

<p>the valves for dispenser nos. 3 and 5 were not secured [30 TEX. ADMIN. CODE § 334.45(c)(3)(A)].</p> <p>14) Failure to ensure the Station's UST system was operated, maintained, and managed in accordance with industry practices to prevent a release of a regulated substance. Specifically, the groundwater sample taken from the northeast monitoring well by tank no. 2 contained a 1/4 inch of diesel fuel [30 TEX. ADMIN. CODE § 334.48(a) and TEX. WATER CODE § 26.121(a)(1)].</p>		
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Additional ID No(s): 72366



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	20-Oct-2008	Screening	29-Oct-2008	EPA Due	
	PCW	27-Jan-2009				

RESPONDENT/FACILITY INFORMATION

Respondent	Poly Trucking, Inc. dba Poly-Trucking		
Reg. Ent. Ref. No.	RN101542710		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	36748	No. of Violations	10
Docket No.	2008-1720-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Lopez
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$35,000
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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.

Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment due to compliance history.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$2,750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,862	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$18,450	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$32,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	8.3%	Adjustment	\$2,669
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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 nos. 2, 3 and 7.
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Final Penalty Amount	\$34,919
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$34,919
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DEFERRAL	20.0% Reduction	Adjustment	-\$6,983
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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.
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PAYABLE PENALTY	\$27,936
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Screening Date 29-Oct-2008

Docket No. 2008-1720-PST-E

PCW

Respondent Poly Trucking, Inc. dba Poly-Trucking

Policy Revision 2 (September 2002)

Case ID No. 36748

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101542710

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Steven Lopez

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment due to compliance history.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 29-Oct-2008 **Docket No.** 2008-1720-PST-E **PCW**
Respondent Poly Trucking, Inc. dba Poly-Trucking *Policy Revision 2 (September 2002)*
Case ID No. 36748 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101542710
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Steven Lopez
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="text"/>	<input type="text"/>	<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"/>
weekly	<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

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(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: Poly Trucking, Inc. dba Poly-Trucking
Case ID No.: 36748
Reg. Ent. Reference No.: RN101542710
Media: Petroleum Storage Tank
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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	3-Oct-2008	29-Dec-2008	0.24	\$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 Stage II records at the Station. The Date Required is the investigation date. The 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	\$500	TOTAL	\$6
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Screening Date 29-Oct-2008 **Docket No.** 2008-1720-PST-E **PCW**
Respondent Poly Trucking, Inc. dba Poly-Trucking *Policy Revision 2 (September 2002)*
Case ID No. 36748 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101542710
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Steven Lopez

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 115.244(3) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to conduct monthly inspections of the Stage II vapor recovery system.

Base Penalty \$10,000

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 **Number of violation days** 26

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the investigation date of October 3, 2008 to the screening date of October 29, 2008.

Good Faith Efforts to Comply

10.0% Reduction
 Before NOV NOV to EDPRP/Settlement Offer

\$250

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes The Respondent came into compliance on October 31, 2008.

Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$369

Violation Final Penalty Total \$2,436

This violation Final Assessed Penalty (adjusted for limits) \$2,436

Economic Benefit Worksheet

Respondent: Poly Trucking, Inc. dba Poly-Trucking
Case ID No.: 36748
Reg. Ent. Reference No.: RN101542710
Media: Petroleum Storage Tank
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost
Date Required
Final Date
Yrs
Interest Saved
Onetime Costs
EB Amount

Item Description: No commas or \$

Delayed Costs

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]	\$350	3-Sep-2008	31-Oct-2008	1.08	\$19	\$350
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct the required inspections of the components of the Stage II vapor recovery system. The Date Required is one month prior to the investigation date. The Final Date is the compliance date.

Approx. Cost of Compliance \$350

TOTAL \$369

Screening Date 29-Oct-2008	Docket No. 2008-1720-PST-E	PCW		
Respondent Poly Trucking, Inc. dba Poly-Trucking	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36748	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101542710				
Media [Statute] Petroleum Storage Tank				
Enf. Coordinator Steven Lopez				
Violation Number 3				
Rule Cite(s)	30 Tex. Admin. Code § 115.245(2) and Tex. Health & Safety Code § 382.085(b)			
Violation Description	Failed to verify proper operation of the Stage II equipment at least once every 12 months and the Stage II vapor space manifold and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first. Specifically, the Stage II annual and triennial compliance testing had not been conducted.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual			
	Potential	x		
			Percent 50%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
				Percent 0%
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment		\$5,000		
		\$5,000		
Violation Events				
	Number of Violation Events	1	Number of violation days 26	
<small>mark only one with an x</small>	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
Violation Base Penalty		\$5,000		
One single event is recommended for the three-year period preceding the October 3, 2008 investigation.				
Good Faith Efforts to Comply		10.0% Reduction	\$500	
		Before NOV NOV to EDCRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A	(mark with x)		
Notes	The Respondent came into compliance on November 4, 2008.			
Violation Subtotal		\$4,500		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$1,200	Violation Final Penalty Total	\$4,872	
This violation Final Assessed Penalty (adjusted for limits)		\$4,872		

Economic Benefit Worksheet

Respondent: Poly Trucking, Inc. dba Poly-Trucking
Case ID No.: 36748
Reg. Ent. Reference No.: RN101542710
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]	\$1,000	3-Oct-2005	4-Nov-2008	4.01	\$200	\$1,000	\$1,200
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost for annual and triennial testing of the Stage II equipment. The Date Required is three years prior to the investigation date. The Final Date is the compliance date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,200

Screening Date 29-Oct-2008	Docket No. 2008-1720-PST-E	PCW			
Respondent Poly Trucking, Inc. dba Poly-Trucking	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 36748	<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN101542710					
Media [Statute] Petroleum Storage Tank					
Enf. Coordinator Steven Lopez					
Violation Number <input type="text" value="4"/>					
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.242(1)(C) and Tex. Health & Safety Code § 382.085(b)"/>				
Violation Description	<input compatible="" orvr")="" systems."="" type="text" value="Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("/>				
Base Penalty		<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
	Potential	<input type="text"/>	x	<input type="text"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>				
Adjustment					<input type="text" value="\$7,500"/>
					<input type="text" value="\$2,500"/>
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		
		<input type="text" value="26"/>			
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty		
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	x			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
<input type="text" value="2,500"/>					
<input type="text" value="One quarterly event is recommended from the investigation date of October 3, 2008 to the screening date of October 29, 2008."/>					
Good Faith Efforts to Comply					
		10.0%	Reduction		\$250
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>	Violation Subtotal		
Ordinary	<input type="text"/>	x			
N/A	<input type="text"/>	(mark with x)			
Notes	<input type="text" value="The Respondent came into compliance on November 4, 2008."/>				
					<input type="text" value="\$2,250"/>
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$15"/>	Violation Final Penalty Total		<input type="text" value="\$2,436"/>
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$2,436"/>

Economic Benefit Worksheet

Respondent Poly Trucking, Inc. dba Poly-Trucking
Case ID No. 36748
Reg. Ent. Reference No. RN101542710
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
No commas or \$							

Delayed Costs

Equipment	\$2,500	3-Oct-2008	4-Nov-2008	0.09	\$1	\$15	\$15
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 upgrade the Stage II equipment to ORVR compatible systems. The Date Required is the investigation date. The 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	\$2,500	TOTAL	\$15
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Screening Date 29-Oct-2008 **Docket No.** 2008-1720-PST-E **PCW**
Respondent Poly Trucking, Inc. dba Poly-Trucking *Policy Revision 2 (September 2002)*
Case ID No. 36748 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101542710
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Steven Lopez

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	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

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<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"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>
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: Poly Trucking, Inc. dba Poly-Trucking
Case ID No.: 36748
Reg. Ent. Reference No.: RN101542710
Media: Petroleum Storage Tank
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$500	3-Oct-2008	31-Oct-2008	0.08	\$2	n/a	\$2
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. The Date Required is the date of investigation. The 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

\$500

TOTAL

\$2

Screening Date 29-Oct-2008 **Docket No.** 2008-1720-PST-E **PCW**
Respondent Poly Trucking, Inc. dba Poly-Trucking *Policy Revision 2 (September 2002)*
Case ID No. 36748 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101542710
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Steven Lopez
Violation Number
Rule Cite(s)
Violation Description
Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				<input type="text" value="50%"/>
	Potential	<input checked="" type="checkbox"/>			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of violation days
mark only one with an x

daily	<input type="checkbox"/>
weekly	<input type="checkbox"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="checkbox"/>
semannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input type="checkbox"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount	<input type="text" value="\$2"/>	Violation Final Penalty Total	<input type="text" value="\$4,872"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$4,872"/>

Economic Benefit Worksheet

Respondent: Poly Trucking, Inc. dba Poly-Trucking
Case ID No. 36748
Reg. Ent. Reference No. RN101542710
Media: Petroleum Storage Tank
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$500	3-Oct-2008	31-Oct-2008	0.08	\$2	n/a	\$2
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 conduct proper inventory control procedures. The Date Required is the date of the investigation.
 The 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

\$500

TOTAL

\$2

Screening Date 29-Oct-2008	Docket No. 2008-1720-PST-E	PCW		
Respondent Poly Trucking, Inc. dba Poly-Trucking	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36748	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101542710				
Media [Statute] Petroleum Storage Tank				
Enf. Coordinator Steven Lopez				
Violation Number 7				
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A), (b)(2), (b)(2)(A)(i)(III), (d)(1)(B)(ii), and (d)(1)(B)(iii)(I) and Tex. Water Code § 26.3475(a) and (c)(1)			
Violation Description	Failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring). Failed to provide proper release detection for the pressurized piping associated with the USTs. Specifically, the Respondent did not conduct the annual piping tightness test. Failed to test the line leak detectors at least once per year for performance and operational reliability. Failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons. Also, failed to conduct inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day.			
Base Penalty		\$10,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent				50%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent				0%
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.			
Adjustment		\$5,000		
\$5,000				
Violation Events				
	<input type="text" value="1"/>	<input type="text" value="26"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input checked="" type="checkbox"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input type="text"/>			
Violation Base Penalty				\$5,000
One monthly event is recommended from the investigation date of October 3, 2008 to the screening date of October 29, 2008.				
Good Faith Efforts to Comply		10.0% Reduction	\$500	
		<small>Before NOV</small>	<small>NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>		
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes	The Respondent came into compliance on October 31, 2008.			
Violation Subtotal		\$4,500		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$1,106"/>	Violation Final Penalty Total	<input type="text" value="\$4,872"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$4,872"/>	

Economic Benefit Worksheet

Respondent Poly Trucking, Inc. dba Poly-Trucking
Case ID No. 36748
Reg. Ent. Reference No. RN101542710
Media Petroleum Storage Tank
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime 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)	\$1,500	3-Oct-2008	31-Oct-2008	0.08	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to provide release detection for the USTs including recording daily volume measurement and monthly reconciliation of inventory control records. The Date Required is the date of investigation. The 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]	\$1,000	3-Oct-2007	31-Oct-2008	2.00	\$100	\$1,000	\$1,100
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct annual piping tightness and line leak detector tests. The Date Required is one year prior to the investigation date. The Final Date is the compliance date.

Approx. Cost of Compliance

\$2,500

TOTAL

\$1,106

Screening Date 29-Oct-2008	Docket No. 2008-1720-PST-E	PCW	
Respondent Poly Trucking, Inc. dba Poly-Trucking		<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36748		<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN101542710			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Steven Lopez			
Violation Number <input type="text" value="8"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 334.51(a)(6) and Tex. Water Code § 26.3475(c)(2)"/>		
Violation Description	<input type="text" value="Failed to ensure that all spill and overfill prevention devices are maintained in good operating condition. Specifically, tank nos. 1 and 3 did not have liquid tight spill buckets."/>		
	Base Penalty	<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>
		Percent	<input type="text" value="25%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>		
	Adjustment	<input type="text" value="\$7,500"/>	
		Subtotal	<input type="text" value="\$2,500"/>
Violation Events			
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days
		<input type="text" value="26"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty
	weekly	<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"/>	
	<input type="text" value="\$2,500"/>		
	<input type="text" value="One quarterly event is recommended from the investigation date of October 3, 2008 to the screening date of October 29, 2008."/>		
Good Faith Efforts to Comply			
	10.0%	Reduction	\$250
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text" value="x"/>	
N/A	<input type="text" value="(mark with x)"/>		
Notes	<input type="text" value="The Respondent came into compliance on November 25, 2008."/>		
	Violation Subtotal	<input type="text" value="\$2,250"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$4"/>	Violation Final Penalty Total	<input type="text" value="\$2,436"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$2,436"/>

Economic Benefit Worksheet

Respondent: Poly Trucking, Inc. dba Poly-Trucking
Case ID No.: 36748
Reg. Ent. Reference No.: RN101542710
Media: Petroleum Storage Tank
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$500	3-Oct-2008	25-Nov-2008	0.15	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to install spill buckets. The Date Required is the investigation date. The 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

\$500

TOTAL

\$4

Screening Date 29-Oct-2008	Docket No. 2008-1720-PST-E	PCW			
Respondent Poly Trucking, Inc. dba Poly-Trucking	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 36748	<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN101542710					
Media [Statute] Petroleum Storage Tank					
Enf. Coordinator Steven Lopez					
Violation Number <input type="text" value="9"/>					
Rule Cite(s)	30 Tex. Admin. Code § 334.45(c)(3)(A)				
Violation Description	Failed to ensure that the emergency shutoff valves (also known as a shear or impact valve) were securely anchored at the base of the dispensers. Specifically, the valves for dispenser nos. 3 and 5 were not secured.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm			Percent	
	Major	Moderate	Minor		
	Actual	Potential	Potential		
	<input type="text"/>	<input type="text"/>	<input type="text"/>	25%	
	<input type="text"/>	x	<input type="text"/>		
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	0%
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				
Adjustment		\$7,500			
					\$2,500
Violation Events					
Number of Violation Events		1	Number of violation days		
		26			
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty		
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	x			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
One quarterly event is recommended from the investigation date of October 3, 2008 to the screening date of October 29, 2008.					\$2,500
Good Faith Efforts to Comply		10.0% Reduction			\$250
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	x			
N/A	(mark with x)				
Notes	The Respondent came into compliance on October 31, 2008.				
Violation Subtotal					\$2,250
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$1		Violation Final Penalty Total	
				\$2,436	
This violation Final Assessed Penalty (adjusted for limits)					\$2,436

Economic Benefit Worksheet

Respondent Poly Trucking, Inc. dba Poly-Trucking
Case ID No. 36748
Reg. Ent. Reference No. RN101542710
Media Petroleum Storage Tank
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$100	3-Oct-2008	31-Oct-2008	0.08	\$0	\$1	\$1
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 properly secure emergency shutoff valves. The Date Required is the date of investigation. The 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

Screening Date 29-Oct-2008	Docket No. 2008-1720-PST-E	PCW	
Respondent Poly Trucking, Inc. dba Poly-Trucking	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36748	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN101542710			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Steven Lopez			
Violation Number 10			
Rule Cite(s)	30 Tex. Admin. Code § 334.48(a) and Tex. Water Code § 26.121(a)(1)		
Violation Description	Failed to ensure the Station's UST system was operated, maintained, and managed in accordance with industry practices to prevent a release of a regulated substance. Specifically, the groundwater sample taken from the northeast monitoring well by tank no. 2 contained a 1/4 inch of diesel fuel.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	Percent 50%
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Percent 0%
Matrix Notes	Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
Adjustment		\$5,000	
		\$5,000	
Violation Events			
	Number of Violation Events	1	Number of violation days 26
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	Violation Base Penalty \$5,000
	weekly	<input type="checkbox"/>	
	monthly	<input checked="" type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
	One monthly event is recommended from the release discovery date of October 3, 2008 to the screening date of October 29, 2008.		
Good Faith Efforts to Comply		0.0% Reduction	\$0
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$5,000	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$158	Violation Final Penalty Total	\$5,414
		This violation Final Assessed Penalty (adjusted for limits) \$5,414	

Economic Benefit Worksheet

Respondent Poly Trucking, Inc. dba Poly-Trucking
Case ID No. 36748
Reg. Ent. Reference No. RN101542710
Media Petroleum Storage Tank
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$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	\$10,000	3-Oct-2008	26-Jan-2009	0.32	\$158	n/a	\$158
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to properly abate and remediate the release. The Date Required is the date of release discovery.
 The 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

\$10,000

TOTAL

\$158

Compliance History Report

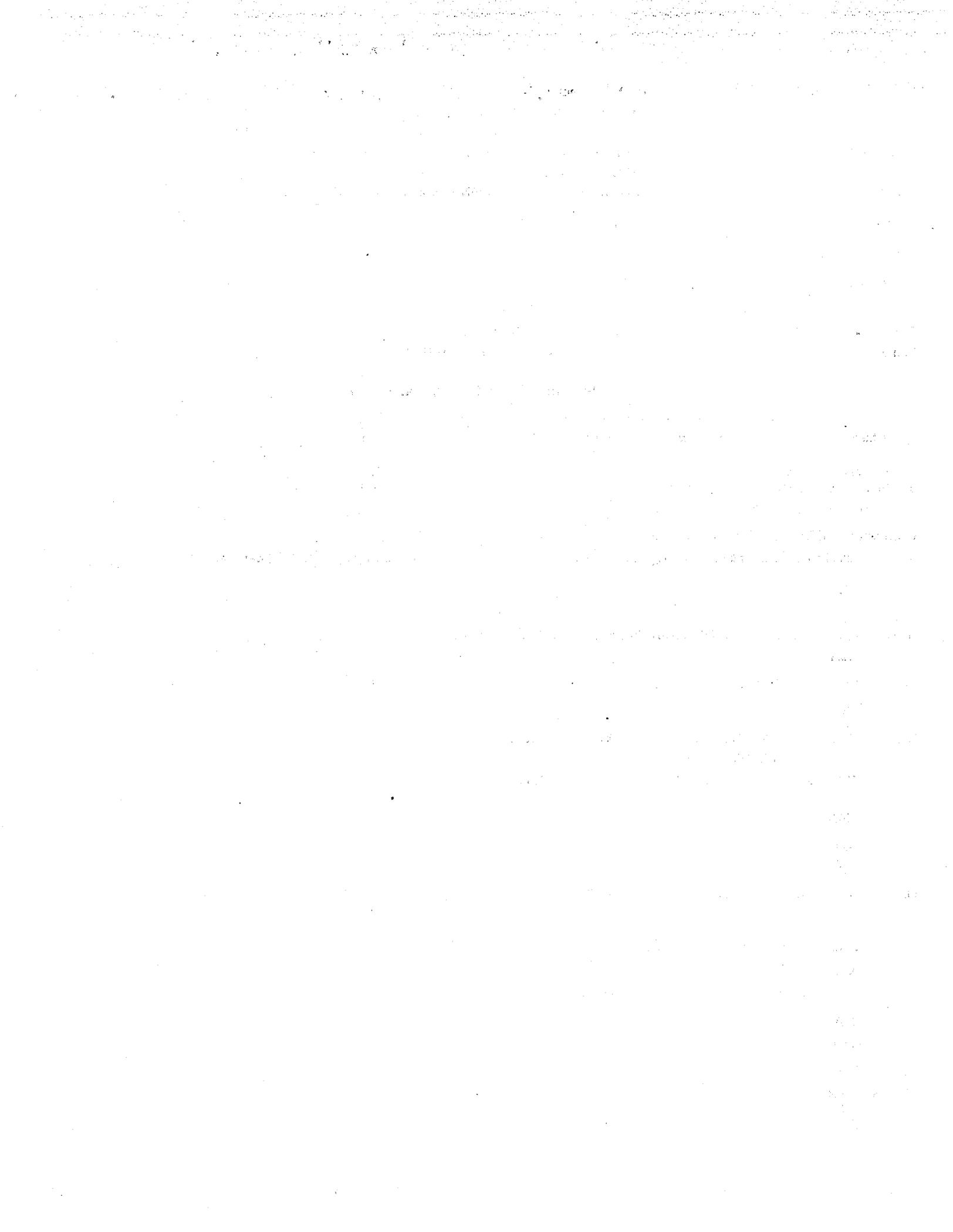
Customer/Respondent/Owner-Operator: CN600811996 Poly.Trucking, Inc. Classification: AVERAGE Rating: 3.01
Regulated Entity: RN101542710 POLY-TRUCKING Classification: AVERAGE Site Rating: 3.01
BY DEFAULT
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 72366
REGISTRATION
Location: 1500 W MARSHALL DR, GRAND PRAIRIE, TX, 75051 Rating Date: 9/1/2008 Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: October 21, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: October 21, 2003 to October 21, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Steven Lopez Phone: 512-239-1896

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDES Inv. Track. No.)
1 10/16/2008 (705380)
 - E. Written notices of violations (NOV). (CCEDES 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
POLY TRUCKING, INC. DBA POLY-
TRUCKING
RN101542710

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2008-1720-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 Poly Trucking, Inc. dba Poly-Trucking ("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 truck fleet refueling facility at 1500 West Marshall Drive in Grand Prairie, Dallas 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 October 22, 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 Thirty-Four Thousand Nine Hundred Nineteen Dollars (\$34,919) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Twenty-Seven Thousand Nine Hundred Thirty-Six Dollars (\$27,936) of the administrative penalty and Six Thousand Nine Hundred Eighty-Three Dollars (\$6,983) 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. Began maintaining Stage II records at the Station on December 29, 2008;
 - b. Began conducting the required monthly inspections of the Stage II vapor recovery system on October 31, 2008;
 - c. Conducted the required annual and triennial testing of the Stage II equipment on November 4, 2008;
 - d. Upgraded the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems on November 4, 2008;
 - e. Began maintaining UST records at the Station on October 31, 2008;
 - f. Began conducting proper inventory control procedures on October 31, 2008;
 - g. Implemented a release detection method for all USTs at the Station, successfully conducted the required piping tightness and line leak detector tests, and began recording daily volume measurement and monthly reconciliation of inventory control records on October 31, 2008;
 - h. Repaired the spill buckets on tank nos. 1 and 3 on November 25, 2008;
 - i. Secured the emergency shutoff valves at the base of the dispensers on October 31, 2008; and
 - j. Submitted a Release Determination Report ("RDR") which was reviewed by the TCEQ Remediation Division, who concluded that the Station met closure requirements and no further corrective action is necessary. The RDR was approved on January 26, 2009.

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 maintain Stage II records at the Station and make them available for review 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 October 3, 2008. Specifically, records not available for review included a copy of the California Air Resources Board Executive Order and Stage II employee training records.
2. Failed to conduct monthly inspections of the Stage II vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.244(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3, 2008.
3. Failed to verify proper operation of the Stage II equipment at least once every 12 months and the Stage II vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) as documented during an investigation conducted on October 3, 2008. Specifically, the Stage II annual and triennial compliance testing had not been conducted.
4. Failed to upgrade the Stage II equipment to ORVR compatible systems, in violation of 30 TEX. ADMIN. CODE § 115.242(1)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on October 3, 2008.
5. Failed to maintain the required UST records and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b), as documented during an investigation conducted on October 3, 2008.
6. Failed to conduct effective manual or automatic inventory control procedures for the UST system, in violation of 30 TEX. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on October 3, 2008.
7. Failed to monitor USTs for releases at a frequency of at least once per 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 October 3, 2008.

8. Failed to provide proper release detection for the pressurized piping associated with the USTs, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on October 3, 2008. Specifically, the Respondent did not conduct the annual piping tightness test.
9. Failed to test the line leak detectors at least once per year for performance and operational reliability, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a), as documented during an investigation conducted on October 3, 2008.
10. 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% 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 October 3, 2008.
11. Failed to conduct 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 October 3, 2008.
12. Failed to ensure that all spill and overflow prevention devices are maintained in good operating condition, in violation of 30 TEX. ADMIN. CODE § 334.51(a)(6) and TEX. WATER CODE § 26.3475(c)(2), as documented during an investigation conducted on October 3, 2008. Specifically, tank nos. 1 and 3 did not have liquid tight spill buckets.
13. Failed to ensure that the emergency shutoff valves (also known as a shear or impact valve) were securely anchored at the base of the dispensers, in violation of 30 TEX. ADMIN. CODE § 334.45(c)(3)(A), as documented during an investigation conducted on October 3, 2008. Specifically, the valves for dispenser nos. 3 and 5 were not secured.
14. Failed to ensure the Station's UST system was operated, maintained, and managed in accordance with industry practices to prevent a release of a regulated substance, in violation of 30 TEX. ADMIN. CODE § 334.48(a) and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on October 3, 2008. Specifically, the groundwater sample taken from the northeast monitoring well by tank no. 2 contained a 1/4 inch of diesel fuel.

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: Poly Trucking, Inc. dba Poly-Trucking, Docket No. 2008-1720-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 Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. ...
For the Executive Director

3/24/2009
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.

C.D. Allgood
Signature

2/11/09
Date

C.D. ALLGOOD
Name (Printed or typed)
Authorized Representative of
Poly Trucking, Inc. dba Poly-Trucking

CORPORATE ENG. MANAGER
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.