

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2008-1544-PST-E TCEQ ID NO.: RN101913606 CASE NO.: 36565  
RESPONDENT NAME: LOGICS ENTERPRISE, L.L.C. DBA GOODRICH FOOD MART**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" type="checkbox"/> FINDINGS DEFAULT ORDER	<input 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 HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** 7183 United States Highway 59 North, Goodrich, Polk County

**TYPE OF OPERATION:** Convenience Store with retail sales of gasoline

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired June 15, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Tommy Tucker Henson II. Litigation Division, MC 175, (512) 239-0946  
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Ms. Elvia Maske, Waste Enforcement Section, MC 149, (512) 239-0789

**TCEQ Regional Contact:** Mr. Derek Eades, Beaumont Regional Office, MC R-10, (409) 898-3838

**Respondent:** Mr. Noman Shaikh, Managing Member, Logics Enterprise, L.L.C., 7183 US Hwy 59 N, Goodrich, Texas 77335;  
Mr. Noman Shaikh, Managing Member, Logics Enterprise, L.L.C., 23860 FM 1314, Porter, Texas 77365

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

VIOLATION SUMMARY CHART:	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>VIOLATION INFORMATION</b></p> <p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 27, 2008</p> <p><b>Date of NOV Relating to this Case:</b> July 7, 2008</p> <p><b>Background Facts:</b> The EDPRP was filed February 6, 2009, and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that the Respondent received notice of the EDPRP. The Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.</p> <p><b>Current Compliance Status:</b> The Respondent's delivery certificate expires in March 2010. Violation nos. 1 and 2 have been corrected.</p> <p><b>PST:</b></p> <ol style="list-style-type: none"> <li>Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years [30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d)].</li> <li>Failed to provide proper release detection by failing to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small 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)].</li> <li>Failed to maintain UST records and make them available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.10(b)].</li> </ol>	<p><b>PENALTY CONSIDERATIONS</b></p> <p><b>Total Assessed:</b> \$35,696</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Due to General Revenue:</b> \$35,696</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b></p> <p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent performed the following corrective measures at the Station:</p> <ol style="list-style-type: none"> <li>Conducted triennial testing of the cathodic protection system; and</li> <li>Began providing release detection for the USTs.</li> </ol> <p><b>Ordering Provisions:</b></p> <p>The Respondent's UST delivery certificate is revoked immediately. Respondent may submit an application for a new delivery certificate only after Respondent has complied with all of the requirements set forth in the Ordering Provisions below.</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>Immediately, cease accepting fuel until a valid delivery certificate is obtained.</li> <li>Within 10 days, surrender its UST delivery certificate to the TCEQ.</li> <li>Within 30 days:             <ol style="list-style-type: none"> <li>Begin maintaining all UST records; and</li> <li>Begin maintaining copies of records of product transfer documents.</li> </ol> </li> <li>Within 45 days, submit written documentation to demonstrate compliance with Ordering Provisions Nos. 1, 3.a. and 3.b.</li> </ol>

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to maintain copies of records of product transfer documents for a minimum of two years and make such copies or records available to representatives of the Commission [30 TEX. ADMIN. CODE §§ 114.316(g), 115.226(1) and 115.226(2) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> <p>5. Failed to notify the agency of any change or additional information regarding USTs within 30 days from the date of occurrence of the change or addition and failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days of installation of a new tank [30 TEX. ADMIN. CODE §§ 334.7(d)(3), 334.8(c)(4)(A)(vii) and 334.8(c)(5)(B)(ii)].</p> <p>6. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance in the UST [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].</p>		



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

<b>DATES</b>	Assigned	7-Aug-2008	Screening	14-Aug-2008	EPA Due	
	PCW	4-Feb-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart		
Reg. Ent. Ref. No.	RN101913606		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36565	No. of Violations	6
Docket No.	2008-1544-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Elvia Maske
		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*

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

**Culpability**   Enhancement *Subtotal 4*

Notes

**Good Faith Effort to Comply Total Adjustments** *Subtotal 5*

**Economic Benefit**  Enhancement\* *Subtotal 6*

Total EB Amounts   
Approx. Cost of Compliance

\*Capped at the Total EB \$ Amount

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  *Adjustment*

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

*Final Penalty Amount*

**STATUTORY LIMIT ADJUSTMENT** *Final Assessed Penalty*

**DEFERRAL**  Reduction *Adjustment*

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

Notes

**PAYABLE PENALTY**

Screening Date 14-Aug-2008

Docket No. 2008-1544-PST-E

PCW

Respondent LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart

Policy Revision 2 (September 2002)

Case ID No. 36565

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101913606

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Elvia Maske

### 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 judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	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)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction due to High Performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) -10%

<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1544-PST-E	<b>PCW</b>	
<b>Respondent</b> LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b> 36565	<i>PCW Revision June 12, 2008</i>		
<b>Reg. Ent. Reference No.</b> RN101913606			
<b>Media [Statute]</b> Petroleum Storage Tank			
<b>Enf. Coordinator</b> Elvia Maske			
<b>Violation Number</b>	1		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.49(c)(4) and Tex. Water Code § 26.3475(d)		
<b>Violation Description</b>	Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, the Respondent did not conduct the required triennial testing.		
<b>Base Penalty</b>		\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Harm</b>		
	Major	Moderate	Minor
	Actual	Potential	Percent
	x		25%
<b>&gt;&gt; Programmatic Matrix</b>			
	Major	Moderate	Minor
			Percent
			0%
<b>Matrix Notes</b>	Human health or the environment 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>		\$7,500	
		\$2,500	
<b>Violation Events</b>			
<b>Number of Violation Events</b>		1	
		1095	
		<b>Number of violation days</b>	
<i>mark only one with an x</i>	daily		<b>Violation Base Penalty</b>
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended for the three-year period preceding the May 27, 2008 investigation.			
<b>Good Faith Efforts to Comply</b>			
		0.0%	<b>Reduction</b>
		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary			<b>Violation Subtotal</b>
Ordinary			
N/A	x	(mark with x)	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
		\$2,500	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>		\$1,196	
		<b>Violation Final Penalty Total</b>	
		\$2,587	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
		\$2,587	

## Economic Benefit Worksheet

**Respondent** LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart

**Case ID No.** 36565

**Reg. Ent. Reference No.** RN101913606

**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
<b>Delayed Costs</b>							
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)

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]	\$1,000	27-May-2005	27-May-2008	3.92	\$196	\$1,000	\$1,196
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost for conducting the triennial test. Date Required is three years before the investigation date. Final Date is the investigation date.

Approx. Cost of Compliance	\$1,000	TOTAL	\$1,196
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<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1544-PST-E	<b>PCW</b>		
<b>Respondent</b> LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart	<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 36565	<small>PCW Revision June 12, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN101913606				
<b>Media [Statute]</b> Petroleum Storage Tank				
<b>Enf. Coordinator</b> Elvia Maske				
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 334.50(d)(1)(B)(ii) and Tex. Water Code § 26.3475(c)(1)			
<b>Violation Description</b>	Failed to provide proper release detection by failing to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons.			
<b>Base Penalty</b>		\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	x	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	25%	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	0%	
<b>Matrix Notes</b>	Human health or the environment 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>	\$7,500	
		\$2,500		
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b>	
		79		
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b>	
	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 May 27, 2008 investigation to the August 14, 2008 screening date.			\$2,500	
<b>Good Faith Efforts to Comply</b>				
		0.0% Reduction	\$0	
		<small>Before NOV    NOV to EDRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	<small>(mark with x)</small>		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
		<b>Violation Subtotal</b>	\$2,500	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	\$63	<b>Violation Final Penalty Total</b>	\$2,587	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$2,587	

## Economic Benefit Worksheet

**Respondent** LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart  
**Case ID No.** 36565  
**Reg. Ent. Reference No.** RN101913606  
**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
<b>Delayed Costs</b>							
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	27-May-2008	1-Apr-2009	0.85	\$63	n/a	\$63

**Notes for DELAYED costs**  
 Estimated cost to provide proper release detection to include reconciliation of inventory control records. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$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 TOTAL  
\$1,500 \$63

<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1544-PST-E	<b>PCW</b>																
<b>Respondent</b> LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart		<i>Policy Revision 2 (September 2002)</i>																
<b>Case ID No.</b> 36565		<i>PCW Revision June 12, 2008</i>																
<b>Reg. Ent. Reference No.</b> RN101913606																		
<b>Media [Statute]</b> Petroleum Storage Tank																		
<b>Enf. Coordinator</b> Elvia Maske																		
<b>Violation Number</b> <input type="text" value="3"/>																		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 334.10(b)"/>																	
<b>Violation Description</b>	<input type="text" value="Failed to maintain UST records and make them available for inspection upon request by agency personnel."/>																	
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>																
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																		
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Harm			Release	Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
	Harm																	
Release	Major	Moderate	Minor															
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>															
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>															
<b>&gt;&gt; Programmatic Matrix</b>																		
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>		Major	Moderate	Minor	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>		x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>				
	Major	Moderate	Minor															
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>															
	x	<input type="text"/>	<input type="text"/>															
<b>Matrix Notes</b>	<input type="text" value="100% of the rule requirement was not met."/>																	
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>																
		<input type="text" value="\$1,000"/>																
<b>Violation Events</b>																		
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="79"/> Number of violation days																
<i>mark only one with an x</i>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">daily</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;">x</td> </tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	Violation Base Penalty <input type="text" value="\$1,000"/>				
daily	<input type="text"/>																	
monthly	<input type="text"/>																	
quarterly	<input type="text"/>																	
semiannual	<input type="text"/>																	
annual	<input type="text"/>																	
single event	x																	
	<input type="text" value="One single event is recommended based on documentation of the violation during the May 27, 2008 investigation."/>																	
<b>Good Faith Efforts to Comply</b>	<input type="text" value="0.0%"/> Reduction Before NOV    NOV to EDRP/Settlement Offer	<input type="text" value="\$0"/>																
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Extraordinary</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;">x (mark with x)</td> </tr> </table>	Extraordinary	<input type="text"/>	Ordinary	<input type="text"/>	N/A	x (mark with x)											
Extraordinary	<input type="text"/>																	
Ordinary	<input type="text"/>																	
N/A	x (mark with x)																	
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>																	
	<b>Violation Subtotal</b>	<input type="text" value="\$1,000"/>																
<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>																	
Estimated EB Amount <input type="text" value="\$21"/>	Violation Final Penalty Total <input type="text" value="\$1,035"/>																	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$1,035"/>																

## Economic Benefit Worksheet

**Respondent** LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart

**Case ID No.** 36565

**Reg. Ent. Reference No.** RN101913606

**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
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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	27-May-2008	1-Apr-2009	0.85	\$21	n/a	\$21
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 the required UST records. Date Required is the investigation date. Final Date is the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$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**

<b>Approx. Cost of Compliance</b>	\$500	<b>TOTAL</b>	\$21
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<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1544-PST-E	<b>PCW</b>													
<b>Respondent</b> LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart		<small>Policy Revision 2 (September 2002)</small>													
<b>Case ID No.</b> 36565		<small>PCW Revision June 12, 2008</small>													
<b>Reg. Ent. Reference No.</b> RN101913606															
<b>Media [Statute]</b> Petroleum Storage Tank															
<b>Enf. Coordinator</b> Elvia Maske															
<b>Violation Number</b> <input type="text" value="4"/>															
<b>Rule Cite(s)</b> 30 Tex. Admin. Code §§ 114.316(g), 115.226(1) and (2), and Tex. Health & Safety Code § 382.085(b)															
<b>Violation Description</b> Failed to maintain copies or records of product transfer documents for a minimum of two years and make such copies or records available to representatives of the Commission.															
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>													
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>															
Harm															
Release	Major	Moderate	Minor												
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>												
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>												
<b>Percent</b>		<input type="text" value="0%"/>													
<b>&gt;&gt; Programmatic Matrix</b>															
Falsification															
Major	Moderate	Minor													
<input type="text"/>	x	<input type="text"/>													
<b>Percent</b>		<input type="text" value="10%"/>													
<b>Matrix Notes</b>	100% of the rule requirement was not met.														
<b>Adjustment</b>		<input type="text" value="\$9,000"/>													
		<input type="text" value="\$1,000"/>													
<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="79"/>												
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	<b>Violation Base Penalty</b>	<input type="text" value="\$1,000"/>
daily	<input type="text"/>														
monthly	<input type="text"/>														
quarterly	<input type="text"/>														
semiannual	<input type="text"/>														
annual	<input type="text"/>														
single event	x														
One single event is recommended based on documentation of the violation during the May 27, 2008 investigation.															
<b>Good Faith Efforts to Comply</b>			<input type="text" value="\$0"/>												
0.0% Reduction															
Before NOV    NOV to EDPRP/Settlement Offer															
<b>Extraordinary</b>	<input type="text"/>	<input type="text"/>													
<b>Ordinary</b>	<input type="text"/>	<input type="text"/>													
<b>N/A</b>	x	(mark with x)													
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.														
<b>Violation Subtotal</b>		<input type="text" value="\$1,000"/>													
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>												
<b>Estimated EB Amount</b>	<input type="text" value="\$21"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$1,035"/>												
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$1,035"/>												

## Economic Benefit Worksheet

**Respondent** LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart

**Case ID No.** 36565

**Reg. Ent. Reference No.** RN101913606

**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
<b>Delayed Costs</b>							
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	27-May-2008	1-Apr-2009	0.85	\$21	n/a	\$21
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 costs to maintain Stage II records including product transfer records at the Station. Date Required is the investigation date. Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$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 TOTAL

\$500	\$21
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<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1544-PST-E	<b>PCW</b>		
<b>Respondent</b> LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart	<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 36565	<small>PCW Revision June 12, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN101913606				
<b>Media [Statute]</b> Petroleum Storage Tank				
<b>Enf. Coordinator</b> Elvia Maske				
<b>Violation Number</b>	5			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code §§ 334.7(d)(3), 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)			
<b>Violation Description</b>	Failed to notify the agency of any change or additional information regarding USTs within 30 days from the date of occurrence of the change or addition. Specifically, during the investigation it was noted that the registration information had not been updated to reflect the installation of a new diesel tank on May 31, 2007. Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days of installation of a new tank.			
<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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	0%	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>
		<b>Percent</b>	10%	
<b>Matrix Notes</b>	100% of the rule requirement was not met.			
<b>Adjustment</b>		\$9,000		
		\$1,000		
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	1	<b>Number of violation days</b>	
		441		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b>	
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	x		
		\$1,000		
One single event is recommended.				
<b>Good Faith Efforts to Comply</b>				
		0.0%	<b>Reduction</b>	
		\$0		
	Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	x	(mark with x)		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>		\$1,000		
<b>Economic Benefit (EB) for this violation</b>				
<b>Statutory Limit Test</b>				
<b>Estimated EB Amount</b>	\$8	<b>Violation Final Penalty Total</b>	\$1,035	
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$1,035	

## Economic Benefit Worksheet

**Respondent** LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart

**Case ID No.** 36565

**Reg. Ent. Reference No.** RN101913606

**Media** Petroleum Storage Tank

**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)	\$100	30-Jun-2007	1-Mar-2009	1.67	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to update registration information to add a new tank and to obtain a delivery certificate. Date Required is 30 days after the installation of the diesel tank. Final Date is the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.00	\$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

\$8

<b>Screening Date</b> 14-Aug-2008	<b>Docket No.</b> 2008-1544-PST-E	<b>PCW</b>
<b>Respondent</b> LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 36565	<i>PCW Revision June 12, 2008</i>	
<b>Reg. Ent. Reference No.</b> RN101913606		
<b>Media [Statute]</b> Petroleum Storage Tank		
<b>Enf. Coordinator</b> Elvia Maske		
<b>Violation Number</b> <input type="text" value="6"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)"/>	
<b>Violation Description</b>	<input type="text" value="Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST. Specifically, the delivery certificate did not cover the diesel tank, and the Respondent accepted 53 fuel deliveries."/>	
<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"/>	<input type="text"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>
<b>Percent</b>		<input type="text" value="5%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification      Major      Moderate      Minor	
	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>
<b>Percent</b>		<input type="text" value="0%"/>
<b>Matrix Notes</b>	<input type="text" value="Human health or the environment will or could be exposed to insignificant 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="\$9,500"/>
		<input type="text" value="\$500"/>
<b>Violation Events</b>		
<b>Number of Violation Events</b>	<input type="text" value="53"/>	<input type="text" value="53"/> <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"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>
<b>Violation Base Penalty</b>		<input type="text" value="\$26,500"/>
<input type="text" value="Fifty-three single events are recommended for accepting 53 fuel deliveries."/>		
<b>Good Faith Efforts to Comply</b>		
	<input type="text" value="0.0%"/> <b>Reduction</b>	<input type="text" value="\$0"/>
	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)
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>	
<b>Violation Subtotal</b>		<input type="text" value="\$26,500"/>
<b>Economic Benefit (EB) for this violation</b>		
<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$27,419"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$27,419"/>

### Economic Benefit Worksheet

**Respondent** LOGICS ENTERPRISE, L.L.C. dba Goodrich Food Mart  
**Case ID No.** 36585  
**Reg. Ent. Reference No.** RN101913606  
**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				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

Economic benefit included in Violation No. 5.

**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 \$0

TOTAL \$0

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603443656 Logics Enterprise, L.L.C. Classification: HIGH Rating: 0.00  
Regulated Entity: RN101913606 GOODRICH FOOD MART Classification: HIGH Site Rating: 0.00  
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 57178  
REGISTRATION  
Location: 7183 US HWY 59 N, GOODRICH, TX, 77335  
TCEQ Region: REGION 10 - BEAUMONT  
Date Compliance History Prepared: February 03, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: February 03, 2004 to February 03, 2009  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Elvia Maske Phone: (512) 239 - 0789

## 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
6. Rating Date: 9/1/2008 Repeat Violator: NO

## 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 06/02/2008 (671146)
  - 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  
LOGICS ENTERPRISE, L.L.C.  
DBA GOODRICH FOOD MART;  
RN101913606

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

DEFAULT ORDER  
DOCKET NO. 2008-1544-PST-E

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent and revocation of the respondent's fuel delivery certificate. The respondent made the subject of this Order is Logics Enterprise, L.L.C. dba Goodrich Food Mart ("Logics").

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

FINDINGS OF FACT

1. Logics operates a convenience store with retail sales of gasoline located at 7183 United States Highway 59 North, Goodrich, Polk County, Texas (the "Station").
2. Logics's four underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. Logics's USTs contain a regulated substance as defined in the rules of the Commission.
3. During an investigation conducted on May 27, 2008, a TCEQ Beaumont Regional Office investigator documented that Logics:
  - a. Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years. Specifically, Logics did not conduct the required triennial testing.
  - b. Failed to provide proper release detection by failing to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to

detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons.

- c. Failed to maintain UST records and make them available for inspection upon request by agency personnel.
  - d. Failed to maintain copies of records of product transfer documents for a minimum of two years and make such copies or records available to representatives of the Commission.
  - e. Failed to notify the agency of any change or additional information regarding USTs within 30 days from the date of occurrence of the change or addition. Specifically, during the investigation it was noted that the registration information had not been updated to reflect the installation of a new diesel tank on May 31, 2007. Also, by failing to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days of installation of a new tank.
  - f. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST. Specifically, the delivery certificate did not cover the diesel tank, and Logics accepted 53 fuel deliveries.
4. Logics received notice of the violations on or about July 7, 2008.
  5. The Executive Director recognizes that Logics implemented the following corrective measures at the Station:
    - a. Logics conducted the triennial testing of the cathodic protection system on or about October 6, 2008.
    - b. Logics began providing release detection by conducting reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as the sum of 1.0% of the total substance flow-through for the month plus 130 gallons.
  6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Logics Enterprise, L.L.C. dba Goodrich Food Mart" (the "EDPRP") in the TCEQ Chief Clerk's office on February 6, 2009.

7. By letter dated February 6, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Logics with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Logics received notice of the EDPRP.
8. More than 20 days have elapsed since Logics received notice of the EDPRP, provided by the Executive Director. Logics failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Logics is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Logics failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d).
3. As evidenced by Finding of Fact No. 3.b., Logics failed to provide proper release detection by failing to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release as small as 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).
4. As evidenced by Finding of Fact No. 3.c., Logics failed to maintain UST records and make them available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b).
5. As evidenced by Finding of Fact No. 3.d., Logics failed to maintain copies of records of product transfer documents for a minimum of two years and make such copies or records available to representatives of the Commission, in violation of 30 TEX. ADMIN. CODE §§ 114.316(g), 115.226(1) and 115.226(2) and TEX. HEALTH & SAFETY CODE § 382.085(b).
6. As evidenced by Finding of Fact No. 3.e., Logics failed to notify the agency of any change or additional information regarding USTs within 30 days from the date of occurrence of the change or addition and failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days

of installation of a new tank, in violation of 30 TEX. ADMIN. CODE §§ 334.7(d)(3), 334.8(c)(4)(A)(vii) and 334.8(c)(5)(B)(ii).

7. As evidenced by Finding of Fact No. 3.f., Logics failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a).
8. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Logics with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
9. As evidenced by Finding of Fact No. 7, Logics failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Logics and assess the penalty recommended by the Executive Director.
10. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Logics for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of thirty-five thousand six hundred ninety-six dollars (\$35,696.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
12. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.
13. Pursuant to 30 TEX. ADMIN. CODE § 334.8(c)(6), the Commission has authority to revoke Logics's UST delivery certificate if the Commission finds that good cause exists.
14. Good cause for revocation of Logics's UST delivery certificate exists as justified by Findings of Fact Nos. 2, 3, 6, 7 and 8, and Conclusions of Law Nos. 2, 3, 4, 5, 6, 7, 8 and 9.

### **ORDERING PROVISIONS**

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Logics is assessed an administrative penalty in the amount of thirty-five thousand six hundred ninety-six dollars (\$35,696.00) for violations of the Texas Water Code, the Texas Health and Safety Code and the rules of the TCEQ. The payment of this administrative penalty and Logics's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality." The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Logics Enterprise, L.L.C. dba Goodrich Food Mart; Docket No. 2008-1544-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. Logics's UST delivery certificate is revoked immediately upon the effective date of this Order. Logics may submit an application for a new delivery certificate only after Logics has complied with all of the requirements of this Order.
3. Within 10 days after the effective date of this Order, Logics shall send its UST delivery certificate to:

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

4. Logics shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, Logics shall cease accepting fuel until such time as a valid certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form including the installation information for the diesel tank, in accordance with 30 TEX. ADMIN. CODE § 334.8.
  - b. Within 30 days after the effective date of the Commission Order, Logics shall

- i. Begin maintaining all UST records, in accordance with 30 TEX. ADMIN. CODE § 334.10; and
  - ii. Begin maintaining copies of records of product transfer documents, in accordance with 30 TEX. ADMIN. CODE § 114.316.
- c. Within 45 days after the effective date of this Order, Logics shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 4.a., 4.b.i. and 4.b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Logics shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 4.a., 4.b.i., 4.b.ii., 4.b.iii. and 4.b.iv to:

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

with a copy to:

Derek Eades, Waste Section Manager  
Texas Commission on Environmental Quality  
Beaumont Regional Office  
3870 Eastex Fwy.  
Beaumont, Texas 77703-1830

5. All relief not expressly granted in this Order is denied.

6. The provisions of this Order shall apply to and be binding upon Logics. Logics is ordered to give notice of this Order to personnel who maintain day-to-day control over the Station operations referenced in this Order.
7. If Logics fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Logics's failure to comply is not a violation of this Order. Logics shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Logics shall notify the Executive Director within seven days after Logics becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Logics shall be made in writing to the Executive Director. Extensions are not effective until Logics receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
9. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Logics if the Executive Director determines that Logics has not complied with one or more of the terms or conditions in this Order.
10. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
11. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF TOMMY TUCKER HENSON II**

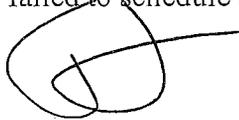
STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Tommy Tucker Henson II. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Logics Enterprise, L.L.C. dba Goodrich Food Mart” (the “EDPRP”) was filed with the Office of the Chief Clerk on February 6, 2009.

The EDPRP was mailed to Logics at its last known address on February 6, 2009, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as “unclaimed.” The first class mail has not been returned, indicating that Logics received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

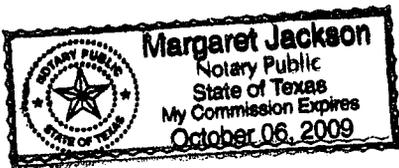
More than 20 days have elapsed since Logics received notice of the EDPRP. Logics failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.”

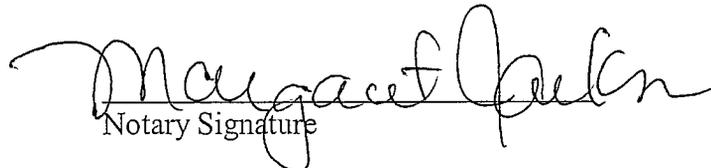


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Tommy Tucker Henson II, Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Tommy Tucker Henson II, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 20 day of May, A.D., 2009.



  
\_\_\_\_\_  
Notary Signature