

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0252-MLM-E **TCEQ ID:** RN101377620 **CASE NO.:** 37163

RESPONDENT NAME: Sam's Truck Stop Business, Inc.

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 checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" 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: Plateau Truck Stop, located at Interstate Highway 10 West, 20 miles east of Van Horn, Culberson County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received on December 30, 2008, alleging that the Respondent did not have a septic system and was providing water from an unauthorized well. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 29, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Mehdi Mohammed, President, Sam's Truck Stop Business, Inc., 5206 Turning Leaf Lane, Sugar Land, Texas 77479 Mr. Kapil Mittal, General Manager, Sam's Truck Stop Business, Inc., P.O. Box 308, Van Horn, Texas 79855 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: December 30, 2008</p> <p>Date of Investigation Relating to this Case: January 12, 2009</p> <p>Date of NOV/NOE Relating to this Case: January 30, 2009 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>1) Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>2) Failure to inspect the Facility's ground storage tanks annually. Specifically, at the time of the investigation, it was noted that the ground storage tanks were not inspected in the 12 months preceding the January 12, 2009 investigation [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>3) Failure to inspect the Facility's pressure tanks annually. Specifically, at the time of the investigation, it was noted that the pressure tanks were not inspected in the 12 months preceding the January 12, 2009 investigation [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>4) Failure to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, it was documented that weekly chlorine residual logs and monthly microbiological samples results were incomplete [30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(B)(iii) and 290.46(f)(3)(D)(i)].</p>	<p>Total Assessed: \$2,823</p> <p>Total Deferred: \$564 <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: \$2,259</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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin maintaining a residual disinfectant concentration of at least 0.2 mg/L of free chlorine throughout the distribution system.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Conduct an annual inspection of the Facility's pressure tanks;</p> <p>ii. Conduct an annual inspection of the Facility's ground storage tanks;</p> <p>iii. Begin properly maintaining all Facility records, including but not limited to weekly chlorine residual logs and monthly microbiological samples results;</p> <p>iv. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan; and</p> <p>v. Remove all wastewater from the holding tank by a waste transporter holding a current registration with the Executive Director and fill the holding tank to ground level with fill material (less than 3 inches in diameter) which is free of organic and construction debris.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance that demonstrates compliance with Ordering Provisions a and b.</p> <p>d. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Properly seal the wellhead by a gasket or sealing compound to prevent the possibility of contaminating the well water;</p> <p>ii. Repair the ground storage tank located at the well site to ensure that it is thoroughly tight against leakage; and</p>

<p>5) Failure to operate the disinfection equipment to maintain the residual disinfectant concentration in the water at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times. Specifically, a field test conducted at a water spigot located in the kitchen of the restaurant on January 12, 2009 recorded a free chlorine residual of 0.00 mg/L [30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>6) Failure to maintain the ground storage tank located at the well site thoroughly tight against leakage. Specifically, at the time of the investigation, it was documented that the 12,000 gallon storage tank showed signs of leakage at the base of the tank and approximately four feet from the bottom of the tank [30 TEX. ADMIN. CODE § 290.43(c)(6)].</p> <p>7) Failure to paint, disinfect, and maintain the ground storage tank in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was documented that the 12,000 gallon ground storage tank was coated with a paint that does not conform to American National Standards Institute/National Sanitation Foundation Standard 61 [30 TEX. ADMIN. CODE § 290.43(c)(8)].</p> <p>8) Failure to properly seal the wellhead by a gasket or sealing compound to prevent the possibility of contaminating the well water. Specifically, at the time of the investigation, it was documented that there was an opening on the wellhead, and it was not properly sealed [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].</p> <p>9) Failure to notify the Executive Director prior to making any significant change or addition to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, at the time of the investigation, it was documented that the Respondent made modifications to the Facility by interconnecting two mobile homes and installing three pressure tanks without notifying the Executive Director prior to making the modifications [30 TEX. ADMIN. CODE § 290.39(j)].</p> <p>10) Failure to provide a holding tank constructed according to the requirements</p>		<p>iii. Submit proper notification to the Commission for the modifications made to the distribution and pressure maintenance facilities.</p> <p>e. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision d;</p> <p>f. Within 90 days after the effective date of this Agreed Order, refurbish the ground storage tank to bring it in compliance with current AWWA standards;</p> <p>g. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision f;</p> <p>h. Within 180 days after the effective date of this Agreed Order, construct an onsite sewage facility in accordance with the requirements established under 30 TEX. ADMIN. CODE § 285.31; and</p> <p>i. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision f.</p>
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<p>established for septic tanks under 30 TEX. ADMIN. CODE § 285.32(b)(1)(D)-(E). Specifically, at the time the investigation, it was documented that an open concrete tank covered by a piece of corrugated metal was used as a holding tank for sewage disposal [30 TEX. ADMIN. CODE § 285.34(e)].</p>		
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Additional ID No(s): PWS 0550016



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	2-Feb-2009		
	PCW	17-Feb-2009	Screening	11-Feb-2009
		EPA Due		

RESPONDENT/FACILITY INFORMATION			
Respondent	Sam's Truck Stop Business, Inc.		
Reg. Ent. Ref. No.	RN101377620		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37163	No. of Violations	9
Docket No.	2009-0252-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media	On-Site Sewage Disposal	Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,760
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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	5.0% Enhancement	Subtotals 2, 3, & 7	\$88
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Notes: The penalty enhancement is due to one prior NOV for violations that are the same as or similar to violations included in the current enforcement action.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$522	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,739	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,848
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OTHER FACTORS AS JUSTICE MAY REQUIRE	16.3%	Adjustment	\$301
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement recommended for recovery of avoided costs of compliance for violation numbers 2, 3 and 5.

Final Penalty Amount	\$2,149
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,186
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DEFERRAL	20.0% Reduction	Adjustment	-\$437
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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.

PAYABLE PENALTY	\$1,749
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Screening Date 11-Feb-2009

Docket No. 2009-0252-MLM-E

PCW

Respondent Sam's Truck Stop Business, Inc.

Policy Revision 2 (September 2002)

Case ID No. 37163

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101377620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

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)	1	5%
	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) 5%

>> 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

The penalty enhancement is due to one prior NOV for violations that are the same as or similar to violations included in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 5%

Screening Date 11-Feb-2009	Docket No. 2009-0252-MLM-E	PCW	
Respondent Sam's Truck Stop Business, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37163	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101377620			
Media [Statute] Public Water Supply			
Enf. Coordinator Yuliya Dunaway			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.121(a)		
Violation Description	Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections.		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Release	<input type="text"/>	<input type="text"/>	<input type="text"/>
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%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent			<input type="text" value="10%"/>
Matrix Notes	100% of the rule requirements were not met.		
Adjustment		<input type="text" value="\$900"/>	
		<input type="text" value="\$100"/>	
Violation Events			
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="30"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>
	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"/>	
One single event is recommended.			
Good Faith Efforts to Comply			
0.0% Reduction		<input type="text" value="\$0"/>	
	Before NOV	NOV to EDRP/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	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		<input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation			
Statutory Limit Test			
Estimated EB Amount <input type="text" value="\$22"/>		Violation Final Penalty Total <input type="text" value="\$122"/>	
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$122"/>	

Economic Benefit Worksheet

Respondent Sam's Truck Stop Business, Inc.
Case ID No. 37163
Reg. Ent. Reference No. RN101377620
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$250	19-Jun-2008	1-Oct-2009	1.28	\$1	\$21	\$22
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

The delayed costs include the amount to prepare and maintain an up-to-date chemical and microbiological monitoring plan, calculated from the date of the previous investigation to 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

\$250

TOTAL

\$22

Screening Date 11-Feb-2009

Docket No. 2009-0252-MLM-E

PCW

Respondent Sam's Truck Stop Business, Inc.

Policy Revision 2 (September 2002)

Case ID No. 37163

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101377620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(A)

Violation Description Failed to inspect the Facility's ground storage tanks annually. Specifically, at the time of the investigation, it was noted that the ground storage tanks were not inspected in the 12 months preceding the January 12, 2009 investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to inspect the Facility's ground storage tanks could result in non-detection of a tank defect and a loss of tank integrity compromising the system's ability to supply a safe and adequate supply of water resulting in customers of the water supply being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 Number of violation days 365

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$200

Two annual events (one per tank) are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$95

Violation Final Penalty Total \$244

This violation Final Assessed Penalty (adjusted for limits) \$244

Economic Benefit Worksheet

Respondent Sam's Truck Stop Business, Inc.
Case ID No. 37163
Reg. Ent. Reference No. RN101377620
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$90	12-Jan-2008	12-Jan-2009	1.00	\$5	\$90	\$95
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

The avoided costs include the amount to perform an annual ground storage tank inspection (\$45 per tank) for the Facility's two ground storage tanks, calculated for the 12 months preceding the January 12, 2009 investigation.

Approx. Cost of Compliance

\$90

TOTAL

\$95

Screening Date 11-Feb-2009 **Docket No.** 2009-0252-MLM-E **PCW**

Respondent Sam's Truck Stop Business, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 37163 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101377620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description
 Failed to inspect the Facility's pressure tanks annually. Specifically, at the time of the investigation, it was noted that the pressure tanks were not inspected in the 12 months preceding the January 12, 2009 investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes
 Failure to inspect the Facility's pressure tanks could result in non-detection of a tank defect and a loss of tank integrity compromising the system's ability to supply a safe and adequate supply of water resulting in customers of the water supply being exposed to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 3 **Number of violation days** 365

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$750

Three annual events (one per tank) are recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes
 The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$750

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

Estimated EB Amount \$142 **Violation Final Penalty Total** \$916

This violation Final Assessed Penalty (adjusted for limits) \$916

Economic Benefit Worksheet

Respondent Sam's Truck Stop Business, Inc.
Case ID No. 37163
Reg. Ent. Reference No. RN101377620
Media Public Water Supply
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				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	\$135	12-Jan-2008	12-Jan-2009	1.00	\$7	\$135	\$142
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

The avoided costs include the amount to perform an annual pressure storage tank inspection (\$45 per tank) for the Facility's three pressure tanks, calculated for the 12 months preceding the January 12, 2009 investigation.

Approx. Cost of Compliance

\$135

TOTAL

\$142

Screening Date 11-Feb-2009	Docket No. 2009-0252-MLM-E	PCW		
Respondent Sam's Truck Stop Business, Inc.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37163	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101377620				
Media [Statute] Public Water Supply				
Enf. Coordinator Yulyia Dunaway				
Violation Number <input type="text" value="4"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(B)(iii) and 290.46(f)(3)(D)(i)"/>			
Violation Description	<input type="text" value="Failed to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, it was documented that weekly chlorine residual logs and monthly microbiological samples results were incomplete."/>			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="x"/>
		Percent	<input type="text" value="1%"/>	
Matrix Notes	<input type="text" value="Approximately 10% of the rule requirements were not met."/>			
		Adjustment	<input type="text" value="\$990"/>	
		<input type="text" value="\$10"/>		
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="30"/>		
<small>mark only one with an x</small>	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 type="text" value="x"/>		
		Violation Base Penalty	<input type="text" value="\$10"/>	
<input type="text" value="One single event is recommended."/>				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$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	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
		Violation Subtotal	<input type="text" value="\$10"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$13"/>	Violation Final Penalty Total	
			<input type="text" value="\$12"/>	
		This violation Final Assessed Penalty (adjusted for limits)		
		<input type="text" value="\$50"/>		

Economic Benefit Worksheet

Respondent Sam's Truck Stop Business, Inc.
Case ID No. 37163
Reg. Ent. Reference No. RN101377620
Media Public Water Supply
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				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	\$200	19-Jun-2008	1-Oct-2009	1.28	\$13	n/a	\$13
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

The delayed costs include the amount to properly maintain and keep on file monthly operating reports, calculated from the date of the previous investigation to 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

\$200

TOTAL

\$13

Screening Date 11-Feb-2009	Docket No. 2009-0252-MLM-E	PCW		
Respondent Sam's Truck Stop Business, Inc.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37163	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101377620				
Media [Statute] Public Water Supply				
Enf. Coordinator Yuliya Dunaway				
Violation Number <input type="text" value="5"/>				
Rule Cite(s)	30 Tex. Admin. Code §§ 290.110(b)(4) and 290.46(d)(2)(A), and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to operate the disinfection equipment to maintain the residual disinfectant concentration in the water at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times. Specifically, a field test conducted at a water spigot located in the kitchen of the restaurant on January 12, 2009 recorded a free chlorine residual of 0.00 mg/L.			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	x	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>
>> Programmatic Matrix				
Falsification				
Major Moderate Minor				
<input type="text"/>				Percent <input type="text" value="0%"/>
Matrix Notes	If the Facility does not maintain proper levels of disinfection, bacteria may form in water and result in a significant amount of contaminants which would exceed levels that are protective of human health being distributed for human consumption.			
Adjustment				<input type="text" value="\$750"/>
				<input type="text" value="\$250"/>
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="1"/>		
<small>mark only one with an x</small>	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	x		
				Violation Base Penalty <input type="text" value="\$250"/>
One single event is recommended.				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction	
		<input type="text"/>	<input type="text" value="\$0"/>	
		<small>Before NOV</small>	<small>NOV to EDPRP/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>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				<input type="text" value="\$250"/>
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		<input type="text" value="\$64"/>	Violation Final Penalty Total <input type="text" value="\$305"/>	
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$305"/>	

Economic Benefit Worksheet

Respondent: Sam's Truck Stop Business, Inc.
Case ID No.: 37163
Reg. Ent. Reference No.: RN101377620
Media: Public Water Supply
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				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]	\$64	12-Jan-2009	13-Jan-2009	0.00	\$0	\$64	\$64
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount for additional maintenance, oversight, and an increase in chlorine dosage that could have avoided or prevented the low disinfectant residual levels, calculated for the day when the violation occurred.

Approx. Cost of Compliance

\$64

TOTAL

\$64

Screening Date 11-Feb-2009	Docket No. 2009-0252-MLM-E	PCW		
Respondent Sam's Truck Stop Business, Inc.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37163	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101377620				
Media [Statute] Public Water Supply				
Enf. Coordinator Yuliya Dunaway				
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(6)			
Violation Description	Failed to maintain the ground storage tank located at the well site thoroughly tight against leakage. Specifically, at the time of the investigation, it was documented that the 12,000 gallon storage tank showed signs of leakage at the base of the tank and approximately four feet from the bottom of the tank.			
Base Penalty	\$1,000			
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	Percent	5%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Percent	0%		
Matrix Notes	Failure to maintain ground storage tank in watertight condition could result in customers being exposed to an insignificant amount of contaminants which would not exceed levels that are protective of human health.			
Adjustment	\$950			
\$50				
Violation Events				
	Number of Violation Events	1	30	Number of violation days
<small>mark only one with an x</small>		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	\$50		
One single event is recommended.				
Good Faith Efforts to Comply				
	0.0%	Reduction	\$0	
	Before NOV	NOV to EDRP/Settlement Offer		
	Extraordinary	<input type="text"/>		
	Ordinary	<input type="text"/>		
	N/A	X	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal	\$50			
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$19			Violation Final Penalty Total
				\$61
This violation Final Assessed Penalty (adjusted for limits)				
				\$61

Economic Benefit Worksheet

Respondent: Sam's Truck Stop Business, Inc.
Case ID No.: 37163
Reg. Ent. Reference No.: RN101377620
Media: Public Water Supply
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
No commas or \$							

Delayed Costs

Equipment	\$200	19-Jun-2008	1-Nov-2009	1.37	\$1	\$18	\$19
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

The delayed costs include the amount to repair the leaks on the ground storage tank, calculated from the date of the previous investigation to 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

\$200

TOTAL

\$19

Screening Date 11-Feb-2009

Docket No. 2009-0252-MLM-E

PCW

Respondent Sam's Truck Stop Business, Inc.

Policy Revision 2 (September 2002)

Case ID No. 37163

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101377620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(8)

Violation Description Failed to paint, disinfect, and maintain the ground storage tank in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, at the time of the investigation, it was documented that the 12,000 gallon ground storage tank was coated with a paint that does not conform to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 61.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5%
Potential			x		

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
Failure to paint the ground storage tank in accordance with AWWA standards could compromise the integrity of the tank and expose customers of the water supply to an insignificant amount of contaminants at levels that would not exceed levels protective of human health.					0%

Adjustment \$950

\$50

Violation Events

	1	30	Number of violation days
mark only one with an x	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer \$0

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$102

Violation Final Penalty Total \$61

This violation Final Assessed Penalty (adjusted for limits) \$61

Economic Benefit Worksheet

Respondent: Sam's Truck Stop Business, Inc.
Case ID No.: 37163
Reg. Ent. Reference No.: RN101377620
Media: Public Water Supply
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	\$1,000	19-Jun-2008	1-Dec-2009	1.45	\$5	\$97	\$102
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
 The delayed costs include the amount to refurbish the exterior surface on the ground storage tank in order to meet ANSI/NSF Standard 61 requirements, calculated from the date of the previous investigation to 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	\$1,000	TOTAL	\$102
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Screening Date 11-Feb-2009	Docket No. 2009-0252-MLM-E	PCW																			
Respondent Sam's Truck Stop Business, Inc.	<small>Policy Revision 2 (September 2002)</small>																				
Case ID No. 37163	<small>PCW Revision October 30, 2008</small>																				
Reg. Ent. Reference No. RN101377620																					
Media [Statute] Public Water Supply																					
Enf. Coordinator Yulya Dunaway																					
Violation Number	8																				
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(K)																				
Violation Description	Failed to properly seal the wellhead by a gasket or sealing compound to prevent the possibility of contaminating the well water. Specifically, at the time of the investigation, it was documented that there was an opening on the wellhead, and it was not properly sealed.																				
Base Penalty	\$1,000																				
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td>Release</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> <td style="text-align: right;">Percent 25%</td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual					Potential	x			Percent 25%
	Harm																				
Release	Major	Moderate	Minor																		
Actual																					
Potential	x			Percent 25%																	
>> Programmatic Matrix																					
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">Percent 0%</td> </tr> </table>		Falsification	Major	Moderate	Minor							Percent 0%								
	Falsification	Major	Moderate	Minor																	
					Percent 0%																
Matrix Notes	Failure to provide the wellhead with a proper seal for the opening could result in customers of the water system being exposed to a significant amount of contaminants which would exceed levels that are protective of human health.																				
Adjustment	\$750																				
	\$250																				
Violation Events																					
	1	30																			
		Number of violation days																			
<i>mark only one with an x</i> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty	\$250					
daily																					
weekly																					
monthly	x																				
quarterly																					
semiannual																					
annual																					
single event																					
	One monthly event is recommended from the date of the investigation, January 12, 2009, to the date of screening, February 11, 2009.																				
Good Faith Efforts to Comply																					
	0.0%	Reduction																			
	Before NOV	NOV to EDRP/Settlement Offer																			
Extraordinary																					
Ordinary																					
N/A	x	(mark with x)																			
Notes	The Respondent does not meet the good faith criteria for this violation.																				
Violation Subtotal	\$250																				
Economic Benefit (EB) for this violation																					
Estimated EB Amount	\$48																				
Statutory Limit Test																					
Violation Final Penalty Total	\$305																				
This violation Final Assessed Penalty (adjusted for limits)	\$305																				

Economic Benefit Worksheet

Respondent: Sam's Truck Stop Business, Inc.
Case ID No.: 37163
Reg. Ent. Reference No.: RN101377620
Media: Public Water Supply
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
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	\$500	19-Jun-2008	1-Nov-2009	1.37	\$2	\$46	\$48
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

The delayed costs include the amount to properly seal the wellhead by a gasket or sealing compound, calculated from the date of the previous investigation to 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

\$500

TOTAL

\$48

Screening Date 11-Feb-2009 **Docket No.** 2009-0252-MLM-E **PCW**
Respondent Sam's Truck Stop Business, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 37163 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101377620
Media [Statute] Public Water Supply
Enf. Coordinator Yuliya Dunaway

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"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<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="10%"/>

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

0.0% Reduction

	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="text" value="x"/>	(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 Sam's Truck Stop Business, Inc.
Case ID No. 37163
Reg. Ent. Reference No. RN101377620
Media Public Water Supply
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	12-Jan-2009	1-Nov-2009	0.80	\$1	\$16	\$17
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

The delayed costs include the amount to prepare and submit a proper notification to the agency for the modifications made to the Facility, calculated from the date of the investigation to 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

\$300

TOTAL

\$17



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	2-Feb-2009		
	PCW	24-Feb-2009	Screening	11-Feb-2009
		EPA Due		

RESPONDENT/FACILITY INFORMATION			
Respondent	Sam's Truck Stop Business, Inc.		
Reg. Ent. Ref. No.	RN101377620		
Facility/Site Region	6-El Paso	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	2009-0252-MLM-E	No. of Violations	1
Docket No.	37163	Order Type	1660
Media Program(s)	On-Site Sewage Disposal	Government/Non-Profit	No
Multi-Media	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$2,500

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$625
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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	2.0% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$12
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Notes: The penalty enhancement is due to one prior NOV for violations that are dissimilar to the violations in the current enforcement action.

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

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$0
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts: \$93
 Approx. Cost of Compliance: \$1,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$637
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<i>Final Penalty Amount</i>	\$637
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$637
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DEFERRAL	20.0% Reduction	<i>Adjustment</i>	-\$127
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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.

PAYABLE PENALTY	\$510
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Screening Date 11-Feb-2009	Docket No. 37163	PCW
Respondent Sam's Truck Stop Business, Inc.	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 2009-0252-MLM-E	<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN101377620		
Media [Statute] On-Site Sewage Disposal		
Enf. Coordinator Yuliya Dunaway		

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 2%

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

No	Adjustment Percentage (Subtotal 3) 0%
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>> **Compliance History Person Classification (Subtotal 7)**

Average Performer	Adjustment Percentage (Subtotal 7) 0%
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>> **Compliance History Summary**

Compliance History Notes	The penalty enhancement is due to one prior NOV for violations that are dissimilar to the violations in the current enforcement action.
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Total Adjustment Percentage (Subtotals 2, 3, & 7) 2%

Screening Date 11-Feb-2009

Docket No. 37163

PCW

Respondent Sam's Truck Stop Business, Inc.

Policy Revision 2 (September 2002)

Case ID No. 2009-0252-MLM-E

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101377620

Media [Statute] On-Site Sewage Disposal

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 285.34(e)

Violation Description Failed to provide a holding tank constructed according to the requirements established for septic tanks under 30 Tex. Admin. Code § 285.32(b)(1)(D)-(E). Specifically, at the time the investigation, it was documented that an open concrete tank covered by a piece of corrugated metal was used as a holding tank for sewage disposal.

Base Penalty \$2,500

>> Environmental, Property and Human Health Matrix

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 that exceed levels protective of human health as a result of this violation.

Adjustment \$1,875

\$625

Violation Events

Number of Violation Events 1 Number of violation days 30

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$625

One monthly event is recommended calculated from the date of the investigation, January 12, 2009, to the date of screening, February 11, 2009.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$625

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$93

Violation Final Penalty Total \$638

This violation Final Assessed Penalty (adjusted for limits) \$638

Economic Benefit Worksheet

Respondent: Sam's Truck Stop Business, Inc.
Case ID No.: 2009-0252-MLM-E
Reg. Ent. Reference No.: RN101377620
Media: On-Site Sewage Disposal
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	\$1,500	12-Jan-2009	1-Dec-2009	0.88	\$4	\$88	\$93
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

The delayed costs include the amount to install a proper septic system, calculated from the date of the investigation to 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

\$1,500

TOTAL

\$93

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603380460 Sam's Truck Stop Business, Inc.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101377620 PLATEAU TRUCK STOP	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0550016
	PETROLEUM STORAGE TANK	REGISTRATION	69909
	REGISTRATION		
Location:	IH-10 W, 20 MI E OF VAN HORN, CULBERSON COUNTY, TX		
TCEQ Region:	REGION 06 - EL PASO		
Date Compliance History Prepared:	February 11, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 11, 2004 to February 11, 2009		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Yuliya Dunaway	Phone:	210-403-4077

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	03/19/2004	(266341)
2	04/18/2005	(377146)
3	05/15/2007	(644612)
4	07/18/2008	(684105)
5	08/27/2008	(688640)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

CN603380460

Date: 07/22/2008 (684105)

Classification: Moderate

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to generate and incorporate an up-to-date chemical and microbiological monitoring plan. As a result, a copy of the monitoring plan is also not being maintained at the water treatment plant or at the central location.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
Description: Failure to inspect the system's ground, elevated, and pressure tanks annually by water system personnel or a contracted inspection service.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
Description: Failure to maintain records and submit reports as required.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(1)
Description: Failure to operate and monitor disinfection equipment in a manner that will assure compliance with the requirements of 290.110, relating to Disinfection Residuals. In addition of the outstanding alleged violation previously listed, the regulated entity was advised to generate and implement a Disinfectant Level Quarterly Operating Report as per regulation 290.110 (e).

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)
30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
Description: Failure to maintain adequate minimum disinfectant residuals in each finished water storage tank and throughout distribution system at all times. The residual of free chlorine in the system was found to be 0.00 mg/L.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
Description: Failure to equip their ground storage tank with an adequate liquid level indicator device.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)
Description: Failure to maintain the ground storage tank located at the well site tight against leakage.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to properly paint, disinfect, and maintain the ground storage tank.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)
Description: Failure to house hypochlorination solution containers and pumps in a secure enclosure to protect them from adverse weather conditions and vandalism.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(2)
Description: Failure to disinfect groundwater prior to distribution.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
Description: Failure to maintain wellhead and pump base properly sealed, vented, and above 100-year flood elevation.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to provide intruder-resistant fencing or well house for well unit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)
Description: Failure to provide suitable well sampling cock.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(6)
Description: Failure to provide proper sampling taps for raw and treated water.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(7)
Description: Failure to properly screen air release devices with 16-mesh or finer corrosion-resistant screening material or an equivalent acceptable to the executive director.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(2)
Description: Failure to provide the pressure tank with a pressure release device.

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
SAM'S TRUCK STOP BUSINESS, INC.
RN101377620**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-0252-MLM-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 Sam's Truck Stop Business, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 341 and 366, and TEX. WATER CODE ch. 7. 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 retail fueling station with a public water supply at Interstate Highway 10 West, 20 miles east of Van Horn, Culberson County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.
2. The TCEQ has general authority concerning the location, design, construction, installation, and proper functioning of an on-site sewage facility pursuant to TEX. HEALTH & SAFETY CODE ch. 366.
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 February 4, 2009.
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 Two Thousand Eight Hundred Twenty-Three Dollars (\$2,823) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Thousand Two Hundred Fifty-Nine Dollars (\$2,259) of the administrative penalty and Five Hundred Sixty-Four Dollars (\$564) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on January 12, 2009.
2. Failed to inspect the Facility's ground storage tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A), as documented during an investigation conducted on January 12, 2009.
3. Failed to inspect the Facility's pressure tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on January 12, 2009.
4. Failed to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(B)(iii) and 290.46(f)(3)(D)(i), as documented during an investigation conducted on January 12, 2009.

5. Failed to operate the disinfection equipment to maintain the residual disinfectant concentration in the water at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on January 12, 2009.
6. Failed to maintain the ground storage tank located at the well site thoroughly tight against leakage, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(6), as documented during an investigation conducted on January 12, 2009.
7. Failed to paint, disinfect, and maintain the ground storage tank in strict accordance with current American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8), as documented during an investigation conducted on January 12, 2009.
8. Failed to properly seal the wellhead by a gasket or sealing compound to prevent the possibility of contaminating the well water, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K), as documented during an investigation conducted on January 12, 2009.
9. Failed to notify the Executive Director prior to making any significant change or addition to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j), as documented during an investigation conducted on January 12, 2009.
10. Failed to provide a holding tank constructed according to the requirements established for septic tanks under 30 TEX. ADMIN. CODE § 285.32(b)(1)(D)-(E), in violation of 30 TEX. ADMIN. CODE § 285.34(e), as documented during an investigation conducted on January 12, 2009.

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: Sam's Truck Stop Business, Inc., Docket No. 2009-0252-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin maintaining a residual disinfectant concentration of at least 0.2 mg/L of free chlorine throughout the distribution system, as required by 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Conduct an annual inspection of the Facility's pressure tanks, as required by 30 TEX. ADMIN. CODE § 290.46;
 - ii. Conduct an annual inspection of the Facility's ground storage tanks, as required by 30 TEX. ADMIN. CODE § 290.46;
 - iii. Begin properly maintaining all Facility records, including but not limited to weekly chlorine residual logs and monthly microbiological samples results, as required by 30 TEX. ADMIN. CODE § 290.46;
 - iv. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121; and
 - v. Remove all wastewater from the holding tank by a waste transporter holding a current registration with the Executive Director and fill the holding tank to ground level with fill material (less than 3 inches in diameter) which is free of organic and construction debris, as required by 30 TEX. ADMIN. CODE § 285.36.
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance as described below in Ordering Provision No. 2.i, that demonstrates compliance with Ordering Provision Nos. 2.a and 2.b.
 - d. Within 60 days after the effective date of this Agreed Order:
 - i. Properly seal the wellhead by a gasket or sealing compound to prevent the possibility of contaminating the well water, as required by 30 TEX. ADMIN. CODE § 290.41;
 - ii. Repair the ground storage tank located at the well site to ensure that it is thoroughly tight against leakage, as required by 30 TEX. ADMIN. CODE § 290.43; and
 - iii. Submit proper notification to the Commission for the modifications made to the distribution and pressure maintenance facilities, as required by 30 TEX. ADMIN. CODE § 290.39.

The notification shall be sent to:

Water Supply Division
Utility Creation & Plan Review Team
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- e. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.i below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.d.
- f. Within 90 days after the effective date of this Agreed Order, refurbish the ground storage tank to bring it in compliance with current AWWA standards, as required by 30 TEX. ADMIN. CODE § 290.43.
- g. Within 105 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.i below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.f.
- h. Within 180 days after the effective date of this Agreed Order, construct an onsite sewage facility in accordance with the requirements established under 30 TEX. ADMIN. CODE § 285.31.
- i. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.f. 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1206

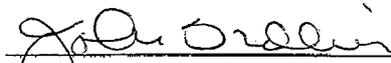
- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 6/23/2009

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

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

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

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



Signature

Date 4/21/09

KAPIL MITTAL

Name (Printed or typed)
Authorized Representative of
Sam's Truck Stop Business, Inc.

Title General Manager

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.

