

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1860-PST-E **TCEQ ID:** RN100813682 **CASE NO.:** 36830
RESPONDENT NAME: PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Super Stop 28, 5022 Dyer Street, El Paso, El Paso County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 27, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Steven Lopez, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-1896; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Mike Yardeni, President/Manager, PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28, 8201 Lockheed, Suite 235, El Paso, Texas 79925 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2008-1860-PST-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 16, 2008</p> <p>Date of NOV/NOE Relating to this Case: October 31, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failure to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum underground storage tanks ("USTs") [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p> <p>2) Failure to notify the agency of any change or additional information regarding the USTs within 30 days of the change or addition. Specifically, the Respondent did not renew the delivery certificate after the ownership changed on December 14, 2007 [30 TEX. ADMIN. CODE § 334.7(d)(3)].</p> <p>3) Failure to renew a delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days of ownership change [30 TEX. ADMIN. CODE § 334.8(c)(4)(C) and (c)(5)(B)(i)].</p> <p>4) Failure to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent received one delivery of fuel without a delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].</p>	<p>Total Assessed: \$35,501</p> <p>Total Deferred: \$7,100 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$832 (remaining \$27,569 due in 34 monthly payments of \$800 each and a final payment of \$369)</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>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent demonstrated acceptable financial assurance by submitting a copy of a valid certificate of insurance with an effective date of October 3, 2008.</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 conducting proper inventory control procedures for all USTs at the Station.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form, indicating the current owner and operator information;</p> <p>ii. Begin maintaining all UST records;</p> <p>iii. Begin conducting bimonthly inspections of the cathodic protection system to ensure that the rectifier and other system components are functioning as designed, and conduct the required triennial testing of the cathodic protection system;</p> <p>iv. Install and implement a release detection method for all USTs at the Station and begin conducting volume measurement and reconciliation of inventory control records;</p> <p>v. Begin conducting daily and monthly inspections of the Stage II vapor recovery system;</p> <p>vi. Conduct the required annual testing of the Stage II equipment;</p> <p>vii. Begin maintaining all Stage II records at the Station; and</p>

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<p>5) Failure to maintain the required UST records and make them immediately available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.10(b)].</p> <p>6) Failure to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly [30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and TEX. WATER CODE § 26.3475(d)].</p> <p>7) Failure 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)].</p> <p>8) Failure to conduct effective manual or automatic inventory control procedures for the UST system [30 TEX. ADMIN. CODE § 334.48(c)].</p> <p>9) Failure to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>10) Failure to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>11) Failure to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>12) Failure to conduct daily and monthly inspections of the Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.244(1) and (3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>13) Failure to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual testing had not been conducted [30</p>		<p>viii. Ensure that at least one Station representative successfully completes the required Stage II training and each current employee receives in-house training regarding the purpose and correct operating procedures of the Stage II vapor recovery system.</p> <p>c. Within 45 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 Provisions a. through b.viii.</p>
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<p>TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>14) Failure to maintain Stage II records at the Station. Specifically, the Respondent did not maintain a copy of the California Air Resources Board Executive Order, records of maintenance conducted, and the Stage II test results [30 TEX. ADMIN. CODE § 115.246(1), (3), and (5) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>15) Failure to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): 45238



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

TCFQ

DATES	Assigned	10-Nov-2008		
	PCW	3-Dec-2008	Screening	17-Nov-2008
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28		
Reg. Ent. Ref. No.	RN100813682		
Facility/Site Region	6-EI Paso	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	36830	No. of Violations	11
Docket No.	2008-1860-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Steven Lopez
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$18,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	70.0% Enhancement	Subtotals 2, 3, & 7	\$12,950
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Notes	Enhancement for two 1660 Agreed Orders, one Default Order, and one NOV for similar violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$750
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$4,964	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$8,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$30,700
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OTHER FACTORS AS JUSTICE MAY REQUIRE	15.6%	Adjustment	\$4,801
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Recommended enhancement to capture the avoided cost of compliance associated with violation nos. 1, 5, 8, and 9.
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Final Penalty Amount	\$35,501
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$35,501
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DEFERRAL	20.0%	Reduction	Adjustment	-\$7,100
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$28,401
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Screening Date 17-Nov-2008

Docket No. 2008-1860-PST-E

PCW

Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop

Policy Revision 2 (September 2002)

Case ID No. 36830

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN100813682

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Steven Lopez

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	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	1	25%
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%
<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) 70%

>> **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

Enhancement for two 1660 Agreed Orders, one Default Order, and one NOV for similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 70%

Screening Date 17-Nov-2008	Docket No. 2008-1860-PST-E	PCW			
Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28	<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 36830	<i>PCW Revision October 30, 2008</i>				
Reg. Ent. Reference No. RN100813682					
Media [Statute] Petroleum Storage Tank					
Enf. Coordinator Steven Lopez					
Violation Number	1				
Rule Cite(s)	30 Tex. Admin. Code § 37.815(a) and (b)				
Violation Description	Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent <input type="text" value="0%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="10%"/>	
Matrix Notes	100% of the rule requirement was not met.				
Adjustment				\$9,000	
				\$1,000	
Violation Events					
Number of Violation Events		<input type="text" value="3"/>	Number of violation days		
		<input type="text" value="294"/>			
<i>mark only one with an x</i>	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
	single event	<input checked="" type="checkbox"/>			
Violation Base Penalty				\$3,000	
Three single events (one per tank) are recommended based on documentation of the violation during the September 16, 2008 investigation date.					
Good Faith Efforts to Comply		<input type="text" value="25.0%"/>	Reduction		
		<input type="text" value="750"/>			
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>				
Ordinary	<input checked="" type="checkbox"/>				
N/A	<input type="checkbox"/>	(mark with x)			
Notes	The Respondent came into compliance on October 3, 2008 prior to the NOE dated October 31, 2008.				
Violation Subtotal				\$2,250	
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$2,048"/>	Violation Final Penalty Total		
			<input type="text" value="\$5,030"/>		
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$5,030"/>		

Economic Benefit Worksheet

Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28

Case ID No. 36830

Reg. Ent. Reference No. RN100813682

Media Petroleum Storage Tank

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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]	\$1,950	14-Dec-2007	3-Oct-2008	1.00	\$98	\$1,950	\$2,048
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide financial assurance for three USTs (\$650 per tank). The Date Required is the date of ownership change. The Final Date is the compliance date.

Approx. Cost of Compliance	\$1,950	TOTAL	\$2,048
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Screening Date 17-Nov-2008	Docket No. 2008-1860-PST-E	PCW					
Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28	<small>Policy Revision 2 (September 2002)</small>						
Case ID No. 36830	<small>PCW Revision October 30, 2008</small>						
Reg. Ent. Reference No. RN100813682							
Media [Statute] Petroleum Storage Tank							
Enf. Coordinator Steven Lopez							
Violation Number <input type="text" value="2"/>							
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 334.7(d)(3), 334.8(c)(4)(C) and 334.8(c)(5)(B)(i)"/>						
Violation Description	<input type="text" value="Failed to notify the agency of any change or additional information regarding the USTs within 30 days of the change or addition. Specifically, the registration was not updated to reflect the current owner and operator information for the UST system. Also, failed to renew a delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days of ownership change. Specifically, the Respondent did not renew the delivery certificate after the ownership changed on December 14, 2007."/>						
Base Penalty		<input type="text" value="\$10,000"/>					
>> Environmental, Property and Human Health Matrix							
OR	Harm			Percent <input type="text" value="0%"/>			
	Release	Major	Moderate		Minor		
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>		
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>				
>> Programmatic Matrix							
			Falsification	Major	Moderate	Minor	Percent <input type="text" value="10%"/>
			<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>						
Adjustment						<input type="text" value="\$9,000"/>	
						<input type="text" value="\$1,000"/>	
Violation Events							
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		<input type="text" value="339"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>			Violation Base Penalty	<input type="text" value="\$1,000"/>	
	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"/>						
<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</small>	<small>NOV to EDPRP/Settlement Offer</small>				
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>				
Ordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>				
N/A	x	<small>(mark with x)</small>					
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>						
Violation Subtotal						<input type="text" value="\$1,000"/>	
Economic Benefit (EB) for this violation				Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$8"/>		Violation Final Penalty Total		<input type="text" value="\$1,966"/>	
This violation Final Assessed Penalty (adjusted for limits)						<input type="text" value="\$1,966"/>	

Economic Benefit Worksheet

Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28

Case ID No. 36830

Reg. Ent. Reference No. RN100813682

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
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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	13-Jan-2008	17-Aug-2009	1.59	\$8	n/a	\$8

Notes for DELAYED costs

Estimated cost to accurately prepare and submit an updated UST registration and renew a delivery certificate. The Date Required is the date the self-certification was due. The 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

Screening Date 17-Nov-2008	Docket No. 2008-1860-PST-E	PCW			
Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28	<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 36830	<i>PCW Revision October 30, 2008</i>				
Reg. Ent. Reference No. RN100813682					
Media [Statute] Petroleum Storage Tank					
Enf. Coordinator Steven Lopez					
Violation Number 3					
Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)				
Violation Description	Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, the Respondent received one delivery of fuel without a delivery certificate.				
Base Penalty		\$10,000			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent 5%
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent 0%
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Matrix Notes	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.				
Adjustment					\$9,500
\$500					
Violation Events					
Number of Violation Events		1	Number of violation days		
		1			
mark only one with an x	daily	<input type="checkbox"/>			
	weekly	<input type="checkbox"/>			
	monthly	<input type="checkbox"/>			
	quarterly	<input type="checkbox"/>			
	semiannual	<input type="checkbox"/>			
	annual	<input type="checkbox"/>			
Single event	<input checked="" type="checkbox"/>				
Violation Base Penalty					\$500
One single event is recommended for accepting one fuel delivery.					
Good Faith Efforts to Comply					
		0.0%	Reduction		\$0
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal					\$500
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$0	Violation Final Penalty Total		\$983
This violation Final Assessed Penalty (adjusted for limits)					\$983

Economic Benefit Worksheet

Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28

Case ID No. 36830

Reg. Ent. Reference No. RN100813682

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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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. 2.

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

Screening Date 17-Nov-2008	Docket No. 2008-1860-PST-E	PCW	
Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36830	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN100813682			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Steven Lopez			
Violation Number <input type="text" value="4"/>			
Rule Cite(s)	30 Tex. Admin. Code § 334.10(b)		
Violation Description	Failed to maintain the required UST records and make them immediately available for inspection upon request by agency personnel.		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	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 checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
Percent			<input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.		
Adjustment			<input type="text" value="\$9,000"/>
			<input type="text" value="\$1,000"/>
Violation Events			
Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="63"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty
	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"/>	
<input type="text" value="\$1,000"/>			
One single event is recommended based on the documentation of the violation during the September 16, 2008 investigation.			
Good Faith Efforts to Comply			
0.0% Reduction		<input type="text" value="\$0"/>	
<small>Before NOV NOV to EDPRP/Settlement Offer</small>			
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="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="\$1,000"/>
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$23"/>	Violation Final Penalty Total	<input type="text" value="\$1,966"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$1,966"/>

Economic Benefit Worksheet

Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28
Case ID No. 36830
Reg. Ent. Reference No. RN100813682
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	16-Sep-2008	11-Aug-2009	0.90	\$23	n/a	\$23
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$23
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Screening Date 17-Nov-2008	Docket No. 2008-1860-PST-E	PCW						
Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28	<i>Policy Revision 2 (September 2002)</i>							
Case ID No. 36830	<i>PCW Revision October 30, 2008</i>							
Reg. Ent. Reference No. RN100813682								
Media [Statute] Petroleum Storage Tank								
Enf. Coordinator Steven Lopez								
Violation Number	5							
Rule Cite(s)	30 Tex. Admin. Code § 334.49(c)(2)(C) and 334.49(c)(4) and Tex. Water Code § 26.3475(d)							
Violation Description	Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly. 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.							
Base Penalty		\$10,000						
>> Environmental, Property and Human Health Matrix								
OR	Release			Harm				
		Major	Moderate	Minor				
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Potential	x	<input type="checkbox"/>	<input type="checkbox"/>				Percent 25%	
>> Programmatic Matrix								
	Falsification	Major	Moderate	Minor				
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			Percent 0%	
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.							
Adjustment							\$7,500	
							\$2,500	
Violation Events								
Number of Violation Events		1		Number of violation days		63		
<i>mark only one with an x</i>	daily	<input type="checkbox"/>						
	weekly	<input type="checkbox"/>						
	monthly	<input type="checkbox"/>						
	quarterly	x						
	semiannual	<input type="checkbox"/>						
	annual	<input type="checkbox"/>						
	single event	<input type="checkbox"/>						
Violation Base Penalty							\$2,500	
One quarterly event is recommended from the investigation date of September 16, 2008 to the screening date of November 17, 2008.								
Good Faith Efforts to Comply		0.0% Reduction						\$0
		Before NOV	NOV to EDPRP/Settlement Offer					
Extraordinary	<input type="checkbox"/>		<input type="checkbox"/>					
Ordinary	<input type="checkbox"/>		<input type="checkbox"/>					
N/A	x	(mark with x)						
Notes	The Respondent does not meet the good faith criteria for this violation.							
Violation Subtotal							\$2,500	
Economic Benefit (EB) for this violation				Statutory Limit Test				
Estimated EB Amount		\$1,301		Violation Final Penalty Total		\$4,915		
This violation Final Assessed Penalty (adjusted for limits)							\$4,915	

Economic Benefit Worksheet

Respondent: PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28

Case ID No.: 36830

Reg. Ent. Reference No.: RN100813682

Media: Petroleum Storage Tank

Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	16-Jul-2008	16-Sep-2008	1.09	\$5	\$100	\$105
Other (as needed)	\$1,000	16-Sep-2005	16-Sep-2008	3.92	\$196	\$1,000	\$1,196

Notes for AVOIDED costs

Avoided cost for conducting bimonthly inspection (\$100) and completing the triennial test (\$1,000). The Dates Required are 60 days before the investigation and three years before the investigation respectively. The Final Date is the investigation date.

Approx. Cost of Compliance	\$1,100	TOTAL	\$1,301
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Screening Date 17-Nov-2008	Docket No. 2008-1860-PST-E	PCW	
Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36830	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN100813682			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Steven Lopez			
Violation Number <input type="text" value="6"/>			
Rule Cite(s)	30 Tex. Admin. Code § 334.48(c)		
Violation Description	Failed to conduct effective manual or automatic inventory control procedures for the UST system.		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual <input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential <input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
			Percent <input type="text" value="25%"/>
>> Programmatic Matrix			
Falsification			
Major Moderate Minor			
<input type="text"/> <input type="text"/> <input type="text"/>			Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.		
Adjustment			<input type="text" value="\$7,500"/>
			<input type="text" value="\$2,500"/>
Violation Events			
Number of Violation Events <input type="text" value="1"/>		<input type="text" value="63"/> Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text" value="x"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
			Violation Base Penalty <input type="text" value="\$2,500"/>
One quarterly event is recommended from the investigation date of September 16, 2008 to the screening date of November 17, 2008.			
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>
		Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>		
Ordinary	<input type="text"/>		
N/A	<input type="text" value="x"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			<input type="text" value="\$2,500"/>
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$20"/>	Violation Final Penalty Total	<input type="text" value="\$4,915"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$4,915"/>

Economic Benefit Worksheet

Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28
Case ID No. 36830
Reg. Ent. Reference No. RN100813682
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
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	16-Sep-2008	11-Jul-2009	0.82	\$20	n/a	\$20
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct proper inventory control procedures. The Date Required is the date of the investigation.
 The Final Date is the 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	\$20
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Screening Date 17-Nov-2008	Docket No. 2008-1860-PST-E	PCW					
Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28	<i>Policy Revision 2 (September 2002)</i>						
Case ID No. 36830	<i>PCW Revision October 30, 2008</i>						
Reg. Ent. Reference No. RN100813682							
Media [Statute] Petroleum Storage Tank							
Enf. Coordinator Steven Lopez							
Violation Number <input type="text" value="7"/>							
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A), (d)(1)(B)(ii), (d)(1)(B)(iii)(I) and Tex. Water Code § 26.3475(c)(1)						
Violation Description	Failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring). Failed to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance through for the month plus 130 gallons. Also, failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day.						
Base Penalty		<input type="text" value="\$10,000"/>					
>> Environmental, Property and Human Health Matrix							
OR	Harm			Percent			
	Release	Major	Moderate		Minor		
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>		
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>		
>> Programmatic Matrix							
			Falsification	Major	Moderate	Minor	Percent
			<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.						
Adjustment						<input type="text" value="\$7,500"/>	
						<input type="text" value="\$2,500"/>	
Violation Events							
		<input type="text" value="1"/>					
				<input type="text" value="63"/>	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" value="x"/>					
	semiannual	<input type="text"/>					
	annual	<input type="text"/>					
	single event	<input type="text"/>					
One quarterly event is recommended from the investigation date of September 16, 2008 to the screening date of November 17, 2008.						Violation Base Penalty <input type="text" value="\$2,500"/>	
Good Faith Efforts to Comply							
		0.0% Reduction					
		Before NOV	NOV to EDRP/Settlement Offer				
Extraordinary	<input type="text"/>						
Ordinary	<input type="text"/>						
N/A	<input type="text" value="x"/>	(mark with x)					
Notes	The Respondent does not meet the good faith criteria for this violation.						
Violation Subtotal						<input type="text" value="\$2,500"/>	
Economic Benefit (EB) for this violation							
			Statutory Limit Test				
Estimated EB Amount		<input type="text" value="\$68"/>	Violation Final Penalty Total		<input type="text" value="\$4,915"/>		
This violation Final Assessed Penalty (adjusted for limits)						<input type="text" value="\$4,915"/>	

Economic Benefit Worksheet

Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28

Case ID No. 36830

Reg. Ent. Reference No. RN100813682

Media Petroleum Storage Tank

Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	16-Sep-2008	11-Aug-2009	0.90	\$68	n/a	\$68

Notes for DELAYED costs

Estimated cost to provide release detection for the USTs including volume measurement and reconciliation of inventory control records. The Date Required is the investigation date. The 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

\$1,500

TOTAL

\$68

Screening Date 17-Nov-2008	Docket No. 2008-1860-PST-E	PCW	
Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36830	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN100813682			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Steven Lopez			
Violation Number <input type="text" value="8"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.244(1) and (3) and Tex. Health & Safety Code § 382.085(b)"/>		
Violation Description	<input type="text" value="Failed to conduct daily and monthly inspections of the Stage II vapor recovery system."/>		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual <input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential <input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>
Percent		<input type="text" value="10%"/>	
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent		<input type="text" value="0%"/>	
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>		
Adjustment		<input type="text" value="\$9,000"/>	
		<input type="text" value="\$1,000"/>	
Violation Events			
		<input type="text" value="1"/>	<input type="text" value="63"/> Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="text" value="x"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
Violation Base Penalty		<input type="text" value="\$1,000"/>	
<input type="text" value="One quarterly event is recommended from the investigation date of September 16, 2008 to the screening date of November 17, 2008."/>			
Good Faith Efforts to Comply		<input type="text" value="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="text" value="x"/>	(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="\$1,000"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$368"/>	Violation Final Penalty Total	<input type="text" value="\$1,966"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$1,966"/>

Economic Benefit Worksheet

Respondent: PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28
Case ID No.: 36830
Reg. Ent. Reference No.: RN100813682
Media: Petroleum Storage Tank
Violation No.: 8

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$350	16-Aug-2008	16-Sep-2008	1.00	\$18	\$350	\$368
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

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

Approx. Cost of Compliance

\$350

TOTAL

\$368

Screening Date 17-Nov-2008 **Docket No.** 2008-1860-PST-E **PCW**

Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28 *Policy Revision 2 (September 2002)*

Case ID No. 36830 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN100813682

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Steven Lopez

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 115.245(2) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to verify proper operation of the Stage II equipment at least once every 12 months. Specifically, the Stage II annual testing had not been conducted.

Base Penalty \$10,000

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

OR	Harm			Percent
	Major	Moderate	Minor	
	Actual			
	x			25%

>> **Programmatic Matrix**

	Major	Moderate	Minor	Percent
Falsification				
				0%

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$2,500

One annual event is recommended for the 12-month period preceding the September 16, 2008 investigation.

Good Faith Efforts to Comply Reduction

	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 \$2,500

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 PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28

Case ID No. 36830

Reg. Ent. Reference No. RN100813682

Media Petroleum Storage Tank

Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<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]	\$1,000	14-Dec-2007	16-Sep-2008	1.68	\$84	\$1,000	\$1,084
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost for annual testing of the Stage II equipment. The Date Required is the date of ownership change.
The Final Date is the investigation date.

Approx. Cost of Compliance	\$1,000	TOTAL	\$1,084
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Screening Date 17-Nov-2008	Docket No. 2008-1860-PST-E	PCW	
Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36830	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN100813682			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Steven Lopez			
Violation Number 10			
Rule Cite(s)	30 Tex. Admin. Code § 115.246(1), (3), and (5) and Tex. Health & Safety Code § 382.085(b)		
Violation Description	Failed to maintain Stage II records at the Station. Specifically, the Respondent did not maintain a copy of the California Air Resources Board Executive Order, records of maintenance conducted, and the Stage II test results.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			0%
>> Programmatic Matrix			
Falsification			
Major			Moderate
Minor			
<input type="checkbox"/>			<input checked="" type="checkbox"/>
<input type="checkbox"/>			<input type="checkbox"/>
Percent			10%
Matrix Notes	100% of the rule requirement was not met.		
Adjustment		\$9,000	
		\$1,000	
Violation Events			
Number of Violation Events		1	Number of violation days
		63	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
Violation Base Penalty		\$1,000	
One single event is recommended based on the documentation of the violation during the September 16, 2008 investigation.			
Good Faith Efforts to Comply		0.0% Reduction	\$0
		Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$1,000	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$23	Violation Final Penalty Total	\$1,966
		This violation Final Assessed Penalty (adjusted for limits)	
		\$1,966	

Economic Benefit Worksheet

Respondent: PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28

Case ID No.: 36830

Reg. Ent. Reference No.: RN100813682

Media: Petroleum Storage Tank

Violation No.: 10

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	16-Sep-2008	11-Aug-2009	0.90	\$23	n/a	\$23
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain Stage II records at the Station. The Date Required is the date of investigation. The 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 \$500

TOTAL \$23

Screening Date 17-Nov-2008	Docket No. 2008-1860-PST-E	PCW	
Respondent PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36830	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN100813682			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Steven Lopez			
Violation Number <input type="text" value="11"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 115.248(1) and Tex. Health & Safety Code § 382.085(b)"/>		
Violation Description	<input type="text" value="Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system."/>		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>
>> Programmatic Matrix			
	Falsification	Major	Moderate
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>		
Adjustment		<input type="text" value="\$9,000"/>	
		<input type="text" value="\$1,000"/>	
Violation Events			
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days
		<input type="text" value="63"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text" value="x"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
		<input type="text" value="\$1,000"/>	
<input type="text" value="One quarterly event is recommended from the investigation date of September 16, 2008 to the screening date of November 17, 2008."/>			
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	<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 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="\$1,000"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$23"/>	Violation Final Penalty Total	<input type="text" value="\$1,966"/>
		This violation Final Assessed Penalty (adjusted for limits)	
		<input type="text" value="\$1,966"/>	

Economic Benefit Worksheet

Respondent: PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28
Case ID No.: 36830
Reg. Ent. Reference No.: RN100813682
Media: Petroleum Storage Tank
Violation No.: 11

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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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	\$500	16-Sep-2008	11-Aug-2009	0.90	\$23	n/a	\$23
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 of training a Stage II Station representative. The Date Required is the investigation date. The 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

\$500

TOTAL

\$23

Compliance History Report

Customer/Respondent/Owner-Operator: CN602740169 PEACE PARTNERS CAR WASH, L.L.C. Classification: AVERAGE Rating: 0.28
Regulated Entity: RN100813682 Super Stop 28 Classification: AVERAGE Site Rating: 28.33
ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER EE0948Q
PETROLEUM STORAGE TANK REGISTRATION 45238
REGISTRATION
Location: 5022 DYER ST, EL PASO, TX, 79930 Rating Date: 9/1/2008 Repeat Violator: NO
TCEQ Region: REGION 06 - EL PASO
Date Compliance History Prepared: November 20, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: November 20, 2003 to November 20, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Steven Lopez Phone: 512-239-1896

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? PEACE PARTNERS CAR WASH, L.L.C.
4. If Yes, who was/were the prior owner(s)? JAWZER INC
Bogama, Inc.
WEST TEXAS G STORES INC
5. When did the change(s) in ownership occur? 07/01/2004
12/14/2007

Components (Multimedia) for the Site :

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

Effective Date: 11/26/2004 ADMINORDER 2003-0626-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 114, SubChapter D 114.100(a)
5C THC Chapter 382, SubChapter A 382.085(b)
Description: Failure to meet the minimum oxygen content requirement of 2.7% weight for gasoline supplied for use as motor fuel.

Effective Date: 12/02/2006 ADMINORDER 2004-1219-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to comply with 30 TAC 115.252(2), RVP Fuel Requirements.

Effective Date: 05/11/2007 ADMINORDER 2006-1310-AIR-E
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.252(2)
5C THC Chapter 382, SubChapter D 382.085(b)
Description: Failure to comply with the maximum 7.0 pounds per square inch absolute (psia) Reid Vapor Pressure fuel requirement. Specifically, a premium grade gasoline sample with a reading of 10.24 psia was taken from pump number four.

- 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	12/30/2003	(255016)
2	07/16/2004	(278526)
3	07/15/2005	(400033)
4	12/29/2005	(439555)
5	07/28/2006	(489239)
6	11/04/2008	(703180)

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

Date: 07/14/2005 (400033)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter A 334.10(b)

Description: Facility failed to provide documentation of the three year corrosion protection test.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter C 334.54(d)(2)

Description: Facility failed to empty their four Underground Storage Tanks.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)(3)

Description: Facility failed to amend their registration information.

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
PEACE PARTNERS CAR WASH,
L.L.C. DBA SUPER STOP 28
RN100813682

§
§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2008-1860-PST-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28 ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a convenience store with retail sales of gasoline at 5022 Dyer Street in El Paso, El Paso County, Texas (the "Station").
2. The Respondent's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 5, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Thirty-Five Thousand Five Hundred One Dollars (\$35,501) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Hundred Thirty-Two Dollars (\$832) of the administrative penalty and Seven Thousand One Hundred Dollars (\$7,100) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Twenty-Seven Thousand Five Hundred Sixty-Nine Dollars (\$27,569) of the administrative penalty shall be payable in 34 monthly payments of Eight Hundred Dollars (\$800) each, and with one final payment of Three Hundred Sixty-Nine Dollars (\$369). The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent demonstrated acceptable financial assurance by submitting a copy of a valid certificate of insurance with an effective date of October 3, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of the petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b), as documented during an investigation conducted on September 16, 2008.
2. Failed to notify the agency of any change or additional information regarding the USTs within 30 days of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(3), as documented during an investigation conducted on September 16, 2008. Specifically, the Respondent did not renew the delivery certificate after the ownership changed on December 14, 2007.
3. Failed to renew a delivery certificate by submitting a properly completed UST registration and self-certification form within 30 days of ownership change, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(4)(C) and (c)(5)(B)(i), as documented during an investigation conducted on September 16, 2008.
4. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during an investigation conducted on September 16, 2008. Specifically, the Respondent received one delivery of fuel without a delivery certificate.
5. Failed to maintain the required UST records and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b), as documented during an investigation conducted on September 16, 2008.
6. Failed to inspect the impressed current cathodic protection system at least once every 60 days to ensure that the rectifier and other system components are operating properly, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(2)(C) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on September 16, 2008.
7. Failed to have the cathodic protection system inspected and tested for operability and adequacy of protection at a frequency of at least once every three years, in violation of 30 TEX. ADMIN. CODE § 334.49(c)(4) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on September 16, 2008.
8. Failed to conduct effective manual or automatic inventory control procedures for the UST system, in violation of 30 TEX. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on September 16, 2008.
9. Failed to monitor USTs for releases at a frequency of at least once per month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on September 16, 2008.
10. Failed to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons, in violation of 30 TEX. ADMIN.

- CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on September 16, 2008.
11. Failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on September 16, 2008.
 12. Failed to conduct daily and monthly inspections of the Stage II vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.244(1) and (3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 16, 2008.
 13. Failed to verify proper operation of the Stage II equipment at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 16, 2008. Specifically, the Stage II annual testing had not been conducted.
 14. Failed to maintain Stage II records at the Station, in violation of 30 TEX. ADMIN. CODE § 115.246(1), (3), and (5) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 16, 2008. Specifically, the Respondent did not maintain a copy of the California Air Resources Board Executive Order, records of maintenance conducted, and the Stage II test results.
 15. Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on September 16, 2008.

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: PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28, Docket No. 2008-1860-PST-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, begin conducting proper inventory control procedures for all USTs at the Station, in accordance with 30 TEX. ADMIN. CODE § 334.48.
- b. Within 30 days after the effective date of this Agreed Order:
 - i. Cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a properly completed UST registration and self-certification form, indicating the current owner and operator information, in accordance with 30 TEX. ADMIN. CODE § 334.8;
 - ii. Begin maintaining all UST records, in accordance with 30 TEX. ADMIN. CODE § 334.10;
 - iii. Begin conducting bimonthly inspections of the cathodic protection system to ensure that the rectifier and other system components are functioning as designed, and conduct the required triennial testing of the cathodic protection system, in accordance with 30 TEX. ADMIN. CODE § 334.49;
 - iv. Install and implement a release detection method for all USTs at the Station and begin conducting volume measurement and reconciliation of inventory control records, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - v. Begin conducting daily and monthly inspections of the Stage II vapor recovery system, in accordance with 30 TEX. ADMIN. CODE § 115.244;
 - vi. Conduct the required annual testing of the Stage II equipment, in accordance with 30 TEX. ADMIN. CODE § 115.245;
 - vii. Begin maintaining all Stage II records at the Station, in accordance with 30 TEX. ADMIN. CODE § 115.246; and
 - viii. Ensure that at least one Station representative successfully completes the required Stage II training and each current employee receives in-house training regarding the purpose and correct operating procedures of the Stage II vapor recovery system, in accordance with 30 TEX. ADMIN. CODE § 115.248.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b.viii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the

submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

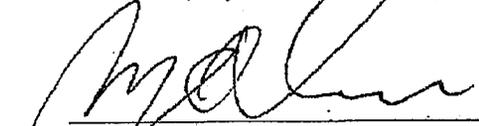
4/17/2009
Date

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

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

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

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


Signature

2/12/09
Date

MIKE YARDENI
Name (Printed or typed)

MGR.
Title

Authorized Representative of
PEACE PARTNERS CAR WASH, L.L.C. dba Super Stop 28

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Section at the address in Section IV, Paragraph 1 of this Agreed Order.