

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-1278-PST-E TCEQ ID: RN101844512 CASE NO.: 36336
RESPONDENT NAME: JOYCE CARTER DBA PJ'S ONE STOP

| | | |
|---|---|--|
| 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: 5437 Farm-to-Market Road 565 North, Baytown, Chambers 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 expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired June 1, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Mr. Phillip M. Goodwin, P.G., Litigation Division, MC 175, (512) 239-0675 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Ms. Judy Kluge, Waste Enforcement Section, MC R-4, (817) 588-5825 TCEQ Regional Contact: Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623 Respondent: Ms. Joyce Carter, PJ's One Stop, P.O. Box 285, Wallisville, Texas 77597 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:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: March 20, 2008</p> <p>Date of NOE Relating to this Case: August 15, 2008</p> <p>Background Facts: The EDRP was filed March 5, 2009. The agreed order was signed on February 5, 2009.</p> <p>Current Compliance Status: The Respondent has not submitted documentation to demonstrate compliance. The Respondent's delivery certificate expired in January 2007.</p> <p>PST:</p> <ol style="list-style-type: none"> Failed to maintain Stage II records at the Station and make them immediately available for inspection upon request by Commission personnel [30 TEX. ADMIN. CODE § 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to verify proper operation of the Stage II equipment at least once every 12 months and the Stage II vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first [30 TEX. ADMIN. CODE § 115.242(2) and TEX. HEALTH & SAFETY CODE § 382.085(b)]. Failed to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.10(b)]. | <p>Total Assessed: \$13,092</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$492/\$12,600</p> <p>The Respondent paid \$492 of the administrative penalty. The remaining amount of \$12,600 shall be payable in 35 monthly payments of \$360 each.</p> <p>Site Compliance History Classification <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input checked="" type="checkbox"/> High <input 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 Provision(s):</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately: <ol style="list-style-type: none"> Begin maintaining all Stage II records at the Station; Begin maintaining all UST records; Cease accepting fuel until such time as a valid delivery certificate is obtained by TCEQ by submitting a property completed UST registration and self-certification form; and Begin conducting effective manual or automatic inventory control procedures for all USTs. Within 30 days: <ol style="list-style-type: none"> Post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system; Conduct the required annual and triennial testing of the Stage II equipment; and Install and implement a release detection method for all USTs and the piping associated with the UST system, conduct annual testing of the line leak detectors for performance and operational reliability, and begin recording volume measurements and reconciliation of inventory control records. Within 45 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with these Ordering Provisions.. |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|---|------------------------|-----------------------------------|
| <p>5. Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].</p> <p>6. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].</p> <p>7. Failed to provide release detection for the piping associated with the USTs; failed to test the line leak detectors at least once per year for performance and operational reliability; failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons; failed to conduct inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day; and failed to perform automatic test for substance loss that can detect a release which equals or exceeds a rate of 0.2 gallons per hour from any portion of the tank which contains regulated substances [30 TEX. ADMIN. CODE § 334.50(b)(2), (b)(2)(A)(i)(III), (d)(1)(B)(ii), (d)(4)(A)(i) and (d)(4)(A)(ii)(II), and TEX. WATER CODE § 26.3475(a) and (c)(1)].</p> <p>8. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel each operating day [30 TEX. ADMIN. CODE § 334.48(c)].</p> | | |



Penalty Calculation Worksheet (PCW)

| | | | | | | |
|--------------|----------|-------------|-----------|------------|---------|--|
| DATES | Assigned | 5-May-2008 | Screening | 7-May-2008 | EPA Due | |
| | PCW | 29-Oct-2008 | | | | |

| | |
|--|--------------------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Joyce Carter dba PJ's One Stop |
| Reg. Ent. Ref. No. | RN101844512 |
| Facility/Site Region | 12-Houston |
| Major/Minor Source | Minor |

| | | | | |
|-------------------------|------------------------|-------------------|--------------------|----------|
| CASE INFORMATION | | | | |
| Enf./Case ID No. | 36336 | No. of Violations | 8 | |
| Docket No. | 2008-1278-PST-E | Order Type | 1660 | |
| Media Program(s) | Petroleum Storage Tank | Enf. Coordinator | Judy Kluge | |
| Multi-Media | | 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 | \$12,000 |
|---|-------------------|-----------------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|--------------------|--------------------------------|-----------------|
| Compliance History | -10.0% Enhancement | Subtotals 2, 3, & 7 | -\$1,200 |
|---------------------------|--------------------|--------------------------------|-----------------|

Notes: Reduction for High Performer classification.

| | | | | |
|--------------------|----|------------------|-------------------|------------|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------------------|-------------------|------------|

Notes: The Respondent does not meet the culpability criteria.

| | | | |
|------------------------------------|----------------|-------------------|------------|
| Good Faith Effort to Comply | 0.0% Reduction | Subtotal 5 | \$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.

| | | | |
|----------------------------|-------------------|-----------------------------------|------------|
| | 0.0% Enhancement* | Subtotal 6 | \$0 |
| Total EB Amounts | \$2,428 | *Capped at the Total EB \$ Amount | |
| Approx. Cost of Compliance | \$4,850 | | |

| | | |
|-----------------------------|-----------------------|-----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$10,800 |
|-----------------------------|-----------------------|-----------------|

| | | | |
|---|-------|-------------------|----------------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 21.2% | Adjustment | \$2,292 |
|---|-------|-------------------|----------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with Violation Nos. 3 and 7.

| | |
|-----------------------------|-----------------|
| Final Penalty Amount | \$13,092 |
|-----------------------------|-----------------|

| | | |
|-----------------------------------|-------------------------------|-----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$13,092 |
|-----------------------------------|-------------------------------|-----------------|

| | | | |
|-----------------|----------------|-------------------|------------|
| DEFERRAL | 0.0% Reduction | Adjustment | \$0 |
|-----------------|----------------|-------------------|------------|

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

Notes: Deferral not offered for non-expedited settlement.

| | |
|------------------------|-----------------|
| PAYABLE PENALTY | \$13,092 |
|------------------------|-----------------|

Screening Date 7-May-2008

Docket No. 2008-1278-PST-E

PCW

Respondent Joyce Carter dba PJ's One Stop

Policy Revision 2 (September 2002)

Case ID No. 36336

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN101844512

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

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

| | | |
|--|--|------------|
| Screening Date 7-May-2008 | Docket No. 2008-1278-PST-E | PCW |
| Respondent Joyce Carter dba PJ's One Stop | <i>Policy Revision 2 (September 2002)</i> | |
| Case ID No. 36336 | <i>PCW Revision April 29, 2008</i> | |
| Reg. Ent. Reference No. RN101844512 | | |
| Media [Statute] Petroleum Storage Tank | | |
| Enf. Coordinator Judy Kluge | | |
| Violation Number | 1 | |
| Rule Cite(s) | 30 Tex. Admin. Code § 115.246(6) and Tex. Health & Safety Code § 382.085(b) | |
| Violation Description | Failed to maintain Stage II records at the Station and make them immediately available for inspection upon request by Commission personnel. Specifically, records not available for review included the daily inspection logs. | |
| Base Penalty | | \$10,000 |

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

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

>> **Programmatic Matrix**

| | | | | | |
|--|--------------------------------|---|----------------------|-------------------|---|
| | Falsification | | | | |
| | Major | Moderate | Minor | | |
| | <input type="text" value="x"/> | <input type="text"/> | <input type="text"/> | | |
| | Matrix Notes | 100% of the rule requirement was not met. | | | Percent <input type="text" value="10%"/> |
| | | | | Adjustment | \$9,000 |

Adjustment

Violation Events

| | | |
|---|-----|--------------------------|
| Number of Violation Events <input type="text" value="1"/> | .48 | Number of violation days |
|---|-----|--------------------------|

| | | | | | | | | | | | | | | |
|-------------------------|--|-------|----------------------|---------|----------------------|-----------|----------------------|------------|----------------------|--------|----------------------|--------------|---|--|
| mark only one with an x | <table style="width:100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="width: 40px; border: 1px solid black;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td style="border: 1px solid black;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="border: 1px solid black;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td style="border: 1px solid black;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td style="border: 1px solid black;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">single event</td><td style="border: 1px solid black; text-align: center;">x</td></tr> </table> | daily | <input type="text"/> | monthly | <input type="text"/> | quarterly | <input type="text"/> | semiannual | <input type="text"/> | annual | <input type="text"/> | single event | x | Violation Base Penalty <input type="text" value="\$1,000"/> |
| daily | <input type="text"/> | | | | | | | | | | | | | |
| monthly | <input type="text"/> | | | | | | | | | | | | | |
| quarterly | <input type="text"/> | | | | | | | | | | | | | |
| semiannual | <input type="text"/> | | | | | | | | | | | | | |
| annual | <input type="text"/> | | | | | | | | | | | | | |
| single event | x | | | | | | | | | | | | | |

One single event is recommended based on documentation of the violation during the March 20, 2008 investigation.

| | |
|---|---|
| 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="\$1,091"/> |
| This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,091"/> | |

Economic Benefit Worksheet

Respondent: Joyce Carter dba PJ's One Stop

Case ID No.: 36336

Reg. Ent. Reference No.: RN101844512

Media: Petroleum Storage Tank

Violation No.: 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

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 | 20-Mar-2008 | 7-Feb-2009 | 0.89 | \$22 | n/a | \$22 |
| 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 as required. The date required is the investigation date and 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

\$22

| | | |
|--|--|---|
| Screening Date 7-May-2008 | Docket No. 2008-1278-PST-E | PCW |
| Respondent Joyce Carter dba PJ's One Stop | | <small>Policy Revision 2 (September 2002)</small> |
| Case ID No. 36336 | | <small>PCW Revision April 29, 2008</small> |
| Reg. Ent. Reference No. RN101844512 | | |
| Media [Statute] Petroleum Storage Tank | | |
| Enf. Coordinator Judy Kluge | | |
| Violation Number <input type="text" value="2"/> | | |
| Rule Cite(s) | <input type="text" value="30 Tex. Admin. Code § 115.242(9) and Tex. Health & Safety Code § 382.085(b)"/> | |
| Violation Description | <input type="text" value="Failed to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system."/> | |
| | Base Penalty | <input type="text" value="\$10,000"/> |

>> Environmental, Property and Human Health Matrix

| | | | | |
|-----------|----------------|----------------------|-------------------------------------|---|
| OR | Harm | | | |
| | Release | Major | Moderate | Minor |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| | Potential | <input type="text"/> | <input checked="" type="checkbox"/> | <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

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | | |
|--|--------------|-------------------------------------|
| | daily | <input type="text"/> |
| | monthly | <input type="text"/> |
| <small>mark only one with an x</small> | quarterly | <input checked="" type="checkbox"/> |
| | semiannual | <input type="text"/> |
| | annual | <input type="text"/> |
| | single event | <input type="text"/> |

Violation Base Penalty

| | |
|---|---|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount <input type="text" value="\$10"/> | Violation Final Penalty Total <input type="text" value="\$1,091"/> |
| This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,091"/> | |

Economic Benefit Worksheet

Respondent: Joyce Carter dba PJ's One Stop

Case ID No.: 36336

Reg. Ent. Reference No.: RN101844512

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 |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <small>No commas or \$</small> | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|------|------|
| Equipment | \$150 | 20-Mar-2008 | 7-Mar-2009 | 0.96 | \$0 | \$10 | \$10 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to post operating instructions on the dispensers. The date required is the investigation date and the final date is the expected 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

\$150

TOTAL

\$10

| | | |
|--|---|------------|
| Screening Date 7-May-2008 | Docket No. 2008-1278-PST-E | PCW |
| Respondent Joyce Carter dba PJ's One Stop | <i>Policy Revision 2 (September 2002)</i> | |
| Case ID No. 36336 | <i>PCW Revision April 29, 2008</i> | |
| Reg. Ent. Reference No. RN101844512 | | |
| Media [Statute] Petroleum Storage Tank | | |
| Enf. Coordinator Judy Kluge | | |
| Violation Number | 3 | |
| Rule Cite(s) | 30 Tex. Admin. Code § 115.245(2) and Tex. Health & Safety Code § 382.085(b) | |
| Violation Description | Failed to verify proper operation of the Stage II equipment at least once every 12 months and the Stage II vapor space manifold and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first. Specifically, the Stage II annual and triennial system compliance testing had not been conducted. | |
| 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 | 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 Number of violation days

mark only one with an x

| | |
|--------------|--------------------------|
| daily | <input type="checkbox"/> |
| monthly | <input type="checkbox"/> |
| quarterly | <input type="checkbox"/> |
| semiannual | <input type="checkbox"/> |
| annual | <input type="checkbox"/> |
| single event | x |

Violation Base Penalty \$2,500

One single event is recommended for the three-year period preceding the March 20, 2008 investigation.

| | |
|---|--|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount <input type="text" value="\$1,196"/> | Violation Final Penalty Total <input type="text" value="\$2,728"/> |
| This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,728"/> | |

Economic Benefit Worksheet

Respondent Joyce Carter dba PJ's One Stop

Case ID No. 36336

Reg. Ent. Reference No. RN101844512

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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

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] | | | | 0.00 | \$0 | \$0 | \$0 |
| Annual/Triennial Tests | \$1,000 | 20-Mar-2005 | 20-Mar-2008 | 3.92 | \$196 | \$1,000 | \$1,196 |

Notes for AVOIDED costs

Estimated avoided cost for annual and triennial testing of the Stage II equipment. The date required is three years prior to the investigation date and the final date is the investigation date.

Approx. Cost of Compliance

\$1,000

TOTAL

\$1,196

| | | |
|--|--|------------|
| Screening Date 7-May-2008 | Docket No. 2008-1278-PST-E | PCW |
| Respondent Joyce Carter dba PJ's One Stop | <i>Policy Revision 2 (September 2002)</i> | |
| Case ID No. 36336 | <i>PCW Revision April 29, 2008</i> | |
| Reg. Ent. Reference No. RN101844512 | | |
| Media [Statute] Petroleum Storage Tank | | |
| Enf. Coordinator Judy Kluge | | |
| Violation Number | 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 the inspection upon request by agency personnel. | |
| Base Penalty | | \$10,000 |

>> Environmental, Property and Human Health Matrix

| | | | | | |
|-----------|------------------|-------|----------|----------------|-------|
| OR | Harm | | | | |
| | | Major | Moderate | | Minor |
| | Release | | | | |
| | Actual | | | Percent | |
| | Potential | | | 0% | |

>> Programmatic Matrix

| | | | | | |
|---------------------|---|-------|----------|----------------|-------|
| | Falsification | | | | |
| | | Major | Moderate | | Minor |
| | | | | | |
| | Actual | | | Percent | |
| | Potential | x | | 10% | |
| Matrix Notes | 100% of the rule requirement was not met. | | | | |

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

| | | |
|--------------------------------|--------------|---|
| <i>mark only one with an x</i> | daily | |
| | monthly | |
| | quarterly | |
| | semiannual | |
| | annual | |
| | single event | x |

Violation Base Penalty \$1,000

One single event is recommended based on documentation of the violation during the March 20, 2008 investigation.

| | |
|---|---|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount <input type="text" value="\$4"/> | Violation Final Penalty Total <input type="text" value="\$1,091"/> |
| This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,091"/> | |

Economic Benefit Worksheet

Respondent: Joyce Carter dba PJ's One Stop

Case ID No.: 36336

Reg. Ent. Reference No.: RN101844512

Media: Petroleum Storage Tank

Violation No.: 4

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

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 | \$100 | 20-Mar-2008 | 7-Feb-2009 | 0.89 | \$4 | n/a | \$4 |
| 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 all UST records. The date required is the investigation date and the final date is the expected 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

\$4

| | | |
|--|--|------------|
| Screening Date 7-May-2008 | Docket No. 2008-1278-PST-E | PCW |
| Respondent Joyce Carter dba PJ's One Stop | <small>Policy Revision 2 (September 2002)</small> | |
| Case ID No. 36336 | <small>PCW Revision April 29, 2008</small> | |
| Reg. Ent. Reference No. RN101844512 | | |
| Media [Statute] Petroleum Storage Tank | | |
| Enf. Coordinator Judy Kluge | | |
| Violation Number | 5 | |
| Rule Cite(s) | 30 Tex. Admin. Code § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii) | |
| Violation Description | Failed to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on January 31, 2007. | |
| Base Penalty | | \$10,000 |

>> Environmental, Property and Human Health Matrix

| | | | | | |
|----|----------------|-------|----------|----------------|-------|
| OR | Harm | | | | |
| | | Major | Moderate | | Minor |
| | Release | | | | |
| | Actual | | | Percent | |
| | Potential | | | 0% | |

>> Programmatic Matrix

| | | | | | |
|--|----------------------|-------|----------|----------------|-------|
| | Harm | | | | |
| | | Major | Moderate | | Minor |
| | Falsification | | | | |
| | | x | | Percent | |
| | | | | 10% | |

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

| | | | | | |
|--|--------------|---|-----|-------------------------------|---------|
| Number of Violation Events | 1 | | 462 | Number of violation days | |
| <small>mark only one with an x</small> | daily | | | Violation Base Penalty | |
| | monthly | | | | \$1,000 |
| | quarterly | | | | |
| | semiannual | | | | |
| | annual | | | | |
| | single event | x | | | |

One single event is recommended based on documentation of the violation during the March 20, 2008 investigation.

| | |
|--|-------------------------------|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount | Violation Final Penalty Total |
| \$5 | \$1,091 |
| This violation Final Assessed Penalty (adjusted for limits) | |
| \$1,091 | |

Economic Benefit Worksheet

Respondent: Joyce Carter dba PJ's One Stop

Case ID No.: 36336

Reg. Ent. Reference No.: RN101844512

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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

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 | \$100 | 19-Feb-2008 | 7-Feb-2009 | 0.97 | \$5 | n/a | \$5 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to timely renew a previously issued delivery certificate by submitting a properly completed UST registration and self-certification form. The date required is 30 days before the expiration date of the delivery certificate and the final date is the expected 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

\$5

| | | |
|--|---|------------|
| Screening Date 7-May-2008 | Docket No. 2008-1278-PST-E | PCW |
| Respondent Joyce Carter dba PJ's One Stop | <i>Policy Revision 2 (September 2002)</i> | |
| Case ID No. 36336 | <i>PCW Revision April 29, 2008</i> | |
| Reg. Ent. Reference No. RN101844512 | | |
| Media [Statute] Petroleum Storage Tank | | |
| Enf. Coordinator Judy Kluge | | |
| Violation Number | 6 | |
| 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 Station received one delivery of fuel without a delivery certificate. | |
| Base Penalty | | \$10,000 |

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

| | | | | | |
|----|----------------|----------------------|----------------------|--|----------------------|
| OR | Harm | | | | |
| | Release | Major | Moderate | | Minor |
| | Actual | <input type="text"/> | <input type="text"/> | | <input type="text"/> |
| | Potential | <input type="text"/> | <input type="text"/> | x | |
| | | | | Percent <input type="text" value="5%"/> | |

>> **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 | 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

Violation Events

| | | |
|---|--|--------------------------|
| Number of Violation Events <input type="text" value="1"/> | <input type="text" value="1"/> | Number of violation days |
| mark only one with an x daily <input type="text"/> monthly <input type="text"/> quarterly <input type="text"/> semiannual <input type="text"/> annual <input type="text"/> single event <input checked="" type="text"/> | Violation Base Penalty <input type="text" value="\$500"/> | |

One single event is recommended for acceptance of one delivery of fuel.

| | |
|---|--|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount <input type="text" value="\$0"/> | Violation Final Penalty Total <input type="text" value="\$546"/> |
| This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$546"/> | |

Economic Benefit Worksheet

Respondent: Joyce Carter dba PJ's One Stop

Case ID No.: 36336

Reg. Ent. Reference No.: RN101844512

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 | | | | 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 is included in Violation No. 5.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|--|--|--|------|-----|-----|-----|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 7-May-2008

Docket No. 2008-1278-PST-E

PCW

Respondent Joyce Carter dba PJ's One Stop

Policy Revision 2 (September 2002)

Case ID No. 36336

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN101844512

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 334.50(b)(2), (b)(2)(A)(i)(III), (d)(1)(B)(ii), (d)(4)(A)(i) and (d)(4)(A)(ii)(I) and Tex. Water Code § 26.3475(a) and (c)(1)

Violation Description

Failed to provide release detection for the piping associated with the USTs. Also, failed to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detectors had not been performance tested annually. Also, failed to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0 percent of the total substance flow-through for the month plus 130 gallons. Also, failed to conduct inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day. Also, Failed to perform an automatic test for substance loss that can detect a release which equals or exceeds a rate of 0.2 gallons per hour from any portion of the tank which contains regulated substances.

Base Penalty \$10,000

>> 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 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

1

48

Number of violation days

| | |
|--------------|---|
| daily | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

mark only one with an x

Violation Base Penalty \$2,500

One quarterly event is recommended based documentation of the violation during the March 20, 2008 investigation to the May 7, 2008 screening date.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,168

Violation Final Penalty Total \$2,728

This violation Final Assessed Penalty (adjusted for limits) \$2,728

Economic Benefit Worksheet

Respondent: Joyce Carter dba PJ's One Stop

Case ID No.: 36336

Reg. Ent. Reference No.: RN101844512

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 |
|--------------------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <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 | \$1,500 | 20-Mar-2008 | 7-Mar-2009 | 0.96 | \$72 | n/a | \$72 |
| 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 estimated cost of monitoring all USTs for releases including reconciliation of inventory control records. The date required is the investigation date and the final date is expected date of compliance.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|---------|-------------|-------------|------|------|---------|---------|
| Disposal | | | | 0.00 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.00 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.00 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.00 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | \$1,000 | 20-Mar-2007 | 20-Mar-2008 | 1.92 | \$96 | \$1,000 | \$1,096 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Avoided costs for conducting annual piping tightness test and line leak detector test. The date required is one year prior to the investigation date and the final date is the investigation date.

Approx. Cost of Compliance

\$2,500

TOTAL

\$1,168

Screening Date 7-May-2008 **Docket No.** 2008-1278-PST-E **PCW**
Respondent Joyce Carter dba PJ's One Stop *Policy Revision 2 (September 2002)*
Case ID No. 36336 *PCW Revision April 29, 2008*
Reg. Ent. Reference No. RN101844512
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Judy Kluge
Violation Number 8
Rule Cite(s) 30 Tex. Admin. Code § 334.48(c)
Violation Description Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel each operating day.
Base Penalty \$10,000

>> **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 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 days
 mark only one with an x
 daily
 monthly
 quarterly x
 semiannual
 annual
 single event

Violation Base Penalty \$2,500

One quarterly event is recommended based on documentation of the violation during the March 20, 2008 investigation to the May 7, 2008 screening date.

| Economic Benefit (EB) for this violation | Statutory Limit Test |
|---|---------------------------------------|
| Estimated EB Amount \$22 | Violation Final Penalty Total \$2,728 |
| This violation Final Assessed Penalty (adjusted for limits) \$2,728 | |

Economic Benefit Worksheet

Respondent Joyce Carter dba PJ's One Stop

Case ID No. 36336

Reg. Ent. Reference No. RN101844512

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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

No commas or \$

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$500 | 20-Mar-2008 | 7-Feb-2009 | 0.89 | \$22 | n/a | \$22 |

Notes for DELAYED costs

Estimated cost to conduct inventory control for all USTs involved in the retail sale of petroleum substances used as motor fuel. The date required is the date of the investigation and final date is the expected 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

\$22

Compliance History

| | | | | |
|---|--------------------------------------|---------------|------------------------------|---------------------|
| Customer/Respondent/Owner-Operator: | CN602793515 | JOYCE CARTER | Classification: HIGH | Rating: 0.00 |
| Regulated Entity: | RN101844512 | PJ'S ONE STOP | Classification: HIGH | Site Rating: 0.00 |
| ID Number(s): | PETROLEUM STORAGE TANK REGISTRATION | | REGISTRATION | 38943 |
| Location: | 4537 FM RD 565 N, BAYTOWN, TX, 77523 | | Rating Date: September 01 07 | Repeat Violator: NO |
| TCEQ Region: | REGION 12 - HOUSTON | | | |
| Date Compliance History Prepared: | May 05, 2008 | | | |
| Agency Decision Requiring Compliance History: | Enforcement | | | |
| Compliance Period: | May 05, 2003 to May 05, 2008 | | | |

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Judy Kluge Phone: (817) 588-5825

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
 - B. Any criminal convictions of the state of Texas and the federal government.
N/A
 - C. Chronic excessive emissions events.
N/A
 - D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 04/30/2008 (617448)
 - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - 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
JOYCE CARTER DBA PJ'S ONE
STOP, RN101844512**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2008-1278-PST-E**

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Joyce Carter dba PJ's One Stop ("Joyce Carter") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Joyce Carter appear before the Commission and together stipulate that:

1. Joyce Carter operates a convenience store with retail sales of gasoline at 5437 Farm-to-Market Road 565 North in Baytown, Chambers County, Texas (the "Station").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Joyce Carter agree that the Commission has jurisdiction to enter this Agreed Order, and that Joyce Carter is subject to the Commission's jurisdiction.
4. Joyce Carter received notice of the violations alleged in Section II ("Allegations") on or about August 20, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Joyce Carter of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of thirteen thousand and ninety-two dollars (\$13,092.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Joyce Carter has paid four hundred ninety two dollars (\$492.00) of the administrative penalty. The remaining amount of twelve thousand six hundred dollars (\$12,600.00) of the administrative penalty shall be payable in 35 monthly payments of three hundred sixty dollars (\$360.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Joyce Carter fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his 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, Joyce Carter's failure to meet the payment schedule of this Agreed Order constitutes the failure by Joyce Carter to timely and satisfactorily comply with all of 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 Joyce Carter 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 Joyce Carter 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

Joyce Carter is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 115.246(6) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to maintain Stage II records at the Station and make them immediately available for

- inspection upon request by Commission personnel. Specifically, the records not available for review included the daily inspection logs, as documented on March 20, 2008.
2. 30 TEX. ADMIN. CODE § 115.242(9) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system, as documented on March 20, 2008.
 3. 30 TEX. ADMIN. CODE § 115.245(2) and TEX. HEALTH & SAFETY CODE § 382.085(b) by failing to verify proper operation of the Stage II equipment at least once every 12 months and the Stage II vapor space manifolding and dynamic back pressure at least once every 36 months or upon major system replacement or modification, whichever occurs first. Specifically, the Stage II annual and triennial system compliance testing had not been conducted, as documented on March 20, 2008.
 4. 30 TEX. ADMIN. CODE § 334.10(b) by failing to maintain the required UST records and make them immediately available for the inspection upon request by agency personnel, as documented on March 20, 2008.
 5. 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii) by failing to timely renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on January 31, 2007, as documented on March 20, 2008.
 6. 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a) by failing 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 Station received one delivery of fuel without a delivery certificate, as documented on March 20, 2008.
 7. 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a) by failing to provide release detection for the piping associated with the USTs, as documented on March 20, 2008.
 8. 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i)(III) and TEX. WATER CODE § 26.3475(a) by failing to test the line leak detectors at least once per year for performance and operational reliability. Specifically, the line leak detectors had not been performance tested annually, as documented on March 20, 2008.
 9. 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1) by failing to conduct reconciliation of detailed inventory control records at least once each month, sufficiently accurate to detect a release which equals or exceeds the sum of 1.0

percent of the total substance flow-through for the month plus 130 gallons, as documented on March 20, 2008.

10. 30 TEX. ADMIN. CODE § 334.50(d)(4)(A)(i) and TEX. WATER CODE § 26.3475(c)(1) by failing to conduct inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day, as documented on March 20, 2008.
11. 30 TEX. ADMIN. CODE § 334.50(d)(4)(A)(ii)(II) and TEX. WATER CODE § 26.3475(c)(1) by failing to perform an automatic test for substance loss that can detect a release which equals or exceeds a rate of 0.2 gallons per hour from any portion of the tank which contains regulated substances, as documented on March 20, 2008.
12. 30 TEX. ADMIN. CODE § 334.48(c) by failing to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as motor fuel each operating day, as documented on March 20, 2008.

III. DENIALS

Joyce Carter generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Joyce Carter pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Joyce Carter'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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Joyce Carter dba PJ's One Stop, Docket No. 2008-1278-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. Joyce Carter shall undertake the following technical requirements:

- a. Immediately effective upon the effective date of this Agreed Order, Joyce Carter shall:
 - i. Begin maintaining all Stage II records at the Station, in accordance with 30 TEX. ADMIN. CODE § 115.246;
 - ii. Begin maintaining all UST records, in accordance with 30 TEX. ADMIN. CODE § 334.10;
 - iii. Cease accepting fuel until such time as a valid delivery certificate is obtained from the TCEQ by submitting a property completed UST registration and self-certification form, in accordance with 30 TEX. ADMIN. CODE § 334.8; and
 - iv. Begin conducting effective manual or automatic inventory control procedures for all USTs, in accordance with 30 TEX. ADMIN. CODE § 334.48.

- b. Within 30 days after the effective date of this Agreed Order, Joyce Carter shall:
 - i. Post operating instructions conspicuously on the front of each gasoline dispensing pump equipped with a Stage II vapor recovery system, in accordance with 30 TEX. ADMIN. CODE § 115.242;
 - ii. Conduct the required annual and triennial testing of the Stage II equipment, in accordance with 30 TEX. ADMIN. CODE § 115.245; and
 - iii. Install and implement a release detection method for all USTs and the piping associated with the UST system, conduct annual testing of the line leak detectors for performance and operational reliability, and begin recording volume measurements and reconciliation of inventory control records, in accordance with 30 TEX. ADMIN. CODE § 334.50.

- 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.i. through 2.b.iii. 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:

Nicole Bealle, Waste Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

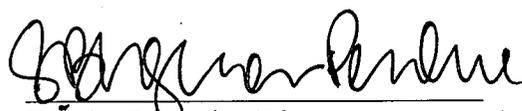
3. The provisions of this Agreed Order shall apply to and be binding upon Joyce Carter. Joyce Carter is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
4. If Joyce Carter fails to comply with any of the 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, Joyce Carter's failure to comply is not a violation of this Agreed Order. Joyce Carter shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Joyce Carter shall notify the Executive Director within seven days after Joyce Carter 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 Joyce Carter shall be made in writing to the Executive Director. Extensions are not effective until Joyce Carter 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 Joyce Carter 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Joyce Carter, or three days after the date on which the Commission mails notice of the Order to Joyce Carter, 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

7/21/2009

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on Joyce Carter's compliance history;
- Greater scrutiny of any permit applications submitted by Joyce Carter;
- 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 against Joyce Carter;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Joyce Carter; and
- TCEQ seeking other relief as authorized by law.
-

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

Joyce M. Carter
Signature

2-05-09
Date

JOYCE M. CARTER
Name (Printed or typed)

Operator
Title

Authorized representative of
Joyce Carter dba PJ's One Stop