

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-1886-PST-E TCEQ ID: RN102245834 CASE NO.: 36905**  
**RESPONDENT NAME: STAR FUELS, INC. DBA CREST BELL STAR FUELS**

<b>ORDER TYPE:</b>		
<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	

<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** 10902 Bellaire Boulevard, Houston, Harris County

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

**SMALL BUSINESS:**  Yes  No  N/A

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

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

**COMMENTS RECEIVED:** The *Texas Register* comment period expired December 21, 2009. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Ms. Sharesa Y. Alexander, Litigation Division, MC 175, (512) 239-3503  
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

**TCEQ Enforcement Coordinator:** Mr. Rajesh Acharya, Waste Enforcement Section, MC 128, (512) 239-0577

**TCEQ Regional Contact:** Ms. Nicole Bealle, Houston Regional Office, MC R-12, (713) 767-3623

**Respondent:** Mr. Larry Ellisor, President, Star Fuels, Inc., 10902 Bellaire Boulevard, Houston, Texas 77072;  
 Mr. Larry Ellisor, President, Star Fuels, Inc., P.O. Box 573008, Houston, Texas 77257

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

<b>VIOLATION SUMMARY CHART:</b>		
<b>VIOLATION INFORMATION</b>	<b>PENALTY CONSIDERATIONS</b>	<b>CORRECTIVE ACTIONS TAKEN/REQUIRED</b>
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 10, 2008</p> <p><b>Date of NOE Relating to this Case:</b> November 25, 2008</p> <p><b>Background Facts:</b></p> <p>The EDPRP was filed on April 28, 2009. The Respondent filed an answer and the case was referred to SOAH. Settlement was achieved and the agreed order was signed on August 21, 2009.</p> <p><b>Current Compliance Status:</b></p> <p>No outstanding Technical Requirements. The Respondent's delivery certificate expires in August 2010.</p> <p><b>PST:</b></p> <ol style="list-style-type: none"> <li>Failed to equip each separate pressurized line with an automatic leak detector capable of detecting a release from the piping associated with the UST system [30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i) and TEX. WATER CODE § 26.3475(a)].</li> <li>Failed to equip each tank with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches a preset level no higher than the 98% capacity level for the tank [30 TEX. ADMIN. CODE § 334.51(b)(2)(C) and TEX. WATER CODE § 26.3475(c)(2)].</li> </ol>	<p><b>Total Assessed:</b> \$ 6,075</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Order  <input type="checkbox"/> Financial Inability to Pay  <input type="checkbox"/> SEP Conditional Offset</p> <p><b>Total Paid/Due to General Revenue:</b> \$195/\$5,880</p> <p>The Respondent paid \$195 of the administrative penalty. The remaining amount of \$5,880 shall be payable in 35 monthly payments of \$168 each.</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent performed the following corrective actions at the Facility:</p> <ol style="list-style-type: none"> <li>Installed line leak detectors on each pressurized line; and</li> <li>Installed overfill prevention equipment.</li> </ol>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	2-Dec-2008			
	<b>PCW</b>	1-Apr-2009	<b>Screening</b>	8-Dec-2008	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>					
<b>Respondent</b>	STAR FUELS, INC. dba Crest Bell Star Fuels				
<b>Reg. Ent. Ref. No.</b>	RN102245834				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Major		

<b>CASE INFORMATION</b>					
<b>Enf./Case ID No.</b>	36905	<b>No. of Violations</b>	2		
<b>Docket No.</b>	2008-1886-PST-E	<b>Order Type</b>	1660		
<b>Media Program(s)</b>	Petroleum Storage Tank	<b>Government/Non-Profit</b>	No		
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Rajesh Acharya		
		<b>EC's Team</b>	Enforcement Team 6		
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$7,500</b>
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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.

<b>Compliance History</b>	6.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$450</b>
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Notes: Enhancement for three NOV's without same or similar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$1,875</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$0
Approx. Cost of Compliance	\$1,100

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$6,075</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** **\$6,075**

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$6,075</b>
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<b>DEFERRAL</b>	0.0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$6,075</b>
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**Screening Date** 8-Dec-2008      **Docket No.** 2008-1886-PST-E  
**Respondent** STAR FUELS, INC. dba Crest Bell Star Fuels  
**Case ID No.** 36905  
**Reg. Ent. Reference No.** RN102245834  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Rajesh Acharya

**PCW**

Policy Revision 2 (September 2002)  
 PCW Revision October 30, 2008

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	0	0%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 6%

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

     **Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

     **Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**      Enhancement for three NOVs without same or similar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 6%

**Screening Date** 8-Dec-2008 **Docket No.** 2008-1886-PST-E **PCW**  
**Respondent** STAR FUELS, INC. dba Crest Bell Star Fuels *Policy Revision 2 (September 2002)*  
**Case ID No.** 36905 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102245834  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Rajesh Acharya

**Violation Number** 1  
**Rule Cite(s)** 30 Tex. Admin. Code § 334.50(b)(2)(A)(i) and Tex. Water Code § 26.3475(a)  
**Violation Description** Failed to equip each pressurized line with an automatic line leak detector capable of detecting a release from the piping associated with the UST system. Specifically, two pressurized lines were not equipped with line leak detectors.

**Base Penalty** \$10,000

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

OR	<b>Harm</b>			<b>Percent</b> 50%	
	<b>Release</b>	Major	Moderate		Minor
	Actual				
	Potential	x			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> 0%

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

**Adjustment** \$5,000

\$5,000

**Violation Events**

Number of Violation Events 1 1 Number of violation days

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

**Violation Base Penalty** \$5,000

One monthly event is recommended based on documentation of the violation during the September 10, 2008 investigation to the September 11, 2008 compliance date.

**Good Faith Efforts to Comply** 25.0% Reduction Before NOV NOV to EUP/PP/ Settlement Offer \$1,250

Extraordinary		
Ordinary	x	
N/A		(mark with x)

**Notes** The Respondent came into compliance on September 11, 2008.

**Violation Subtotal** \$3,750

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

**Estimated EB Amount** \$0 **Violation Final Penalty Total** \$4,050

**This violation Final Assessed Penalty (adjusted for limits)** \$4,050

## Economic Benefit Worksheet

**Respondent** STAR FUELS, INC. dba Crest Bell Star Fuels

**Case ID No.** 36905

**Reg. Ent. Reference No.** RN102245834

**Media** Petroleum Storage Tank

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$800	10-Sep-2008	11-Sep-2008	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

Estimated cost to install line leak detectors . Date Required is the investigation date. Final Date is the compliance date.

### 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 \$800

**TOTAL** \$0

**Screening Date** 8-Dec-2008 **Docket No.** 2008-1886-PST-E **PCW**  
**Respondent** STAR FUELS, INC. dba Crest Bell Star Fuels *Policy Revision 2 (September 2002)*  
**Case ID No.** 36905 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN102245834  
**Media [Statute]** Petroleum Storage Tank  
**Enf. Coordinator** Rajesh Acharya

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code § 334.51(b)(2)(C) and Tex. Water Code § 26.3475(c)(2)

**Violation Description**  
 Failed to equip each tank with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches a preset level no higher than the 95% capacity level for the tank. Specifically, one of the USTs did not have overfill prevention equipment.

**Base Penalty** \$10,000

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

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

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

**Adjustment** \$7,500

\$2,500

**Violation Events**

Number of Violation Events 1 1 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	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 September 10, 2008 investigation to the September 11, 2008 compliance date.

**Good Faith Efforts to Comply**

25.0% Reduction

\$625

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

**Notes** The Respondent came into compliance on September 11, 2008.

**Violation Subtotal** \$1,875

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$2,025

**This violation Final Assessed Penalty (adjusted for limits)** \$2,025

## Economic Benefit Worksheet

**Respondent** STAR FUELS, INC. dba Crest Bell Star Fuels

**Case ID No.** 36905

**Reg. Ent. Reference No.** RN102245834

**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
No commas or \$							

### Delayed Costs

Equipment	\$300	10-Sep-2008	11-Sep-2008	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

Estimated cost to install overfill prevention equipment. Date Required is the investigation date. Final Date is the compliance date.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$300

**TOTAL** \$0

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600730410 STAR FUELS, INC.	Classification: AVERAGE	Rating: 3.77
Regulated Entity:	RN102245834 Crest Bell Star Fuels	Classification: AVERAGE	Site Rating: 1.57
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION		23115
Location:	10902 BELLAIRE BLVD, HOUSTON, TX, 77072		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	December 08, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	December 08, 2003 to December 08, 2008		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Rajesh Acharya	Phone:	(512) 239-0577

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

### Components (Multimedia) for the Site :

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

N/A
- B. Any criminal convictions of the state of Texas and the federal government.
 

N/A
- C. Chronic excessive emissions events.
 

N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 

1	11/26/2003	(256141)
2	02/13/2004	(262722)
3	03/22/2005	(374598)
4	05/06/2005	(376000)
5	04/16/2006	(459820)
6	05/05/2006	(464715)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 

Date:	11/26/2003	(256141)		
N/A Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.242(3)			
Description:	Failure to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB executive order.			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 115, SubChapter C 115.242(3)(H)			
Description:	Failure to maintain the Hasstech Vacurite vapor processing unit in proper operating condition as specified by the manufacturer and/or applicable CARB executive order.			
Date:	03/22/2005	(374598)		

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)  
Description: Failure to maintain the Stage II vapor recovery system in proper operating condition as specified.

Date: 04/16/2006 (459820)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.246(7)(A)  
Description: 30 Tex. Admin. Code Section 115.246 (7)(A) - Failure to maintain records on-site and make immediately available for review upon request by authorized representatives of the executive director, EPA, or any local air pollution control program with jurisdiction at sites ordinarily manned during business hours.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)  
Description: 30 Tex. Admin. Code Section 115.246(3)- Failure to maintain a record of any maintenance conducted on any part of the Stage II equipment, including a general part description, the date and time the equipment was taken out of service, the date of repair or replacement, the replacement part manufacturer's 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  
STAR FUELS, INC. DBA CREST  
BELL STAR FUELS  
RN 102245834

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2008-1886-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 STAR FUELS, INC. dba Crest Bell Star Fuels ("Crest Bell Star Fuels") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Crest Bell Star Fuels, appear before the Commission and together stipulate that:

1. Crest Bell Star Fuels owns and operates a convenience store with retail sales of gasoline at 10902 Bellaire Boulevard in Houston, Harris County, Texas (the "Facility").
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 and TCEQ rules.
3. The Commission and Crest Bell Star Fuels agree that the Commission has jurisdiction to enter this Agreed Order, and that Crest Bell Star Fuels is subject to the Commission's jurisdiction.
4. Crest Bell Star Fuels received notice of the violations alleged in Section II ("Allegations") on or about November 30, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of six thousand seventy-five dollars (\$6,075.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Crest Bell Star Fuels paid one hundred ninety-five dollars (\$195.00) of the administrative penalty. The remaining amount of five thousand eight hundred eighty dollars (\$5,880.00) of the administrative penalty shall be payable in 35 monthly payments of one hundred sixty-eight dollars (\$168.00) each. 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 Crest Bell Star Fuels 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, Crest Bell Star Fuels' failure to meet the payment schedule of this Agreed Order constitutes the failure by Crest Bell Star Fuels 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 Crest Bell Star Fuels 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 Crest Bell Star Fuels implemented the following corrective measures at the Facility in response to this enforcement action:
  - a. Installed line leak detectors on each pressurized line on September 11, 2008; and
  - b. Installed overfill prevention equipment on September 11, 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 Crest Bell Star Fuels 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

During an investigation conducted on September 10, 2008, a University of Texas – Arlington Stage II PST investigator documented that Crest Bell Star Fuels violated the following requirements:

- a. 30 TEX. ADMIN. CODE § 334.50(b)(2)(A)(i) and TEX. WATER CODE §26.3475(a), by failing to equip each separate pressurized line with an automatic line leak detector capable of detecting a release from the piping associated with the UST system. Specifically, two pressurized lines were not equipped with line leak detectors.
- b. 30 TEX. ADMIN. CODE § 334.51(b)(2)(C) and TEX. WATER CODE § 26.3475(c)(2), by failing to equip each tank with a valve or other appropriate device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches a preset level no higher than the 95% capacity level for the tank. Specifically, one of the USTs did not have overfill prevention equipment.

## III. DENIALS

Crest Bell Star Fuels generally denies each allegation in Section II (“Allegations”).

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Crest Bell Star Fuels pay an administrative penalty as set forth in Section I, Paragraph 6. The payment of this administrative penalty and Crest Bell Star Fuels’ 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: STAR FUELS, INC. dba Crest Bell Star Fuels, Docket No. 2008-1886-PST-E” to:

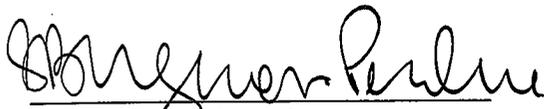
Financial Administration Division, Revenues Section  
Attention: Cashier’s Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Crest Bell Star Fuels. Crest Bell Star Fuels is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against Crest Bell Star Fuels in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. 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 Agreed Order to Crest Bell Star Fuels, or three days after the date on which the Commission mails notice of this Agreed Order to Crest Bell Star Fuels, 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

12/22/09

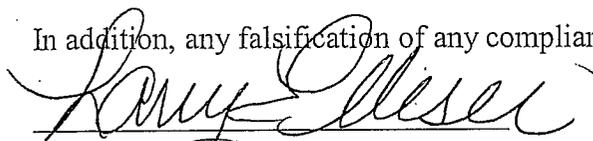
Date

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 Crest Bell Star Fuels' compliance history;
- Greater scrutiny of any permit applications submitted by Crest Bell Star Fuels;
- 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 Crest Bell Star Fuels;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Crest Bell Star Fuels; and
- TCEQ seeking other relief as authorized by law.

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



Signature

LARRY ELLISOR

Name (Printed or typed)

Authorized representative of

STAR FUELS, INC. dba Crest Bell Star Fuels

8-21-09

Date

GEN. MGR.

Title