EXECUTIVE SUMMARY - ENFORCEMENT MATTERPage 1 of 4DOCKET NO.: 2009-2057-MLM-ETCEQ ID: RN101435261CASE NO.: 38852RESPONDENT NAME: Fikes Wholesale, Inc. dba CEFCO Convenience Stores aka CEFCO 55

ORDER TYPE:		
<u>X</u> 1660 AGREED ORDĖR	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	XMULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	X PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: CEFCO 55, at the northeast intersection of Farm-to-Market Road 50 and Farm-to-Market Road 60, Burleson County

TYPE OF OPERATION: Gas station and convenience store with a public water supply

SMALL BUSINESS: X Yes No

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

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

COMMENTS RECEIVED: The Texas Register comment period expired on June 21, 2010. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495

Respondent: Mr. James Fikes, Registered Agent, Fikes Wholesale, Inc. dba CEFCO Convenience Stores, 2002 Scott Boulevard, Temple, Texas 76504

Ms. Kim Fikes, Secretary/Treasurer, Fikes Wholesale, Inc. dba CEFCO Convenience Stores, 2002 Scott Boulevard, Temple, Texas 76504

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

VIOLATION SUMMARY CHAR	 A standard strategy and standard by present of the transfer and strategy and strate	a reparen ya san anya kata kata kata mata mata mata kata kat
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Fype of Investigation: Complaint	Total Assessed: \$10,115	Corrective Actions Taken:
Complaint X Routine Enforcement Follow-up Records Review	Total Deferred: \$2,023 <u>X</u> Expedited Settlement Financial Inability to Pay	The Executive Director recognizes that the Respondent has implemented the following corrective measures at the PWS and PST Facilities:
Date(s) of Complaints Relating to this Case: None	SEP Conditional Offset: \$0	a. On November 19, 2009, affixed a
Date of Investigation Relating to this Case: November 3, 2009	Total Paid to General Revenue: \$8,092	permanent label with the UST identification number to each fill tube which corresponds to the number listed or
Date of NOE Relating to this Case: November 23, 2009	Site Compliance History Classification High _X_AveragePoor	the registration and self-certification form filed with the Commission for the PST Facility;
Background Facts: This was a routine investigation.	Person Compliance History Classification High _X_AveragePoor	b. On November 30, 2009, provided records regarding the spill and overfill
WATER	Major Source: <u>X</u> Yes <u>No</u>	controls installed at the PST Facility; and
1) Failure to provide a written notice to the Executive Director of a change in the ownership of the PWS Facility at least 120 days prior to the date the change is to occur [30 TEX. ADMIN. CODE §	Applicable Penalty Policy: September 2002	c. On December 14, 2009:i. Provided written notice to the Commission of the change in ownership o the PWS Facility;
 290.46(p)(1)]. 2) Failure to submit plans and specifications for the PWS Facility to the 		ii. Filed an incident report with the Commission regarding the monitoring results that indicated that a release may have occurred at the PST Facility; and
Executive Director and to receive written approval of plans and specifications prior to beginning construction of a new public water system [30 TEX. ADMIN. CODE § 290.39(e)(1), (e)(3) and (h)(1)].		iii. Filed a release determination report with the Commission regarding the results of the investigation that was performed for the suspected release at the PST Facility.
3) Failure to provide a ground storage tank ("GST") that is designed in strict		Ordering Provisions:
accordance with American Water Work Association ("AWWA") standards at the		The Order will require the Respondent to:
PWS Facility [30 TEX. ADMIN. CODE § 290.43(c), (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5)].		a. Within 30 days after the effective date o this Agreed Order:
4) Failure to provide a minimum pressure tank capacity of 220 gallons at the PWS Facility [30 TEX. ADMIN. CODE § 290.45(d)(2)(B)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		i. Install three strands of barbed wire on the fence surrounding the well site at the PWS Facility that extend out from the top of the fence a 45 degree angle;
5) Failure to submit a copy of the well completion data to the Commission and obtain approval from the Executive Director prior to placing the well into		ii. Seal the wellhead with a gasket or sealing compound and install a well casin vent that is properly elevated, faces downwards, and has an opening that is covered with a 16-mesh or finer corrosion resistant screen at the PWS Facility; and

RESPONDENT NAME: Fikes Wholesale, Inc. dba CEFCO Convenience Stores aka CEFCO 55 Page 3 of 4 DOCKET NO.: 2009-2057-MLM-E

ADMIN. CODE § 290.41(c)(3)(A)].	hypochlorite on hand for use when making
ADMIN. CODE § 290.41(C)(S)(A)].	repairs to the PWS Facility.
6) Failure to provide an intruder-resistant	
fence around the well site at the PWS	b. Within 45 days after the effective date
Facility [30 TEX. ADMIN. CODE §	of this Agreed Order, submit written
290.41(c)(3)(O)].	certification as described in Ordering
	Provision f. and include detailed
7) Failure to provide an automatic low	supporting documentation including
water level cutoff device on each of the	photographs, receipts, and/or other records
PWS Facility's two service pumps that take	to demonstrate compliance with Ordering
suction from the storage tank [30 TEX.	Provision a.
ADMIN. CODE § 290.43(f)].	
	c. Within 90 days after the effective date of
8) Failure to provide a well casing that	this Agreed Order:
extends a minimum of 18 inches above the	
elevation of the finished floor of the pump	i. Submit plans and specifications for the
room or the natural ground surface at the	PWS Facility to the Commission's
PWS Facility [30 TEX. ADMIN. CODE §	Executive Director at the address listed in
290.41(c)(3)(B)].	Ordering Provision 2.c.ii below for review
	and approval;
9) Failure to ensure that the wellhead is	
sealed with a gasket or sealing compound	ii. Provide the well completion data for the
and that a well casing vent is provided that	PWS Facility to the Executive Director for
is properly elevated, faces downwards, and	review and approval.
has an opening that is covered with a 16-	
mesh or finer corrosion-resistant screen at	iii. Provide an automatic low water level
the PWS Facility [30 TEX. ADMIN. CODE §	cutoff device on each of the PWS Facility's
290.41(c)(3)(K)].	two service pumps; and
10) Failure to maintain a supply of calcium	iv. Provide a well casing that extends a
hypochlorite on hand for use when making	minimum of 18 inches above the elevation
repairs to the PWS Facility [30 TEX.	of the finished floor of the pump room or
ADMIN. CODE § 290.46(h)].	the natural ground surface at the PWS
WASTE	Facility.
WASIE	d. Within 135 days after the effective date
1) Failure to permanently affix a legible	of this Agreed Order, submit written
tag, label, or marking to either the top of	certification as described in Ordering
the fill tube or to a non-removable point in	Provision f. and include detailed
the immediate area of the fill tube for each	supporting documentation including
regulated UST at the PST Facility that	photographs, receipts, and/or other records
clearly and legibly shows the designated	to demonstrate compliance with Ordering
UST identification number of that UST at	Provision c.
that facility and that corresponds to the	
identification number listed on the UST	e. Within 180 days after the effective date
registration and self-certification form filed	of this Agreed Order:
with the Commission. Specifically, on the	
date of the investigation, none of the three	i. Obtain approval of the plans,
USTs at the Facility were properly labeled	specifications and well completion data for
[30 TEX. ADMIN. CODE § 334.8(c)(5)(C)].	the PWS Facility from the Executive
	Director;
2) Failure to maintain records regarding	
spill and overfill controls installed at the	ii. Provide a GST that is designed in strict
PST Facility. Specifically, on the date of	accordance with AWWA standards at the
the investigation, no records could be	PWS Facility; and
made available demonstrating that the	
USTs have been equipped with overfill	iii. Provide a minimum pressure tank
prevention equipment [30 TEX. ADMIN.	capacity of 220 gallons at the PWS
CODE §§ 334.10(b)(1)(B) and	Facility.
(b)(2)(B)(vii) and 334.51(c)(1) and	
(c)(2)(A)].	f. Within 195 days after the effective date
	of this Agreed Order, submit written

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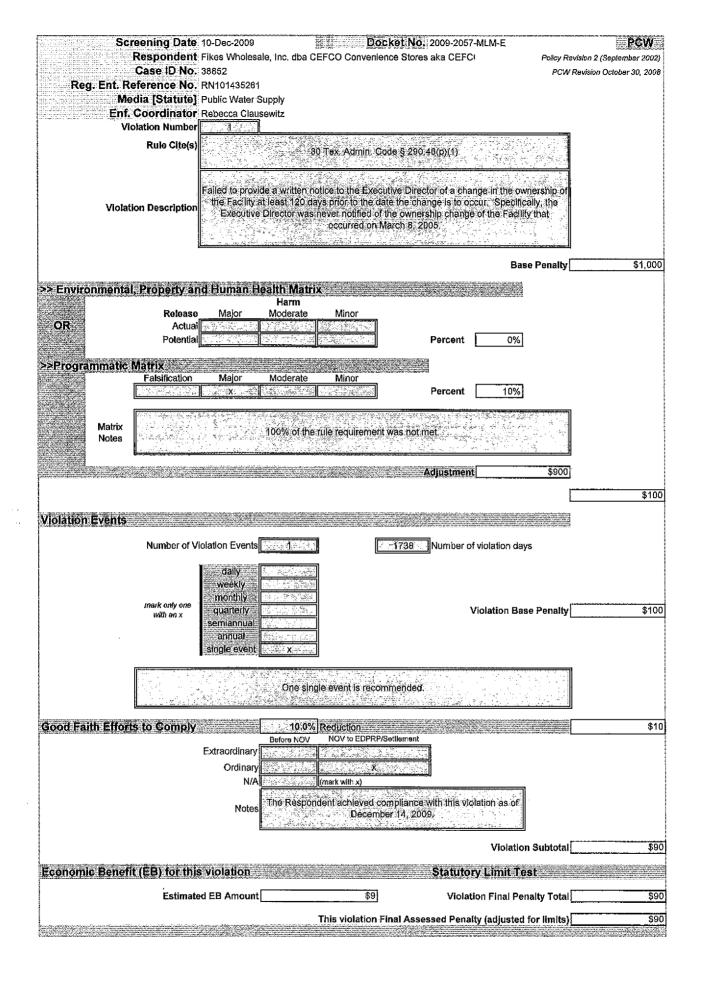
RESPONDENT NAME: Fikes Wholesale, Inc. dba CEFCO Convenience Stores aka CEFCO 55 Page 4 of 4 DOCKET NO.: 2009-2057-MLM-E

3) Failure to report a potential release at the PST Facility to the Commission within 24 hours of monitoring results from a release detection method indicating that a release may have occurred. Specifically, on the date of the investigation, it was discovered that daily inventory control records for the months of June, July and August 2009 showed an overage greater than the threshold value, indicating that a leak may have occurred. The Respondent did not file an incident report form with the Commission until December 14, 2009 [30 TEX. ADMIN. CODE § 334.72].	certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision e.
4) Failure to file a release determination report with the Commission within 45 days after a suspected release has occurred. Specifically, on the date of the investigation, it was discovered that daily inventory control records for the months of June, July and August 2009 showed an overage greater than the threshold value, indicating that a leak may have occurred. The Respondent did not file an investigation report with the Commission within the required 45 day time frame which expired on October 15, 2009 [30 TEX. ADMIN. CODE § 334.74(3)].	

Additional ID No(s).: PST Facility ID No. 73971 and PWS ID No. 0260046

	olicy Revision 2 (Sep		nalty (Calcula	ation	Work	sheet	(PCW)	CW Revision Octob	ar 3
ICEQ DATES		23-Nov-2009 16-Dec-2009	Screening	10-Dec-	2009	EPA Du	e	हेर्न के दिस्त के स्टिप्त के सिंह इ.स. स्ट्र		
Re	DENT/FACILITY Respondent g. Ent. Ref. No. lity/Site Region	Fikes Wholesale RN101435261	e, Inc. dba (mvenien		$\boldsymbol{y}_{i}=1,\dots, \sum_{j=1}^{n} \left\{ \boldsymbol{y}_{j}^{i},\dots, \boldsymbol{y}_{j}^{i} \right\}$) 55 (PWS Facili urce Minor	t <u>y)</u>	
E	dia Program(s)	2009-2057-MLW Public Water Su Petroleum Stora	l-E pply ge Tank		m	Governn	Order 1 nent/Non-P nf. Coordin	ions 10 Type 1660 rofit No ator Rebecca Ci eam Enforcemen		
				lty Cal			ction			
	BASE PENAL			base pe	nalties			Subtotal	1	\$
S	IMENTS (+/-) ubtotals 2-7 are obtai ompliance Hist	ned by multiplying the	AL 1 Total Base P				ercentage.	Subtotals 2, 3, &	7	
	Notes	No enhanc	ément due	to complia	ince histo	ory is reco	mmended.			
¢	ulpability Notes	No The Re	spondent (loes not m	895.	nhancemen ulpability		Subtotal	4	
Ģ	iood Faith Effor	t to Comply Tot	al Adjustn	ents				Subtotal	5	
	conomic Benef Approx.	t Total EB Amounts Cost of Compliance	\$1,012 \$12,905			ihancement the Total El		Subtota)	6	
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		<u> </u>					Fina	I Penalty Amou	nt	1
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DEFER Reduces the	RAL Final Assessed Per	ally by the indicted p	ercentage. <i>(E</i>	nter number	only; e.g. 2	20.0 9 0 for 20% re		on Adjustme	nt	
	Notes		Deferral off	ared for ex	pedited s	ettlemen				
PAYAR	LE PENALTY									

Res Cas Reg. Ent. Refere	Ing Date 10-Dec-2009 Docket No. 2009-2057-MLM-E pondent Fikes Wholesale, Inc. dba CEFCO Convenience Stores ; e ID No. 38852 mce No. RN101435261 Pontural Public Water Supply		r Revision 2 (Sep CW Revision Oct	
The second	Statute] Public Water Supply rclinator. Rebecca Clausewitz			
a 				
ss: Compliance History	Compliance History Worksheet Site Enhancement (Subtotal 2)			
<u>Component</u>		Enter Number He	re Adjust.	aninanionioiste -
	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%]
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	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%	
Judgments	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</i> <i>criteria</i>)		0%	
Devices	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%	
	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%	-
	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%	
	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%	
		se Enter Yes or I	Vo	1
	Environmental management systems in place for one year or more	No	0%	
Other	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 F	Percentage ('Subtotal 2)	0%
> Repeat Violator (Su	btotal 3)		16. I.S. 740 I.Š.	
No	Adjustment F	Percentage (Subtotal 3)	0%
> Compliance History	Person Classification (Subtotal 7)			
Average Po		Percentage ('Subtotal 7)	0%
> Compliance History	Summary		19 ISN 11.111	
Compliance History Notes	No enhancement due to compliance history is recommended			
•	Total Adjustment Percentage	e (Subtotal	s 2, 3, & 7)	0%



Reg. Ent. Reference No.						The second s	
	Public Water St	трыу				Percent Interest	Years of Depreciation
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Delayed Costs				<u>.</u>			
Equipment			<u>11 8 1 18 18 8</u>	0.00	\$0	\$0	\$0
Buildings			44.0	0.00	\$0	\$0	\$0
Other (as needed)	\$25	8-Nov-2004	14-Dec-2009	<u>5.10</u> 0.00	\$0 \$0	\$9 \$0	\$9 \$0
Engineering/construction			<u> </u>	0.00	\$0 \$0	ə∪ Hataiten/articletic	
Land Record Keeping System				0.00	\$0 \$0	Constant a second	\$0
Training/Sampling				0.00	\$0	n/a #	\$0
Remediation/Disposal				0.00	\$0	n/a de la	\$0
Permit Costs				0.00	\$0	n/a Marte	\$0
Other (as needed)			a set i satisfi	0.00	\$0	Establish n/attender	\$0
	The delaye	d cost includes the	estimated amour			the change in owne	
Notes for DELAYED costs	Executive Dir	ector, calculated fro	om the date the Fa	nt to prov scility sh	vide notification of ould have provide	the change in owne d notice to the date (rship to the of compliance.
Notes for DELAYED costs	Executive Dir	ector, calculated fro	om the date the Fa	nt to prov Icility sh Intering	vide notification of ould have provide Item (except for	the change in owne d notice to the date o one-time avoided c	rship to the of compliance. costs)
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Executive Dir	ector, calculated fro	om the date the Fa	nt to prov Icility sh Intering 0.00 0.00	vide notification of ould have provide item (except for \$0 \$0 \$0	the change in owne d notice to the date of one-time avoided c \$0 \$0 \$0	rship to the of compliance, costs) \$0 \$0 \$0
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Screening Date 1			cket No. 2009-205		PĊŴ
		e, Inc. dba CEFCO Convenier	ce Stores aka CEFC	D Polic	y Revision 2 (September 2002)
Case ID No. 3				F	CW Revision October 30, 2008
Reg. Ent. Reference No. F Media [Statute] F		poly			
Enf. Coordinator					14-18-4-
Violation Number	2				
Rule Cite(s)		30 Tex. Admin. Code § 290).39(e)(1), (e)(3) and (h)(1)	
Violation Description	Director and to construction of	nit plans and specifications for receive written approval of th f a new public water system, submitted to the Executive D construction and operation	e plans and specifical Specifically, plans and irector and no approv	lons prior to beginnin I specifications for the al was obtained prior	9 e
				Base Pena	lty\$1,000
>> Environmental, Property and) Human Hea	alth Matrix			
Release COR: Actual Potential		Harm Moderate Minor	Percent	0%	
				070	
>>Programmatic Matrix					
Falsification	Major x	Moderate Minor	Percent	10%	
				1	
Matrix Notes		100% of the rule requirement	was not met		
			Adjustmen	1 \$S	
			nin alarah kuta kuta kuta kuta kuta kuta kuta kuta	st	
					\$100
Violation Events					
Number of Vio	lation Events		37Number o	f violation days	
mark only one with an x	daily			Violation Base Pena	llty\$100
		Qhe single event is recon	nmendeğ.		
Good Faith Efforts to Comply		0.0% Reduction			\$0
	Extraordinary	Before NOV NOV to EDPRP/Set	Uement Offer		
	N/A	<u>X</u> <u>I(mark with x)</u> The Respondent does not m vic	eet the good faith crit lation.	nia for this	
	•			Violation Subto	stal\$100
Economic Benefit (EB) for this	violation		Statuto	ry Limit Test	
Estimated	I EB Amount	\$376	Viola	tion Final Penalty To	stal \$100
		This violation I	inal Assessed Pena	ity (adjusted for lim	its) \$100
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Case ID No.			Convenience Sid	ires aka	CEFCO 55 (PWS	raciiity)	
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Reg. Ent. Reference No.							Years of
- 11- 1	Public Water Su	ibbiλ				Percent Interest	Depreciation
Violation No.	2	s to Ratification as for 1977.	and an anti-	a de tel trave	en en alle en service		Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs		Streff of Street		5.000.000			
Equipment			1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -	0.00	\$0	\$0	\$0
Buildings			a standard services	0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	3-Nov-2009	30-Nov-2010	1.07	\$18	\$358	\$378
Land	-		· · · · · · · · · · · · · · · · · · ·	0.00	\$0	ar air n/a sin s	\$0
Record Keeping System			· · · · · ·	0.00	\$0 \$0	References in a statistical second	\$0 \$0
Training/Sampling	· · ·			0.00	\$0	a setu nia costa	\$0 \$0
Remediation/Disposal Permit Costs				0.00	\$0 \$0	h Bernn/a 2000	<u>\$0</u> \$0
Other (as needed)				0.00	\$0	Here while the second	\$0
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Notes for DELAYED costs	The delayed o			prepare		s and specifications date of compliance:	
		calculated from th	ne date of the inve	prepare stigation	to the estimated		for the Facility,
Notes for DELAYED costs		calculated from th	ne date of the inve	prepare stigation ntering	to the estimated Item (except for \$0	date of compliance: one-time avoided c \$0	for the Pacility, :0s(s) \$0
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Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]		calculated from th	ne date of the inve	ntering 0.00 0.00 0.00 0.00 0.00 0.00	to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	for the Facility, 50 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		calculated from th	ne date of the inve	ntering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for the Facility, 50 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]		calculated from th	ne date of the inve	ntering 0.00 0.00 0.00 0.00 0.00 0.00	to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date of compliance. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	for the Facility, 50 50 50 50 50 50 50
Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		calculated from th	ne date of the inve	ntering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for the Facility, 505(5) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Screening Date 10-Dec-2009 Docket No. 2009-2057-ML	M-E PGW
Respondent: Fikes Wholesale, Inc. dba CEFCO Convenience Stores aka CEFCO	Policy Revision 2 (September 2002)
Case ID No. 39852 Reg. Ent. Reference No. RN101435261	PCW Revision October 30, 2008
Media [Statute] Public Water Supply	
Enf. Coordinator Rebecca Clausewitz	
Violation Number 3	-
Rule Cite(s) 30 Tex. Admin. Code § 290.43(c), (c)(1), (c)(2), (c)(3), (c)(4), a	ind (c)(5)
Failed to provide a ground storage tank ("GST") that is designed in stric American Water Work Association ("AVWWA") standards. Specifical deficiencies were noted on the date of the investigation: the GST is polyethylene which is not an approved material for potable water tanks, have a roof vent installed, the GST does not have a roof hatch which is in diameter with raised curbing and a lockable cover that overlaps the does not have an overflow pipe and a lockable cover that overlaps the and outlet connections are not located so as to prevent short-circuitin	ly, the following constructed of the GST does not at least 30 inches curbing, the GST id the GST's inlet
	Base Penalty \$1,000
>> Environmental, Property and Human Health Matrix	
Harm Release Major Moderate Minor	t Horard
OR Actual Potential Percent	25%
>>Programmatic Matrix	
Falsification Major Moderate Minor Percent	0%
Matrix Notes Failure to provide a storage tank that meets AWWA requirements could result in custor being exposed to significant amounts of contaminants, which would exceed levels that human health	
Adjustment	\$750
	\$250
	
Violation Events	
Number of Violation Events 2	ation days
daily weekiy	
monthly X	ation Base Penalty \$500
annual single event	
Two monthly events are recommended, calculated from the date of the investigation. No the date of case screening, December 10, 2009.	wember 3, 2009, to
Good Faith Efforts to Comply 0.0% Reduction	\$0
Before NOV NOV to EDPRP/Settlement Offer	
Ordinary	
N/A	
Notes The Respondent does not meet the good faith criteria fr	or this.
	Violation Subtotal \$500
Economic Benefit (EB) for this violation Statutory L	lmit Test
This violation Final Assessed Penalty (a	adjusted for limits) \$500

Case ID No. Reg. Ent. Reference No.				ores aka CE			
Negi Lille Neierenve Nor							
Media Violation No.	Public Water S 3	upply				Percent Interest	Years of Depreciation
						5.0	1
n de la companya de Esta de la companya d	Item Cost	Date Required	Final Date	Yrs li	nterest Saved	Onetime Costs	EB Amount
item Description	No commas or \$		(
and and the state of a subsequent state of the					nananya na uning kalenda daringana		
Delayed Costs					a sa sa sa kala kwa	7 1 1	5
Equipment	Maray selectrati	enziño, este sue este e	ak ke ek ferte e		<u>aan di \$0</u>	\$0	\$Q
Bulidings	<u>Adridit di </u>	la catrila Nova na s	a Salaga paga pala an	0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	<u>3-Nov-2009</u>	31-Jan-2011	1.24	\$8	\$166	\$174
Engineering/construction		and the states		0.00	\$0	\$0	\$0
Land	<u> </u>		i alterna i de for	0.00	\$0	inter de n/autor de	\$0
Record Keeping System				0.00	\$0	skitší n/a i dění	\$0
Training/Sampling				0.00	\$0	Hard Natella	\$0
Remediation/Disposal	ta ante de la tra	and the second second		0.00	\$0	511-2-n/a 🕹 😹 🧈	\$0
Permit Costs	an <u>an</u> sa bha an 1	i a chuir ann ad	a ta ka ta	0.00	\$0	ie s en/a pitesi	\$0
Other (as needed)				0.00	\$0	n/a star	\$0
Notes for DELAYED costs	requi	ements, calculated	from the date of t	the investig	ation to the esti	te Facility that meet mated date of comp	liance.
Avoided Costs		IUALIZE [1] avoid				one-time avoided o	- As As ASA - A Connect of the second second
			Maria di Angela, ant	0.00	\$0	\$0	\$O
Disposal				0.00	\$0 \$0	\$0 80	\$0
Personnel					3-0	\$0	\$0
Personnel Inspection/Reporting/Sampling							
Personnel Inspection/Reporting/Sampling Supplies/equipment				0.00	\$0	\$0 *0	\$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00	\$0 \$0	\$0	\$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.00	\$0 \$0 \$0	\$0 \$0	\$0 \$0
Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.00	\$0 \$0	\$0	\$0

Screening Date			No. 2009-2057-MLM-E	· PCW
	Fikes Wholesale, Inc. dba	CEFCO Convenience St	ores aka CEFCO	Policy Revision 2 (September 2002)
Case ID No	g			PCW Revision October 30, 2008
Reg. Ent. Reference No	21			
	Public Water Supply Rebecca Clausewitz			
Violation Number	×			
Rule Cite(s	2.3 abo _ nimbe vaT 0.6	90 45/d)(2)(B)(0) and Te	Health & Safety Code § 341	0315/0
	Contraction of the second seco			
Violation Description	date of the investigation,	it was noted that the Fac	ity of 220 gallons. Specificall Illity has one 120 gallon press n pressure tank capacity.	
			Bas	e Penalty \$1,000
>> Environmental, Property a	nd Human Health Mat	rix		
	Harm			
OR Actua	7	Minor		
Potentia			Percent 10%	
>>Programmatic Matrix	Maiar Madarata	Minor		
Falsification	Major Moderate	Minor	Percent 0%	
		Contraction (Contraction)		
			could be experienced and cu	
Notes the Facility of		nt amounts of contaminar protective of human healt	ns, which would not exceed le	ivels that
			Adjustment	\$900
				i
				\$100
Violation Events				
Number of \	/iolation Events		Number of violation day	/S
mark only one with an x	daily		Violation Bas	se Penalty \$100
One duartern	event is recommended ca	culated from the date of	the Investigation, November 3	. 2009. to
		ase screening, Decembe		na cruzenta na presidente da la compositiva da la compositiva da la compositiva da la compositiva da la composi En este da la compositiva da la composit En este da la compositiva da la composit
	AND A MARKED A CLASSICAL CONTRACTOR AND A CLASSICAL AND A CLASSICAL AND A CLASSICAL AND A CLASSICAL AND A CLASS		and dates of the second states of the	
Good Faith Efforts to Comply		% Reduction		\$0
	Before NOV Extraordinary	NOV to EDPRP/Settlement	t Offer	
	Ordinary			
	N/A	(mark with x)		1
	Notes The Resp	condent does not meet th violation	e good faith criteria for this	
			Violatio	n Subtotal \$100
Economic Benefit (EB) for th	sviolation		Statutory Limit Te	
Estimat	ed EB Amount	\$218	Violation Final Per	nalty Total \$100
		This violation Final	Assessed Penalty (adjusted	for limits) \$100

	E	conomic E	Benefit W	orks	heet		
Respondent	Fikes Wholesal	e, Inc. dba CEFCO	Convenience Sto	ores aka	CEFCO 55 (PWS	Facility)	1
Case ID No.		• • • • • •				**	
Reg. Ent. Reference No.							
	Public Water S	unaly					Years of
Violation No.		арраз				Percent Interest	Depreciation
VIOIALIOII NO.	ч 					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			a 1940 1934.	1. (ashaan ahaan talan	
Delayed Costs				<u>E manak</u>			
Equipment	\$2,500	3-Nov-2009	31-Jan-2011	1.24	\$10	\$207	\$218
Buildings	- se e 1. 1. 1. 1		ta di Kabupatèn	0.00	\$0	\$0	\$0
Other (as needed)			and the first of	0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land			· · · · · · · · · · · · · · · · · · ·	0.00	\$0	hit n/a	\$0
Record Keeping System		-		0.00	\$0 \$0	n/a	\$0 \$0
Training/Sampling Remediation/Disposal			· · · · · ·	0.00	\$0	n/a	\$0 \$0
Permit Costs				0.00	\$0 \$0	No. No. No.	\$0
Other (as needed)		{		0.00	\$0	n din n/a si sual	\$0
Notes for DELAYED costs						Iditional 120 gallon nated date of compli	
Avoided Costs	ANN	IUALIZE [1] avoide	d costs before e	intering.	item (except for	one-time avolded o	osts)
Disposal			Anglah ang sa	0,00	\$0	\$0	\$0
Personnel		ada santa da da da da	and first states	0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment			<u>Argenetas entres</u> t Terrest	0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs [3]	<u> </u>			0.00	\$U \$0	\$0 \$0	ຸ່ວຍ \$0
Other (as needed)	<u>teri interiore</u> Este fonte de la serie	<u>i lenia da de la terra de la elle</u> Esta de Ballación de la suato de					40
Notes for AVOIDED costs							

Screening Date	10-Dec-2009	Docket No.	2009-2057-MLM-E	PGW
	Fikes Wholesale, Inc. dba CEF	CO Convenience Stores a		cy Revision 2 (September 2002)
Case ID No.			ş	CW Revision October 30, 2008
Reg. Ent. Reference No. Media (Statute)	Public Water Supply			
Enf. Coordinator				
Violation Number	5			
Rule Cite(s)	30 T	ex. Admin, Code § 290,41	(c)(3)(A)	A Contraction of the second se
Violation Description	Failed to submit a copy of the	well completion data to the ve Director prior to placing	Commission and obtain appro	val
		re Directol prior to placing	ure weil into service.	
	a second and a second and a second and a second and			
•			Base Pena	aity \$1,000
			Dase Felle	aty 01,000
>> Environmental, Property an			a Beller Benefit Anton State (1999) 1973	v þur i ur í tir ti
Release	Harm Major Moderate	Minor		Annual and the second se
OR Actual				
Potential			Percent 0%	
>>Programmatic Matrix			Į	
Falsification	Major Moderate	Minor		
	A CARACTER AND A CARACTER		Percent 10%	
			· · · · · · · · · · · · · · · · · · ·	
Matrix	100% of them	ule requirement was not m	et	
Notes				
			Adjustment \$	900
				\$100
Violation Events				
Violation Expires				
Number of V	iolation Events	37	Number of violation days	
	daily			
	weckly			
mark only one	monthly			
with an x	quarterly semiannual		Violation Base Pen	alty \$100
	annual			
	single event x			
	One singl	e event is recommended		
Good Faith Efforts to Comply	0.00/B	Reduction		\$0
Soud and Enorts to Somply	and the second	NOV to EDPRP/Settlement Offer		
	Extraordinary			
		mark wilh x)	·····	
	Notes The Respond	dent does not meet the got	od faith criteria for this	
		violation.		
			Violation Subl	otal \$100
				
Economic Benefit (EB) for this	s violation		Statutory Limit Test	
Estimate	ed EB Amount	\$75]	Violation Final Penalty T	otal \$100
			-	
		I his violation Final Asse	ssed Penalty (adjusted for lin	nus)[\$100

	Fikes Wholesal	e, Inc. dba CEFCO	Senefit W Convenience Sto		where the second s	Facility)	
Case ID No.							
Reg. Ent. Reference No. Media Violation No.	Public Water S	upply				Percent Interest	Years of Depreciation
VIOIALIOII INO.	u Antonio filo		5. 1 .1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	5		5.0	- 1 - 1
	item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							· · · · · · · · · · · · · · · · · · ·
Equipment			a daga barang dang sab	0.00	\$0	\$0	\$0
Buildings				0,00	\$0	\$0	\$Q
Other (as needed)	\$1,000	3-Nov-2009	30-Nov-2010	1.07	\$4	\$72	\$75
Engineering/construction				0.00	\$0	\$0	\$0
Land		and the states	a sha tati u	0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a -	\$0
Training/Sampling				0,00	\$0	i est n/an est	\$0
Remediation/Disposal	<u> </u>			0.00	\$0	as an international second	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	ia in an	\$0 \$0
l l l l l l l l l l l l l l l l l l l							
Notes for DELAYED costs	The delayed (well completion d e estimated date o	ata to the Commiss of compliance.	ion, calculated
		from the dat	e of the investigal	ion to th	e estimated date o	of compliance.	
Avolded Costs		from the dat	e of the investigal	ion to th intering	e estimated date o	of compliance. one-time avoided c	
		from the dat	e of the investigal	ion to th Intering	e estimated date o Item (except for \$0	of compliance. one-time avoided c \$0	osts) \$0
Avoided Costs Disposal		from the dat	e of the investigal	ion to th intering	e estimated date o	of compliance. one-time avoided c	
Avoided Costs Disposal Personnel		from the dat	e of the investigal	ion to th ntering 0.00 0.00	e estimated date o item (except for \$0 \$0	one-time avolded c \$0 \$0	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		from the dat	e of the investigal	ion to th ntering 0.00 0.00	e estimated date o Item (except for \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		from the dat	e of the investigal	ion to th ntering 0.00 0.00 0.00 0.00	e estimated date c item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	0s(s) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance (2)		from the dat	e of the investigal	ion to th ntering 0.00 0.00 0.00 0.00 0.00	e estimated date c item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	05t5) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		from the dat	e of the investigal	ion to the ntering 0.00 0.00 0.00 0.00 0.00 0.00	e estimated date c item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	0\$t\$) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Screening Date		Docket No. 2009		PCW
		EFCO Convenience Stores aka C	EFCO	Policy Revision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.	3			PCW Revision October 30, 2008
	Public Water Supply			
Enf. Coordinator			·	
Violation Number	<u> </u>			
Rule Cite(s)	30	Tex. Admin. Code § 290.41(c)(3)	(0)	

	Failed to provide an intruder	-resistant fence around the well s	te. Specifically, on the	edate
Violation Description		oted that that the top of the fence		nds of
	parbed wire extendi	ng out from the top of the fence a	r a 45 degree angle,	
			de Territoria	<u>ety an fil</u>
			Base P	enaity \$1,000
>> Environmental, Property ar	rd Human Health Matrix			
	Harm	•		
Release OR Actual		Minor		
Potential		Perc	ent 10%	
>>Programmatic Matrix	Maine Madavata	Min or		
Falsification	Major Moderate	Minor Perc	ent 0%	
		him the final of the first of t		
		e could make the Facility vulnera		
Notes Customers to		unts of contaminants, which woul ctive of human health	d not exceed levels the	aleare
NEAR AND				
		Adjus	iment	\$900
				\$100
	Analaine (A Analaine) an		an Katharan Van Kalan Mara - Persanan	annan agani
Violation Events				
Number of V	iolation Events	Num	ber of violation days	
			·	
	daily weekly			
	monthly			
mark only one with an x	quarterly x		Violation Base P	enalty \$100
	semiannual			
	single event			
]] 				
One quarterly		lated from the date of the investig	ation, November 8, 20	09, to
	the date of case	e screening, December 10, 2009.	<u>a da anti-</u> arte	
Cond Falls Flight Const		0		
Good Faith Efforts to Comply	Before NOV	Reduction NOV to EDPRP/Settlement Offer		\$0
	Extraordinary			
	Ordinary			1
	N/A	(mark with x)		
	Notes The Respon	ident does not meet the good fait	n criteria for this	
		violation.		
	· · · · · · · · · · · · · · · · · · ·		Violation St	ubtotal \$100
				4100 4100
Economic Benefit (EB) for the	a violation	Sta	tutory Limit Test	
Estimate	ed EB Amount	\$29	/lolation Final Penalty	y Total \$100
		This violation Final Assessed	Penalty (adjusted for	limits) \$100

Resundent	Ellena Miholossa	conomic le, Inc. dba CEFCC	Birborotii odeiddd Staid		de la caracteri (constante de la constante de	esperation de 1824 2 Ecollina	Hereit an
· · · · · · · · · · · · · · · · · · ·		e, ing. upa deput	Convenience Sto	леѕака		raulity)	
Case ID No.	:						
Reg. Ent. Reference No.	(
	Public Water S	upply				Percent Interest	Years of
Violation No.	6	an a	a				Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$				and a second of		
				a an s	i ka malanjis dengar tesp	and a state of the state of the states	
Delayed Costs					na Malantinaka ka Balila. Bada basa kata sa Balila		
Equipment				0.00	\$0	\$0	\$0
Buildings			olema et interest.	0.00	\$0	\$0	\$0
Other (as needed)	\$500	3-Nov-2009	31-Aug-2010	0.82	\$1	\$27	\$29
Engineering/construction		nt in an and		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	<u>\$0</u>	all are n/are the	\$0
Training/Sampling				0.00	\$0	Part in/astron	\$0
Remediation/Disposal				0.00	\$0	≠ir in en/a d	\$D
Permit Costs Other (as needed)	ļ			0.00	\$0 \$0	History n/attest	\$0
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		and the second second second	0.00	↓ ↓ ↓ ↓	a a a an /a a sa a sa	\$0
Calci (no noonea)			<u>landraan tarr</u> Tarris Kana	<u></u>	1 90	<u> </u>	\$0
	The delayed	cost includes the e	stimated amount I			Mala a chana Mala a chana	
Notes for DELAYED costs	The delayed			o install	three strands of b	arbed wire on the top date of compliance.	
	The delayed			o install	three strands of b	arbed wire on the top	
Notes for DELAYED costs		calculated from th	e date of the inve	o install stigation	three strands of b to the estimated	arbed wire on the top date of compliance.	o of the fence,
Notes for DELAYED costs		calculated from th	e date of the inve	o install stigation	three strands of b to the estimated	arbed wire on the top	o of the fence,
Notes for DELAYED costs		calculated from th	e date of the inve	o install stigatior	three strands of b to the estimated Item (except for	arbed wire on the top date of compliance. one-time avoided c	o of the fence, osts)
Notes for DELAYED costs Avoided Costs Disposal		calculated from th	e date of the inve	o install stigatior ntering	three strands of b to the estimated Item (except for \$0	arbed wire on the to date of compliance, one-time avoided c \$0	o of the fence, osts) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel		calculated from th	e date of the inve	o install stigation ntering 0.00 0.00 0.00	three strands of b to the estimated Item (except for \$0 \$0 \$0 \$0	arbed wire on the to date of compliance. one-time avoided c \$0 \$0 \$0 \$0	o of the fence; osts) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		calculated from th	e date of the inve	o install stigation ntering 0.00 0.00 0.00 0.00	three strands of b to the estimated Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	arbed wire on the to date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	o of the fence; osts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Porsonnel Inspection/Reporting/Sampling Supplies/equipment		calculated from th	e date of the inve	o Install stigation 0.00 0.00 0.00 0.00 0.00 0.00	three strands of b to the estimated Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	arbed wire on the to date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	o of the fence, sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		calculated from ti	e date of the inve	o install stigation ntering 0.00 0.00 0.00 0.00	three strands of b to the estimated Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	arbed wire on the to date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	o of the fence, sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		calculated from ti	e date of the inve	o Install stigation 0.00 0.00 0.00 0.00 0.00 0.00	three strands of b to the estimated Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	arbed wire on the to date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	o of the fence, sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		calculated from ti	e date of the inve	o Install stigation 0.00 0.00 0.00 0.00 0.00 0.00	three strands of b to the estimated Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	arbed wire on the to date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	o of the fence, sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		calculated from ti	e date of the inve	o Install stigation 0.00 0.00 0.00 0.00 0.00 0.00	three strands of b to the estimated Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	arbed wire on the to date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	o of the fence, sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		calculated from ti	e date of the inve	o Install stigation 0.00 0.00 0.00 0.00 0.00 0.00	three strands of b to the estimated Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	arbed wire on the to date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	o of the fence, sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		calculated from ti	e date of the inve	o Install stigation 0.00 0.00 0.00 0.00 0.00 0.00	three strands of b to the estimated Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	arbed wire on the to date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	o of the fence, sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	10-Dec-2009 Docket No. 2009-2057-MLM-E	PGW
		Policy Revision 2 (September 2002)
Case ID No.		PCW Revision October 30, 2008
Reg. Ent. Reference No.		
	Public Water Supply	
Enf. Coordinator	Rebecca Clausewitz	
Violation Number		
Rule Cite(s)	30 Tex. Admin. Code § 290:43(f)	
		- CONSTRUCTION
Violation Description	Failed to provide an automatic low water level cutoff device on each of the Facility's	two
Violation Description	service pumps that take suction from the storage tank.	-929-19 -929-19
	Base Pe	enalty \$1,000
		situley \$1,000
>> Environmental, Property ar	d Human Health Matrix	
	Harm	
Release OR Actual	Major Moderate Minor	
OR Actual Potential	Percent 10%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	Percent 0%	
Failure to pro	ovide an automatic cutoff device could result in damage to the service pumps which co	bluc a
Matrix Notos	shortages or outages. As a result, customers could be exposed to significant amount	
Notes	intaminants which would not exceed levels that are protective of human health.	
Australian and Anna Anna Anna Anna Anna Anna Ann		- 1997, - 12
	Adjustment	\$900
		\$100
		1 3100
Violation Events		new policie de la constance de
	2 Number of violation days	3
develo reve	daliy weekly	
10.11.11.11.11.11.11.11.11.11.11.11.11.1	monihiy	
mark only one	quarterly Violation Base P	enalty \$200
with an x	semiannual	
	annual	
	single event later as a sea	
Two qua	rterly events are recommended (one event per pump), calculated from the date of the	
Inve	stigation, November 3, 2009, to the date of case screening, December 10, 2009.	
Good Faith Efforts to Comply	0.0% Reduction	\$0
	Before NOV NOV to EOPRP/Settlement Offer	2010-00-00-00-00-00-00-00-00-00-00-00-00-
	Extraordinary	
	Ordinary	
	N/A	
	The Respondent does not meet the good faith criteria for this	
	Notes	
	<u>, per el constructur de la constructur</u>	are stated at
	Violation Su	ıbtotal \$200
Economic Benefit (EB) for this	s violation Statutory Limit Test	
Estimate	d EB Amount \$23 Violation Final Penalty	/ Total \$200
	This violation Final Assessed Penalty (adjusted for	limits) \$200

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		conomic l	Benefit W	orks	sheét		
Respondent	Fikes Wholesa	le, Inc. dba CEFCO	Convenience Sto	ores aka	CEFCO 55 (PWS	Facility)	4- (3) - 77 (12) (2) (2) (2) (2) (2)
Case ID No.							
Reg. Ent. Reference No.							
	Public Water S	upply				Percent Interest	Years of
Violation No.	7	a station and a second second second					Depreciation
						5,0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commer or \$				n an		
tom posstipavit	No commas or e					19.729.dodo	149-119499.2011.0214
Delayed Costs		e a company a superior de la superior de la s		340203.a	4		LALINGOLD CAL
Equipment	\$300	3-Nov-2009	30-Nov-2010	1.07	\$1	\$21	\$23
Buildings	an garana ang tagan			0.00	\$0	\$0	\$0
Other (as needed)	a de la compañía de la	fan in seat	and part of the	0.00	\$0	\$0	\$0
Engineering/construction			1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 -	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System			and a strange of	0.00	\$0	stastan/a su∠.	\$0
Training/Sampling				0.00	\$0	a a sin a sa si	\$0
Deves all all and Diversion of the							
Remediation/Disposal				0.00	\$0	HISCERN/access	\$0
Permit Costs				0.00	\$0	ativan/a∉£ ∉	\$0
Permit Costs				0.00	\$0 \$0	a v Nin/as s n/a	\$0 \$0
Permit Costs	The delayed c			0.00 0.00	\$0 \$0 e and install cutofi	devices on the two	\$0 \$0
Permit Costs Other (as needed)	The delayed c			0.00 0.00	\$0 \$0 e and install cutofi	a v Nin/as s n/a	\$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs		calculated from th	e date of the inve	0.00 0.00 purchas stigation	\$0 \$0 e and install cutof to the estimated (devices on the two date of compliance.	\$0- \$0 service pumps,
Permit Costs Other (as needed)		calculated from th	e date of the inve	0.00 0.00 purchas stigation	\$0 \$0 e and install cutofi to the estimated item (except for	devices on the two date of compliance.	\$0 \$0 service pumps, osts)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal		calculated from th	e date of the inve	0.00 0.00 purchas stigation ntering 0.00	\$0 \$0 e and install cutofi to the estimated item (except for, \$0	devices on the two date of compliance.	\$0 \$0 .service pumps, osts) \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel		calculated from th	e date of the inve	0.00 0.00 purchas stigation ntering 0.00 0.00	\$0 \$0 e and install cutof to the estimated item (except for \$0 \$0	devices on the two date of compliance.	\$0 \$0 .service pumps, .osts) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		calculated from th	e date of the inve	0.00 0.00 purchas stigation ntering 0.00 0.00	\$0 \$0 e and install cutofito to the estimated item (except for, \$0 \$0 \$0	devices on the two rate of compliance.	\$0 \$0 .service pumps, (osts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	calculated from th	e date of the inve	0.00 0.00 purchas stigation ntering 0.00 0.00 0.00	\$0 \$0 e and install cutofi to the estimated of item (except for \$0 \$0 \$0 \$0	active n/active n/active f devices on the two date of compliance: one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0- \$0 service pumps, sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	calculated from th	e date of the inve	0.00 0.00 purchas stigation ntering 0.00 0.00 0.00	\$0 \$0 e and install cutofit to the estimated of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	a contract of compliance.	\$0 \$0 service pumps, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	calculated from th	e date of the inve	0.00 0.00 purchas stigation 0.00 0.00 0.00 0.00 0.00	\$0 \$0 e and install cutof to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	devices on the two date of compliance.	\$0 \$0 .service pumps, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	calculated from th	e date of the inve	0.00 0.00 purchas stigation ntering 0.00 0.00 0.00	\$0 \$0 e and install cutofit to the estimated of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	a contract of compliance.	\$0 \$0 service pumps, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	calculated from th	e date of the inve	0.00 0.00 purchas stigation 0.00 0.00 0.00 0.00 0.00	\$0 \$0 e and install cutof to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	devices on the two date of compliance.	\$0 \$0 .service pumps, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	calculated from th	e date of the inve	0.00 0.00 purchas stigation 0.00 0.00 0.00 0.00 0.00	\$0 \$0 e and install cutof to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	devices on the two date of compliance.	\$0 \$0 .service pumps, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	calculated from th	e date of the inve	0.00 0.00 purchas stigation 0.00 0.00 0.00 0.00 0.00	\$0 \$0 e and install cutof to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	devices on the two date of compliance.	\$0 \$0 .service pumps, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	calculated from th	e date of the inve	0.00 0.00 purchas stigation 0.00 0.00 0.00 0.00 0.00	\$0 \$0 e and install cutof to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	devices on the two date of compliance.	\$0 \$0 .service pumps, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	calculated from th	e date of the inve	0.00 0.00 purchas stigation 0.00 0.00 0.00 0.00 0.00	\$0 \$0 e and install cutof to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	devices on the two date of compliance.	\$0 \$0 .service pumps, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	calculated from th	e date of the inve	0.00 0.00 purchas stigation 0.00 0.00 0.00 0.00 0.00	\$0 \$0 e and install cutof to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	devices on the two date of compliance.	\$0 \$0 .service pumps, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	10-Dec-2009	Docket No	2009-2057-MLM-E	PCW
		CEFCO Convenience Stores	aka CEFCO Po	licy Revision 2 (September 2002)
Case ID No.				PCW Revision October 30, 2008
Reg. Ent. Reference No.				
Enf. Coordinator	Public Water Supply			
Violation Number				
Rule Cite(s)				- <u></u>
(-,		30 Tex. Admin, Code § 290 4	1(c)(3)(B)	e la
	i angene e celenar e gener e en el altre el mando manen e calo do mo			* *
			of 18 inches above the elevation	
Violation Description			d surface. Specifically, on the ie inches above the natural gro	
		surface.		
				. HAR
2			Base Per	nalty\$1,000
>> Environmental, Property an	d Human Health Mat	rix		
	Harm			
Release	Major Moderate	<u>[]</u>		
OR Actual Potential			Percent 10%	
Potential	Carlinder Preside Landstark (* 1	al transfatt Catal	Percent 10%	
>>Programmatic Matrix			2	
Falsification	Major Moderate	Minor		
			Percent 0%	
				·····
			inants to enter the well, exposir	
Notes Customers to) significant amounts of con	itaminants which would not ex human health.	ceed levels that are protective	01
			Adjustment	\$900
	na an an ann ann ann an an an an ann an			
				\$100
Violation Events				
(* 1919) and the second se		initiaine na marante an teo a tao aireo e na au tao anni a tao dalaichtean di dad di	_	Accession of the second s
		37	Number of violation days	
	daliy weekiy			
	monthly			
mark only one with an x	quarterly x		Violation Base Pe	nalty \$100
into Bri A	semiannual			-
	annual			
	single event	<u></u>		
		Carles and the first state of the second		
One quarterly		lculated from the date of the i ase screening, December 10	nvestigation, November 3, 2009	i, to
	ine date di c	ase screening, Decemper 10	2009.	
Good Faith Efforts to Comply	0.0 Before NOV	% Reduction / NOV to EDPRP/Settlement Offer		\$0
	Extraordinary			
	Ordinary	And Andreas and Antonio and		
	N/A	(mark with x)		
	The Ree	pondent does not meet the go	ad failh antais for this	
	Notes	violation.		
	and the second	<u>in a state a s</u>	ling a sourcement of dealers with the	
			Violation Sub	total \$100
	an a			¢100
Economic Benefit (EB) for this	violation		Statutory Limit Test	
Estimate	d EB Amount	\$75	Violation Final Penalty	Total \$100
		This violation Final Ass	essed Penalty (adjusted for li	mits)\$100

	E	conomic l	Benefit W	orks	sheet		
المراجع المتعالم المراجع والمسوية المعام والمتعار ومناصب والمتعاري وتقوم وتراجع والمتعار والمتعار		e, Inc. dba CEFCC	Convenience Sto	res aka	CEFCO 55 (PWS	Facility)	an ann an tarr chailte ann ann ann an tarr ann ann ann ann ann ann ann ann ann
Case ID No.							
Reg. Ent. Reference No.		unate					Years of
	Public Water St	ирру				Percent Interest	Depreciation
Violation No.	8	General Angeles and a second second	an in the second	ar do la Ala	a "- per functional constant agénese.		Deblecianou
						5.0	15
na za zavana kaza na zavala zavana zavan Na wale wale wale zavana za	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
the bit is done in the bit of the second state of			an in energenere gene				
Delayed Costs	H. MARY MARKED AND A STREET		vilue serie in the rest of the series of the	1.4.2			
Equipment				0.00	\$0	\$0	\$Q
Buildings		at Martin and a second		0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	3-Nov-2009	30-Nov-2010	1.07	\$4	\$72	\$75
Engineering/construction				0.00	\$0	\$0	\$0
Land		ma Anna ann an Araig		0.00	\$0	n/a dina	\$0
Record Keeping System				0.00	\$0	izeran ≤n/a ¥tors.	\$0
Training/Sampling				0.00	\$0	and en/ait whi	\$0
Remediation/Disposal	Na sha sa			0.00	\$0	a da nia da s	\$0
Permit Costs	and the second	anda indiata indiat		0.00	\$0	salaksan/asalaks	\$0
Other (as needed)				0.00	\$0	a n/a n/a	\$0
Notes for DELAYED costs		calculated from th	e date of the inve	stigation	to the estimated o	nimum of an addition late of compliance.	
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e			one-time avoided o	
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	<u>\$0</u>	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	<u> \$U</u>	<u>i ⊅0 1</u>	<u>۵</u> ۵
Notes for AVOIDED costs							
Approx, Cost of Compliance		\$1,000			TOTAL		\$75

	te 10-Dec-2009	Docket No: 2009-2057-MLM-E	E STANDARD STANDARD
		e, Inc. dba CEFCO Convenience Stores aka CEFCO	Policy Revision 2 (September 2002)
Case ID I Reg. Ent. Reference I	and and any		PCW Revision October 30, 2008
	tel Public Water Su	uoniv	
and a second sec	or Rebecca Clause		
Violation Num	ber 9	····	
Rule Cit	(S)	30 Tex: Admin. Code § 290.41(c)(3)(K)	
		e that the wellhead is sealed with a gasket or sealing compo vent is provided that is properly elevated, faces downwards,	
Violation Descrip	ion opening that is o	covered with a 16-mesh or finer corrosion-resistant screen,	Specifically, on
	the date of the	Investigation, it was noted that there was no seal around the there was no well casing vent provided.	wellhead and
		Utile was no well cashing vent provided.	
			Base Penalty \$1,000
Environmental, Property	and Human He	iaith Matrix. Harm	
Rele	ase Major	Moderate Minor	
	tual		
Pote	ntial	Percent 1	10%
Programmatic Matrix			10
Falsificati	on Major	Moderate Minor	
		Percent	0%
Fallure	to have the wellhead	d sealed and a well casing vent provided could result in custo	mars baino.
Maulx exposer		its of contaminants, which would not exceed levels that are	
Notes		human health.	
			1000
		Adjustment	\$900
		Adjustment	\$900] \$100
Nation Events		Adjusument	
plation Events		Adjustment	
, NEE EEN TEENSTEREEN TE KONDERFERENDE HET TE KENERE BEERE EN TE HET BEREITE DE SENERE HET BEREITE DE SENERE F	of Violation Events		
, NEE EEN TEENSTEREEN TE KONDERFERENDE HET TE KENERE BEERE EN TE HET BEREITE DE SENERE HET BEREITE DE SENERE F		Number of violatio	
n den ziel en gezeinen einen der Herbereinen einen	daily		
Number	daily Weekly monthly	Number of violatio	
an a sa s	daliy weekly monthly quarterly	Number of violatio	
Number mark only c	daily weekly monthly quarterly semiannual	Number of violatio	
Number mark only c	daily weekly monthly quarterly semianoval	Number of violatio	
Number mark only c with an x	daily (weekly (monthly) quarterly (semiannual) annual (single event (Number of violatio	n days n Base Penalty \$100
Number mark only c with an x	daily weekly monthly quarterly semiannual annual single event enly event is recomm	37 Number of violation x Violation x Violation x Violation	n days n Base Penalty \$100
Number mark only c with an x	daily weekly monthly quarterly semiannual annual single event enly event is recomm	Number of violatio	n days n Base Penalty \$100
Number mark only o with an x One-quar	daily weekly quarterly semiannual annual single event enty event is recomm	37 Number of violation xx Violation xx Violation ended, calculated from the date of the investigation, Novem e date of case screening, December 10, 2009.	s100 n days n Base Penalty \$100
Number mark only o with an x One-quar	daily weekly quarterly semiannual annual single event enty event is recomm	37 Number of violation 37 Number of violation xx Violation xx Violation ended, calculated from the date of the Investigation, Novem e date of case screening, December 10, 2009. 0.0% Reduction	n days n Base Penalty \$100
Number mark only o with an x One:quar	daily weekly quarterly semiannual annual single event enty event is recomm	37 Number of violation xx Violation xx Violation ended, calculated from the date of the investigation, Novem e date of case screening, December 10, 2009.	s100 n days n Base Penalty \$100
Number mark only o with an x One:quar	dally weekly monthly quarterly semiannual annual annual single event etly event is recomm the	37 Number of violation 37 Number of violation xx Violation xx Violation ended, calculated from the date of the Investigation, Novemer e date of case screening, December 10, 2009. 0.0% Reduction Before NOV NOV to EDPRPr/Settlement Offer	s100 n days n Base Penalty \$100
mark only c with an x	ettraordinary	37 Number of violation 37 Number of violation xx Violation xx Violation ended, calculated from the date of the Investigation, Novemer e date of case screening, December 10, 2009. 0.0% Reduction Before NOV NOV to EDPRPr/Settlement Offer	s100 n days n Base Penalty \$100
Number mark only o with an x One quar	etly event is recommendations of the second	37 Number of violatio x Violation x Violation violation Violation e date of case screening, December 10, 2009 Novem e date of case screening, December 10, 2009 Novem Before NOV NOV to EDPRP/Settlement Offer	\$100 in days n Base Penalty \$100 jber 3, 2009, to \$0
Number mark only o with an x One quar	etly event is recommendations in the second	37 Number of violation x Violation x Violation e date of case screening, December 10, 2009; 0.0% Reduction; Before NOV NOV to EDPRP/Settlement Offer x (mark with x)	\$100 in days n Base Penalty \$100 jber 3, 2009, to \$0
Number mark only o with an x One quar	etly event is recommendations of the second	Solution Solution	\$100 in days n Base Penalty \$100 jber 3, 2009, to \$0
Number mark only o with an x One-quar	etly event is recommendations of the second	Solution Solution	\$100 in days n Base Penalty \$100 jber 3, 2009, to \$0
Number mark only o with an x One:quar	anvial single event bly Extraordinary Ordinary N/A	Solution Solution	\$100 n days n Base Penalty ber 3, 2009, to \$0 \$0 station Subtotal
Number mark only o with an x One quar ood Faith Efforts to Com	bly Extraordinary Ordinary Single event Extraordinary N/A Notes	37 Number of violation 37 Number of violation x violation x violation e date of case screening. December 10, 2009; Novem e date of case screening. December 10, 2009; Novem e date of case screening. December 10, 2009; Novem x (mark with x) The Respondent does not meet the good faith criteria for the violation. Violation Violation.	\$100 n days n Base Penalty \$100 ber 3, 2009, to \$0 is lation Subtotal \$100 it Test
Number mark only o with an x One quar od Faith Efforts to Com	anvial single event bly Extraordinary Ordinary N/A	37 Number of violation 37 Number of violation x violation x violation e date of case screening. December 10, 2009; Novem e date of case screening. December 10, 2009; Novem e date of case screening. December 10, 2009; Novem x (mark with x) The Respondent does not meet the good faith criteria for the violation. Violation Violation.	\$100 n days n Base Penalty ber 3, 2009, to \$0 \$0 station Subtotal

	Fikes Wholesal	e, Inc. dba CEFCC	Convenience Sto	ores aka	CEFCO 55 (PWS	6 Facility)	
Case ID No.		-,					
Reg. Ent. Reference No.							
	Public Water St	unoly					Years of
Violation No.		abbit				Percent Interest	Depreciation
Y IVIALIUIT IND.	<i></i>	12 1		i i de bite	Hereichen alt switch Later an		1. 1997 Stelet 21. 4889 (1997
	an a			a si ja na si		5.D	15
	item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		en til sogt stadssov være	iz Artik u A	Taillin, 199 Jul 199 Aug	CANDE 1811, 121-3-1141	
Delaved Costs	OPTAQUETA SECTION	Ang an Ang Ang Ang Ang Ang Ang Ang Ang Ang An		gan ar i			
Equipment		an a	teres de catalactada	0.00	\$0	\$0	\$0
Buildings	atter en greeke	at at some state og størtag	ed e Aldadije	0.00	\$0	\$0	\$0
Other (as needed)	1			0.00	\$0	\$0	\$0
Engineering/construction	\$500	3-Nov-2009	31-Aug-2010	0.82	\$1	\$27	\$29
Land				0.00	\$0	Detail (n/a 2012)	\$0
Record Keeping System				0.00	\$0 \$0	inistriania Nata≢n/ari⊄inis	\$0 \$0
Training/Sampling Remediation/Disposal				0.00	\$0 \$0	Here and n/a discussion	<u> </u>
Permit Costs				0.00	\$0		<u> </u>
L DI IIII ODATA							
Other (as needed)	The delayed o	includes the es	limated amount to	0.00	\$0		\$0
Other (as needed) Notes for DELAYED costs	The delayed c		limated amount to te of the investigat	0.00 seal the	weilhead and to	nstall a well casing v	\$0
		from the da	te of the investigat	<u>0.00</u> seal the jon to th	wellhead and to e estimated date (nstall a well casing v	\$0 vent, calculated
Notes for DELAYED costs		from the da	te of the investigat	0.00 seal the ion to the ntering	weilhead and to e estimated date o item (except for \$0	install a well casing v of compliance, one-time avoided c \$0	\$0 vent, calculated osts) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel		from the da	te of the investigat	0.00 seal the ion to th ntering 0.00	e weilhead and to e estimated date (item (except for \$0 \$0	Install a well casing v of compliance, one-time avoided c \$0 \$0	\$0 vent, calculated sosts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		from the da	te of the Investigat ed costs before e	0.00 seal the ion to the ntering 0.00 0.00 0.00	weilhead and to e estimated date (item (except for \$0 \$0 \$0	istation of the second	\$0 vent, calculated :osts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		from the da	te of the Investigat ed costs before e	0.00 seal the ion to the ntering 0.00 0.00 0.00 0.00	e weilhead and to e estimated date (item (except for \$0 \$0 \$0 \$0 \$0	istall a well casing v of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 vent, calculated sosts) \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	from the da	te of the Investigat ed costs before e	0.00 seal the ion to the ntering 0.00 0.00 0.00 0.00	e estimated and to e estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Install a well casing v of compliance, one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 vent, calculated \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		from the da	te of the Investigat ed costs before e	0.00 seal the ion to the ntering 0.00 0.00 0.00 0.00 0.00	weilhead and to e estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Install a well casing v of compliance, one-time avolded c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 vent, calculated \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	from the da	te of the Investigat ed costs before e	0.00 seal the ion to the ntering 0.00 0.00 0.00 0.00	e estimated and to e estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Install a well casing v of compliance, one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 vent, calculated \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	from the da	te of the Investigat ed costs before e	0.00 seal the ion to the ntering 0.00 0.00 0.00 0.00 0.00	weilhead and to e estimated date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	Install a well casing v of compliance, one-time avolded c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 vent, calculated \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

•

Screening Date	10-Dec-2009 Docket No. 2009-2057-MLM-E	PCW
	Fikes Wholesale, Inc. dba CEFCO Convenience Stores aka CEFCO	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision October 30, 2008
Reg. Ent. Reference No.		
Media [Statute] Enf. Coordinator		
Violation Number		
Rule Cite(s)	30 Tex: Admin. Code § 290.46(h)	
	30 Tex Adillii. Code 9 230/40(1)	
	Failed to maintain a supply of calcium hypochlorite on hand for use when making	repairs to
Violation Description	the Facility.	2017 78 (201 20 - Congress
		<u>ua ditta</u>
	Ba	se Penalty \$1,000
		· · · · · · · · · · · · · · · · · · ·
>> Environmental, Property an		
Release	Harm Major Moderate Minor	
OR		
Potential	x Percent 10%	
>>Programmatic Matrix Falsification	Major Moderate Minor	
rasincauon	Major Moderate Minor Percent 0%	
Without calci	Im hypochlorite on hand, repairs made to the Facility may not be properly disinfe	cted and
	ld be exposed to significant amounts of contaminants, which would not exceed I	
	are protective of human health.	
	Adjustment	\$900
		\$100
Violation Events		the fill and a second
VIOIAUUTI EVOITS		
Number of Vi	plation Events	ys
	weekly monthly	
mark only one with an x	quarterly Violation Ba	se Penalty \$100
waa aa x	semiannual	
	annual	
	single event	
One quarterly	event is recommended, calculated from the date of the investigation, November the date of case screening, December 10, 2009.	3, 2009, te
	ing data di case soleening, becenber 0, 2009.	
Good Faith Efforts to Comply	6.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$0
	Extraordinary	
	Ordinary	
	N/A	_
	The Respondent does not meet the good faith criteria for this	
	Notes violation	
	<u> Miller viel Martin Schulzer in Energia Schulzer (Schulzer in 1997) (Schulzer in 1997)</u>	1
	Violatic	on Subtotal \$100
Economic Benefit (EB) for this	violation Statutory Limit Tr)st
Estimate	d EB Amount \$5 Violation Final Pe	naity Total \$100
	This violation Final Assessed Penalty (adjusted	I for limits) \$100

		iconomic l	Benefit W	orks	sheet		
Responden	1 1 1 1 2 1 3 1 1 4 5 1 1 1 3 L 23 L	ile, Inc. dba CEFCO	And the state of t	20186509210289223000	STER A MORAL STREET	5 Facility)	89.440、高小学 2048年4月20日
Case ID No	38852						
Reg. Ent. Reference No	RN101435261						
Media	É Public Water S	Supply				Percent Interest	Years of
Violation No	10					Fercent interest	Depreciation
na indina ana subuhun an a maga bulua.						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
				113	IIILEIESI JAYEU	Oneume Ousla	- CO Anioune
Item Description	No commas or \$				091 X 180 Y 10 0 0 0 1 1 1	nitiziitilin ton nyihili mongi	in all the lease section of
				to short deve	917-148-14-14-14-14-14-14-14-14-14-14-14-14-14-		A COLUMN CONTRACTOR
Delayed Costs			Standards (Mex. and organ		nna histoitenningi.		
Equipment			Server and the server of the	0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$80	3-Nov-2009	31-Aug-2010	0.82	\$0	\$4	\$5
Engineering/construction				0.00	\$0	\$0	\$0 \$0
Land		-		0.00	\$0		And the second s
Record Keeping System				0.00	\$0 \$0	No set n/a Screek	\$0 \$0
Training/Sampling	l			0.00	\$0 \$0	Mican n/a side at	
Remediation/Disposal Permit Costs					\$0 \$0	ensisten/autouta	
Other (as needed)					\$0 \$0	energy in the second	
Notes for DELAYED costs	The delayed co				e a supply of calci timated date of co	um hypochlorite, cal mpliance.	culated from th
Avoided Costs	ANI	NUALIZE (11 avoide	d costs before e	nterina	item (except for	one-time avoided o	osts
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			ng an tang sa s	0.00	\$0	\$0	\$Ö
Supplies/equipment				0.00	5	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)		r El Helen et al Bassilian		0.00	\$0	\$0	\$0
				a di serie di			
Notes for AVOIDED costs		이 아이는 것 같은 것 같아요.		en i si	승규는 감독하는 것이 없다.		
				5 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -			
			n Provinski presednici Se Bon Stanik (* 1999) Stanik (* 1999)	() () () () () () () () () ()			· · · · · · · · · · · · · · · · · · ·
Approx. Cost of Compliance		\$80			TOTAL		<u> </u>

	Penalty Calculation Worksheet (PCW)	
Policy Revision 2 (Sept	(ember 2002) PCW Revisio	on October 30, 2008
DATES // Assigned PCW		
	INFORMATION	
Respondent Reg. Ent. Ref. No.	Fikes Wholesale, Inc. dba CEFCO Convenience Stores aka CEFCO 55 (PST Facility) RNI01435261	
Facility/Site Region		
CASEINFORMATION		
Enf./Case ID No.	38852 No. of Violations 4	
Docket No.	2009-2057-MLM-E Order Type 1660	
	Petroleum Storage Tank Government/Non-Profit No Public Water Supply Enf. Coordinator Rebecca Clausewitz	
	EC's Team Enforcement Team 2	
Admin. Penalty \$ 1	Limit Minimum \$0 Maximum \$10,000	
	Penalty Calculation Section	
TOTAL BASE PENAL	TY (Sum of violation base penalties)	\$10,000
	TO SUBTOTAL 1	
Subtotals 2-7 are obtain	ned by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance Histo	ory 0.0% Enhancement Subtotals 2, 3, & 7	\$0
Notes	No enhancement due to compliance history is recommended.	
Culpability	No 0.0% Enfrancement Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effor	to Comply Total Adjustments	\$1,375
Economic Benefi	it 0.0% Enhancement Subtotal 6	\$0
	Total EB Amounts \$3 *Capped at the Total EB \$ Amount	
Approx.	Cost of Compliance \$650	
SUM OF SUBTOTAL	Ş 1.7	\$8,625
OTHER FACTORS A	S JUSTICE MAY REQUIRE 0.0%	\$0
	Sublotal by the indicated percentage.	
Notes		
	Final Penalty Amount	\$8,625
STATUTORY LIMIT A	ADJUSTMENT	\$8,625
DEFERRAL Reduces the Final Assessed Pen	20.0% Beddection Adjustment native set of the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)	-\$1,725
N 1		
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$6,900

Cas . Ent. Refere	pondent Fikes Wholesale, Inc. dba CEFCO Convenience Stores a		evision 2 (September
. Ent. Refere	se ID No. 38852		
		PCW	l Revision October 30,
Madia	ence No. RN101435261		
weara	[Statute] Petroleum Storage Tank		
Enf. Coc	ordinator Rebecca Clausewitz		
	Compliance History Worksheet		
liance History	Site Enhancement (Subtotal 2)		
		er Number Here	Adjust.
	Written NOVs with same or similar violations as those in the current enforcement action	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of llability of this state or the federal government (<i>number of judgements or consent decrees meeting</i> <i>criteria</i>)	0	0%
Decrees	government	0	0%
Convictions		0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Δudite	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%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Please	Enter Yes or No	
:	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Culler	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%
L	Adjustment Per	rcentage (Si	ubtotal 2) 0
at Violator (Su	ofotal 3)	e je se de s	
			·········
No	Adjustment Per	rcentage (Si	ubtotal 3) 🔄 0
bliance History	Person Classification (Subiotal 7)		
Average Po	4		-
bliance History	Summary		_
Compliance History Notes	No enhancement due to compliance history is recommended.		
	Total Adjustment Deverse	Subtotala	2, 3, & 7) 0
	Component NOVs Orders Judgments and Consent Decrees Convictions Emissions Audits Other Other Other No Itance History Average Pet Itance History Compliance History	Component Number of End NOVs Written NUX's with same or similar violations as those in the current enforcement action (number of NOVs meeting oritoria.) Other written NUX's Any agreed final enforcement orders containing a denial of liability (number of orders meeting orders) 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 entergency orders issued by the commission Any adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government Convictions 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 Convictions Any adjudicated final court judgments or orwents) Emissions Chronic coxcessive emissions events (number of events) 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) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Voluntary on-site compliance assessments con	Component Number of Enter Number Here NOVs Written NOVS with same or similar violations as those in the current enforcement action 0 NOVs Other written NOVS 0 Any agreed final enforcement orders containing a deniel of liability (number of orders 0 0 Orders 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 0 Judgments Any adjudicated final court judgments or consent decrees containing a deniel of liability or this state or the federal government (number of fudgements or consent decrees meeting orders) 0 Judgments Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments are of the state or the federal 0 0 Gonvictions Any criminal convictions of this state or the federal 0 0 Emvisonment Letters nolifying the exaculte director of an intended audit conducted under the Texas Environmental, health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of o audits for which violations were disclosed) 0 Environmental management systems in place for one year or more No Voluntary on-site compliance assessments conducted by the executive director under a special assistance program No Other Environmental management systems

	g Date 10-Dec-2009.	A COL	ocket No. 2009-2057-MLM-E	
		le, Inc. dba CEFCO Conveni	lence Stores aka CEFCI	Policy Revision 2 (September 2002)
and the second secon	ID No. 38852			PCW Revision October 30, 2008
그는 그는 것을 두 가운 상에 가지 않는 것 같았다.	ICE No. RN101435261			a (1 1 - 1
	tatute] Petroleum Stor			_
	dinator Rebecca Claus	sewitz		-
Violation	Number 1			
Rui	e Cite(s)	30 Tex, Admin, C	Code § 334.8(c)(5)(C)	
Violation De	or to a non undergrou scription designated US the identificatio	removable point in the imme ind storage tank ("UST") at the ST identification number of the on number listed on the UST on. Specifically, on the date	bel, or marking to either the top of the diate area of the fill tube for each reg the facility that clearly and legibly show that UST at that facility and that correct registration and self-certification form of the investigation, none of the three re properly labeled.	ulated vs the sponds to n filed with
			Bas	e Penalty \$10,000
>> Environmental, Pror	perty and Human H			
	D-1	Harm	· · · · · · · · · · · · · · · · · · ·	
OR	Release Major	Moderate Minor	l	
and and a second restored the second s	Actual Potential		Percent 0%	
		الــــــــــــــــــــــــــــــــ		
>>Programmatic Matrix	(
	ification Major	Moderate Minor		
	X		Percent 25%	
		li		
Matrix Notes		100% of the rule requireme	nt was not met.	
		an a	Adjustment	\$7,500
			ver av de la contra de la contr	\$1,500
				\$2,500
• • • • • • • • • • • • • • • • • • •				
Violation Events				
Nur	nber of Violation Events	1	16 Number of violation day	/6
	onty one th an x semiannual single event	×	Violation Bas	se Penalty \$2,500
		One single event is rec	ommended.	
Good Faith Efforts to C	omply	25.0% Reduction		\$625
South and the field of the second sec		8efore NOV NOV to EDPRP/S	Selllement Offer	##25%###23
	Extraordinary			
	Ordinary			
	N/A	(mark with x)		
	Noles	The Respondent achieved	compliance with this violation as of nber 19, 2009.	
			Violatio	n Subtotal \$1,875
Economic Benefit (EB)	for this violation		Statutory Limit Fe	st
	Entimated ED Americal	**		ollu Tatal
	Estimated EB Amount	\$1	Violation Final Per	nalty Total \$1,875
		This violation	Final Assessed Penalty (adjusted	for limits) \$1,875
	h,C			and the second state of the second

	E	conomic E	Benefit W	orks	sheet		
Respondent Case ID No.		e, Inc. dba CEFCO	Convenience Sto	res aka	CEFCO 55 (PST	Facility)	
Reg. Ent. Reference No.	RN101435261						
Media	Petroleum Stor	age Tank				Percent Interest	Years of
Violation No.	:1						Depreciation
	.1	· · ·			· · · · · · · · ·	5,0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$				·		
Delayed Costs	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·			· ·		
Equipment	\$300	3-Nov-2009	19-Nov-2009	0.04	\$0	\$1	<u>\$1</u>
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= ∓ , i	\$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 to a	\$0
Permit Costs Other (as needed)				0,00	\$0 \$0	n/a · · · ·	\$0 \$0
Notes for DELAYED costs	The delay	ed cost includes the			el the three USTs, te of compliance.	calculated from the	date of the
Avoided Costs		IIAI IZE I11 avoide	d costs before e	nterina	Hem (except for	one-time avoided o	osts
Disposal				0.00	\$0	\$0 [.]	\$0
Personnel		<u> </u>		0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$O
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
				0.00	\$0	\$0	
Other (as needed)		ان <u>ہ ، ، ا</u>		<u>g 0.00</u>	<u>r 40</u>	ψυ	\$0
Other (as needed) Notes for AVOIDED costs		<u></u>		<u>1 0.00</u>	<u>, </u>	ψυ	\$0

res de la constante de la const	ing Date: 10-Dec-2009 COLUMN CONVENTION DOCKET NO: 2009-2057-MLM-E	Policy Revision 2 (September 2002)
Cas Reg. Ent. Refer Media	se ID No. 38852 ence No. RN101435261 [Statute] Petroleum Storage Tank	PCW Revision October 30, 2008
Violatio	prdinator Rebecca Clausewitz on Number 2 (ule Cite(s) 30 Tex. Admin. Code §§ 334.10(b)(1)(B) and (b)(2)(B)(vii) and 334.51(c)(1) and (c)	(2)(A)
Violation [Failed to maintain records regarding spill and overfill controls installed at the Fac Specifically, on the date of the investigation, no records were made available demonstrating that the USTs had been equipped with overfill prevention equipme	ibity.
		Penalty \$10,000
>> Environmental, Pr	Operfy and Human Health Matrix Harm Release Major Moderate Minor Actual	
>>Programmatic Mat	Potential Percent 0%	
	alsification Major Moderate Minor x 25%	
Matrix Notes	100% of the rule requirements were not met.	
	Adjustment	\$7,500
Violation Events	Adjustment	\$7,500 \$2,500
	Adjustment Adjustment	
N	Iumber of Violation Events 1 27 Number of violation days immediately immediately immediately	\$2,500
N	lumber of Violation Events 1 27 Number of violation days	\$2,500
N	umber of Violation Events 1 27 Number of violation days erk only one with an x Quarterly Violation Base F	\$2,500
N	Iumber of Violation Events 1 27 Number of violation days ark only one with an x	\$2,500
n m	Iumber of Violation Events 1 27 Number of violation days erk only one with air x	\$2,500
n m	Iumber of Violation Events 1 27 Number of violation days erk only one weakly	\$2,500
n m	Iumber of Violation Events 1 27 Number of violation days erk only one with an x importing importance importance importance erk only one with an x importance importance importance ingle event is recommended. Importance Importance importance One single event is recommended. Importance Importance importance Importance Importance X Importance importance Importance Importance X Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance Importance	\$2,500

Reg. Ent. Reference No. I	NIU 1400201						
	Petroleum Stor	age Tank				Dama with first and	Years of
	Violation No. 2		-**			Percent Interest	Depreciation
		· .				5.0	1
· · · · · ·	Item Cost	Date Required	Final Date	Yrs	Interest Saved	{	EB Amount
Item Description						;	
nem besonprion	140,00111160-01-4						
Delayed Costs	11 · · ·						
Equipment		1	······	0.00	\$0	\$0 }	\$0
Buildings		<u>}</u>		0,00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$O
Land				0,00	\$0	n/a	\$O
Record Keeping System	\$60	3-Nov-2009	30-Nov-2009	0.07	\$0	zalan/a	\$0
Training/Sampling				0.00	\$0	0/a	\$0
Remediation/Disposal				0,00	\$0	NAC-III/a	\$0
Permit Costs				0.00	\$0	the planet	\$0
		ليصف ومسيح المستحد المس					
Other (as needed)	The delaye			0:00 t to crea	\$0 ate and begin main	taining spill and ove	\$ <u>0</u>
Notes for DELAYED costs Avoided Costs Disposal		calculated f	rom the date of the	t to crea investig	\$0 ate and begin main gation to the date of item (except for \$0	accentration of the second sec	\$0 rfill records, osts) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel		calculated f	rom the date of the	0.00 t to crea investig ntering 0.00	\$0 ate and begin main gation to the date of item (except for \$0 \$0	taining spill and ove of compliance.	\$0 rfill records, osts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		calculated f	rom the date of the	0.00 t to crea investig ntering 0.00 0.00	\$0 ate and begin main gation to the date of item (except for \$0 \$0 \$0	taining spill and ove of compliance.	\$0 rfill records, osts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		calculated f	rom the date of the	0.00 t to crea investig ntering 0.00 0.00 0.00 0.00	\$0 ate and begin main gation to the date of item (except for \$0 \$0 \$0 \$0 \$0	Acast N/acast	\$0 rfill records, (osts) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		calculated f	rom the date of the	0.00 1 to crea ⇒ investig 0.00 0.00 0.00 0.00 0.00 0.00	\$0 ate and begin main gation to the date of item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	Acaston A	\$0 rfill records, \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
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s fanst Transformer Transforme

	J Date 10-Dec-2009	Docket No. 2009-2057-MLM-E	PCW
		e, Inc. dba CEFCO Convenience Stores.aka CEFCO	Policy Revision 2 (September 2002)
	D No. 38852		PCW Revision October 30, 2008
Reg. Ent. Reference	atute] Petroleum Stor		, t [.]
	inator Rebecca Claus		
Violation N	nin a d haraanaa a a		
· Rule	Cite(s)	30 Tex. Admin. Code § 334.72	
	Follori to report	a notable selector the Commission within 34 hours of manif	
Violation Desc	from a release on the date of t months of J	a potential release to the Commission within 24 hours of monit detection method indicating that a release may have occurred. The investigation, it was discovered that daily inventory control re- rene, July and August 2009 showed an overage greater than the righthat a leak may have occurred. The Respondent did not file report form with the Commission until December 14, 2009.	Specifically, c cords for the threshold
		В	ase Penalty \$10,000
>> Environmental, Prope	erty and Human He	alth Matrix	
	Release Major	narm Moderate Minor	
OR	Actual		-
	otential	Percent 09	
>>Programmatic Matrix			
Falsifi	ication Major	Moderate Minor	7
John Stand and the set of th		Percent 259	
Matrix Notes	1	00% of the reporting requirement was not met.	
		Adjustment	\$7,500
- ·			\$2,500
-			······································
Violation Events			a de la calencia de En 1999 de la calencia
Numi	ber of Violation Events	1 Number of violation of	lays
	nly one an x Semiannual Single event	Violation E	ase Penalty \$2,500
		One single event is recommended.	
Good Faith Efforts to Co	omply	10.0% Reduction	\$250
	Extraordinary	Before NOV NOV to EDPRP/Settlement Offer	
	Ordinary	× ·	
	N/Á	(mark with x)	
	Notes	The Respondent achieved compliance with this violation as of December 14, 2009.	
		Violat	ion Subtotal \$2,250
Economic Benefit (EB) I	ior this violation	Statutory Limit	lest
E	stimated EB Amount	\$1 Violation Final F	Penalty Total \$2,250
		This violation Final Assessed Penalty (adjust	ed for limits) \$2,250
		This violation i har histosed i charty (aujust	

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	RN101435261						
Media I Violation No. :	Petroleum Stora	age Tank				Percent Interest	Years of Depreciati
violation work		:			· · · ·	5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Lamo more and a second s	EB Amou
Item Description	No commas or \$	•					
Delayed Costs						es esta de la composición de la composi La composición de la c	
Equipment	<u> </u>			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	3-Nov-2009	14-Dec-2009	0.11	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	set and n/a set and	\$0
Training/Sampling				0.00	\$0	n/a 👘	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a=z==	<u>\$0</u> \$0
Notes for DELAYED costs	The delayed c				a incident report the date of compl	to the Commission,	calculated fro
		the	date of the invesli	gation to	the date of compl	to the Commission, iance.	
Avoided Costs		the	date of the invesli	gation to entering	the date of compl	to the Commission, lance. one-time avoided c	osts)
		the	date of the invesli	gation to	the date of compl	to the Commission, iance.	
Avoided Costs Disposal		the	date of the invesli	entering 0.00 0.00 0.00	Item (except for \$0 \$0 \$0 \$0	to the Commission, iance. one-time avoided c \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel		the	date of the invesli	ntering	Item (except for \$0 \$0	to the Commission; iance. one-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnet Inspection/Reporting/Sampling Supplies/equipment		the	date of the invesli	entering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	the date of complete 1tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	to the Commission; iance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]		the	date of the invesli	ation to ntering 0.00 0.00 0.00 0.00 0.00	the date of compl Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	to the Commission; iance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]		the	date of the invesli	ation to ntering 0.00 0.00 0.00 0.00 0.00	the date of compl Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	to the Commission; iance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) S S S S

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Responden	9 10-Dec-2009			No. 2009-2057-MLM-E	. ECW
		ile, Inc. dba Cl	EFCO Convenience St	ores aka CEFCO	Policy Revision 2 (September 2002)
Case ID No					PCW Revision October 30, 2008
Reg. Ent. Reference No					
Media [Statute	-				
Enf. Coordinato		sewitz			
Violation Numbe		L			
Rule Cite(s)		30 Tex. Admin. Code {	\$ 334,74(3)	
	Collect to file		analastian naastudik i	tes Commission within 45 days	
				he Commission within 45 days n the date of the investigation, i	
Vieleken Deserietie	there we also			the months of June, July and	
Violation Descriptio	2009 showed	an overage gr	eater than the threshol	d value, indicating that a leak n	nay have
				ation report with the Commissio	on within
	the	equired 45 c	day time frame which e	xpired on October 15, 2009.	
				Base	Penaity \$10,000
>> Environmental, Property a	nd Human H	ealth Matrix	X		
		Harm	 		
OR Releas	and the second se	Moderate	Minor		
OR Actua Potentia		<u> </u>	<u> </u>	Barcant	
	"[]	<u></u>	L	Percent 0%	
>Programmatic Matrix					
Falsification	Major	Moderate	Minor		
	X			Percent 25%	
	<u></u>	I	<u> </u>	()	
				······································	
Matrix		100% of th	his requirement was no	t met.	
Notes					
					<u></u>
				Adjustment	\$7,500
					\$2,500
Violation Events	ti destructura				FAEFACTION (
violation Evento	A 289 201-20 (SHAT				
Number of V	Violation Events	1	56	Number of violation days	
		· · · · · · · · · · · · · · · · · · ·	<u>~~</u>	internoor of tholaton days	•
	daily]		
	weekly				u elemente de la companya de la comp
work only and	amonthly				
mark only one with an x	quarterly			Violation Base	Penalty \$2,500
	semiannual				
	annual				
	single event	<u> </u>]		
[
.11		One sin	gle eventiis recommen	ded	
·		one on g	gio oronnao roconinada		The second se
Good Faith Efforts to Combin		10.0%	Reduction		\$250
Good Faith Efforts to Comply		10.0% Before NOV	Reduction NOV to ED/PRP/Settlemen	l Olfer	\$250
Good Faith Efforts to Comply	Extraordinary			Coffer] \$250
Sood Faith Efforts to Comply				L Olfer] \$250
Good Faith Efforts to Comply	Extraordinary	Before NOV	NOV to ED/PRP/Settlemen	l Offer	\$250
Good Faith Efforts to Comply	Extraordinary Ordinary	Before NOV	NOV to ED/PRP/Settlemen X		 \$250
Good Faith Efforts to Comply	Extraordinary Ordinary	Before NOV	NOV to ED/PRP/Settlemen x (mark with x) dent achieved complia	nce with this violation as of	 \$250
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Sood Faith Efforts to Comply	Extraordinary Ordinary N/A	Before NOV	NOV to ED/PRP/Settlemen x (mark with x) dent achieved complia	nce with this violation as of	\$250
Good Faith Efforts to Comply	Extraordinary Ordinary N/A	Before NOV	NOV to ED/PRP/Settlemen x (mark with x) dent achieved complia	nce with this violation as of	
	Extraordinary Ordinary N/A Notes	Before NOV	NOV to ED/PRP/Settlemen x (mark with x) dent achieved complia	nce with this violation as of 2009. Violation	Subtotal \$2,250
	Extraordinary Ordinary N/A Notes	Before NOV	NOV to ED/PRP/Settlemen x (mark with x) dent achieved complia	nce with this violation as of , 2009.	Subtotal \$2,250
Economic Benefit (EB) for th	Extraordinary Ordinary N/A Noles	Before NOV	NOV to ED/PRP/Settlemen x (mark with x) ndent achieved complia December 14,	Ince with this violation as of 2009. Violation Statutory Limit Tes	Subtotal \$2,250
Economic Benefit (EB) for th	Extraordinary Ordinary N/A Notes	Before NOV	NOV to ED/PRP/Settlemen x (mark with x) dent achieved complia	nce with this violation as of 2009. Violation	Subtotal \$2,250
Economic Benefit (EB) for th	Extraordinary Ordinary N/A Noles	Before NOV	NOV to ED/PRP/Settlemen x (mark with x) ident achieved complia December 14, \$1	Ince with this violation as of 2009. Violation Statutory Limit Tes	Subtotal \$2,250

Reg. Ent. Reference No.							
Media Violation No.	Petroleum Stor	age Tank				Percent Interest	Years of Depreciation
						5.0	
	ltem Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amoun
Item Description				÷ .	· · · · ·		
	110 0011100 0.0		•				
Delayed Costs		·	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -	. ••		·	•
Equipment				0.00	\$0	\$0	\$0
Bulldings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	15-Oct-2009	14-Dec-2009	0.16	\$0	\$1	\$1
Engineering/construction	.			0.00	\$0	\$0	\$0
Land				0.00	\$0	i≩ii in/a i i i i	\$0
Record Keeping System				0;00	\$0	i⊒iii n/a iiiii	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	en ar ei ei	\$0
Permit Costs			·····	0.00	\$0.	i i i i i i i i i i i i i i i i i i i	\$0
Other (as needed)				0.00	\$0	r≓t≓n/a	\$0
Notes for DELAYED costs	calcula	ited from the date th	ne investigation st	nould ha	ve been submitted	l, to the date of com	pliance,
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment				nould ha	ttem (except for \$0 \$0 \$0 \$0 \$0	I, to the date of com one-time avoided of \$0 \$0 \$0 \$0	05ts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				ntering 0.00 0.00 0.00 0.00 0.00	ttem (except for \$0 \$0 \$0 \$0 \$0 \$0	I, to the date of com one-time avoided of \$0 \$0 \$0 \$0 \$0	pliance, so \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				nould ha	ttem (except for \$0 \$0 \$0 \$0 \$0	I, to the date of com one-time avoided of \$0 \$0 \$0 \$0	pliance, ;osts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				ntering 0.00 0.00 0.00 0.00 0.00 0.00	ttem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	I, to the date of com one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	pliance, so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601260144	Fikes Wholesale, Inc.	Classification: AVERAGE	Rating: 2.78
Regulated Entity:	RN101435261	CEFCO 55	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PUBLIC WATER PETROLEUM S	R SYSTEM/SUPPLY TORAGE TANK	REGISTRATION REGISTRATION	0260046 73971
Location:	NE INTERSECT	ION OF FM 50 AND FM 60,	BURLESON COUNTY, TEXAS	
TCEQ Region:	REGION 09 - W	ACO		
Date Compliance History Prepared:	December 10, 20	009		
Agency Decision Requiring Compliance Histor	y: Enforcement			
Compliance Period:	December 10, 20	004 to December 10, 2009		
TCEQ Staff Member to Contact for Additional Name: Rebecca Clause			10) 403-4012	
	Site Compli	ance History Components		
1. Has the site been in existence and/or opera	tion for the full five y	ear compliance period?	Yes	
2. Has there been a (known) change in owners	ship/operator of the	site during the compliance p	eriod? Yes	
3. If Yes, who is the current owner/operator?		Fikes Wholesa	e, Inc.	
4. if Yes, who was/were the prior owner(s)/op-	erator(s) ?	Fifty Six, Inc.		
5. When did the change(s) in owner or operat	or occur?	03/08/2005		
Components (Multimedia) for the Site:				
 A. Final Enforcement Orders, court jud N/A 	gments, and conse	nt decrees of the state of Te	xas and the federal government.	
 B. Any criminal convictions of the state N/A 	of Texas and the f	ederal government.		
C. Chronic excessive emissions event N/A	5.			
D. The approval dates of investigation:	s. (CCEDS Inv. Trac	*. No.)		
1 11/18/2009 (780	455)			
 E. Written notices of violations (NOV). N/A 	(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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING FIKES WHOLESALE, INC. DBA CEFCO CONVENIENCE STORES AKA CEFCO 55 RN101435261 BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-2057-MLM-E

(c) (c) (c) (c) (c) (c)

I. JURISDICTION AND STIPULATIONS

At its ________ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Fikes Wholesale, Inc. dba CEFCO Convenience Stores aka CEFCO 55 ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a gas station and convenience store with a public water supply (the "PWS Facility") and with retail sales of gasoline (the "PST Facility") at the northeast intersection of Farm-to-Market Road 50 and Farm-to-Market Road 60 in Burleson County, Texas.
- 2. The PWS Facility includes one service connection and serves at least 25 or more people for at least 60 days per year and the PST Facility includes three underground storage tanks ("USTs") that are not exempt or excluded from regulation under the TEXAS WATER CODE or the rules of the Commission.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 28, 2009.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Ten Thousand One Hundred Fifteen Dollars (\$10,115) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eight Thousand Ninety-Two Dollars (\$8,092) of the administrative penalty and Two Thousand Twenty-Three Dollars (\$2,023) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the PWS and PST Facilities:
 - a. On November 19, 2009, affixed a permanent label with the UST identification number to each fill tube which corresponds to the number listed on the registration and self-certification form filed with the Commission for the PST Facility;
 - b. On November 30, 2009, provided records regarding the spill and overfill controls installed at the PST Facility; and
 - c. On December 14, 2009:
 - i. Provided written notice to the Commission of the change in ownership of the PWS Facility;
 - ii. Filed an incident report with the Commission regarding the monitoring results that indicated that a release may have occurred at the PST Facility; and
 - iii. Filed a release determination report with the Commission regarding the results of the investigation that was performed for the suspected release at the PST Facility.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the PWS and PST Facilities, the Respondent is alleged to have:

- 1. Failed to provide a written notice to the Executive Director of a change in the ownership of the PWS Facility at least 120 days prior to the date the change is to occur, in violation of 30 TEX. ADMIN. CODE § 290.46(p)(1), as documented during an investigation conducted on November 3, 2009.
- 2. Failed to submit plans and specifications for the PWS Facility to the Executive Director and to receive written approval of plans and specifications prior to beginning construction of a new public water system, in violation of 30 TEX. ADMIN. CODE § 290.39(e)(1), (e)(3) and (h)(1), as documented during an investigation conducted on November 3, 2009.
- 3. Failed to provide a ground storage tank ("GST") that is designed in strict accordance with American Water Work Association ("AWWA") standards at the PWS Facility, in violation of 30 TEX. ADMIN. CODE § 290.43(c), (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5), as documented during an investigation conducted on November 3, 2009.
- 4. Failed to provide a minimum pressure tank capacity of 220 gallons at the PWS Facility, in violation of 30 TEX. ADMIN. CODE § 290.45(d)(2)(B)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 3, 2009.
- 5. Failed to submit a copy of the well completion data to the Commission and obtain approval from the Executive Director prior to placing the well into service at the PWS Facility, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), as documented during an investigation conducted on November 3, 2009.
- 6. Failed to provide an intruder-resistant fence around the well site at the PWS Facility, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on November 3, 2009.
- 7. Failed to provide an automatic low water level cutoff device on each of the PWS Facility's two service pumps that take suction from the storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(f), as documented during an investigation conducted on November 3, 2009.
- 8. Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or the natural ground surface at the PWS Facility, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B), as documented during an investigation conducted on November 3, 2009.
- 9. Failed to ensure that the wellhead is sealed with a gasket or sealing compound and that a well casing vent is provided that is properly elevated, faces downwards, and has an opening that is covered with a 16-mesh or finer corrosion-resistant screen at the PWS Facility, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K), as documented during an investigation conducted on November 3, 2009.

- 10. Failed to maintain a supply of calcium hypochlorite on hand for use when making repairs to the PWS Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(h), as documented during an investigation conducted on November 3, 2009.
- 11. Failed to permanently affix a legible tag, label, or marking to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST at the PST Facility that clearly and legibly shows the designated UST identification number of that UST at that facility and that corresponds to the identification number listed on the UST registration and self-certification form filed with the Commission, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(C), as documented during an investigation conducted on November 3, 2009. Specifically, on the date of the investigation, none of the three USTs at the Facility were properly labeled.
- 12. Failed to maintain records regarding spill and overfill controls installed at the PST Facility, in violation of 30 TEX. ADMIN. CODE §§ 334.10(b)(1)(B) and (b)(2)(B)(vii) and 334.51(c)(1) and (c)(2)(A), as documented during an investigation conducted on November 3, 2009. Specifically, on the date of the investigation, no records could be made available demonstrating that the USTs have been equipped with overfill prevention equipment.
- 13. Failed to report a potential release at the PST Facility to the Commission within 24 hours of monitoring results from a release detection method indicating that a release may have occurred, in violation of 30 TEX. ADMIN. CODE § 334.72, as documented during an investigation conducted on November 3, 2009. Specifically, on the date of the investigation, it was discovered that daily inventory control records for the months of June, July and August 2009 showed an overage greater than the threshold value, indicating that a leak may have occurred. The Respondent did not file an incident report form with the Commission until December 14, 2009.
- 14. Failed to file a release determination report with the Commission within 45 days after a suspected release has occurred, in violation of 30 TEX. ADMIN. CODE § 334.74(3). Specifically, on the date of the investigation, it was discovered that daily inventory control records for the months of June, July and August 2009 showed an overage greater than the threshold value, indicating that a leak may have occurred. The Respondent did not file an investigation report with the Commission within the required 45 day time frame which expired on October 15, 2009.

III.DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re; Fikes Wholesale, Inc. dba CEFCO Convenience Stores aka CEFCO 55, Docket No. 2009-2057-MLM-E" to:

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

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - Within 30 days after the effective date of this Agreed Order: a.
 - i. Install three strands of barbed wire on the fence surrounding the well site at the PWS Facility that extend out from the top of the fence a 45 degree angle, in accordance with 30 TEX. ADMIN. CODE § 290.41:
 - ii. Seal the wellhead with a gasket or sealing compound and install a well casing vent that is properly elevated, faces downwards, and has an opening that is covered with a 16-mesh or finer corrosion-resistant screen at the PWS Facility, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - iii. Begin maintaining supply of calcium hypochlorite on hand for use when making repairs to the PWS Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
 - c. Within 90 days after the effective date of this Agreed Order:
 - i. Submit plans and specifications for the PWS Facility to the Commission's Executive Director at the address listed in Ordering Provision 2.c.ii below for review and approval, as required by 30 TEX. ADMIN. CODE § 290.39;
 - Provide the well completion data for the PWS Facility to the Executive Director ii. for review and approval, in accordance with 30 TEX. ADMIN. CODE § 290.41. The plans, specifications and well completion data shall be submitted to:

Utility Technical Review Team Water Supply Division, MC 153 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- iii. Provide an automatic low water level cutoff device on each of the PWS Facility's two service pumps, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
- iv. Provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or the natural ground surface at the PWS Facility, in accordance with 30 TEX. ADMIN. CODE § 290.41.
- d. Within 135 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.
- e. Within 180 days after the effective date of this Agreed Order:
 - i. Obtain approval of the plans, specifications and well completion data for the PWS Facility from the Executive Director, in accordance with 30 TEX. ADMIN. CODE §§ 290.39 and 290.41;
 - ii. Provide a GST that is designed in strict accordance with AWWA standards at the PWS Facility, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - iii. Provide a minimum pressure tank capacity of 220 gallons at the PWS Facility, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- f. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager Waco Regional Office Texas Commission on Environmental Quality 6801 Sanger Avenue, Suite 2500 Waco, Texas 76710-7826

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Executive Director

2212010 Date

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

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

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

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

Name (Printed or typed) Authorized Representative of Fikes Wholesale, Inc. dba CEFCO Convenience Stores aka CEFCO 55

Date Secretary/Treasurer

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