

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-1367-PST-E **TCEQ ID:** RN101573566 **CASE NO.:** 38238
RESPONDENT NAME: Adan O'Campo dba Adam Auto Service

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input checked="" type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Adam Auto Service, 1600 West Euless Boulevard, Euless, Tarrant County</p> <p>TYPE OF OPERATION: Auto service center with a convenience store and retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 18, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Mike Pace, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5933; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. Adan O'Campo, Owner, Adam Auto Service, 1600 West Euless Boulevard, Euless, Texas 76040 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 4, 2009</p> <p>Date of NOV/NOE Relating to this Case: August 21, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failure to monitor underground storage tanks ("USTs") for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>2) Failure to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>3) Failure to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1)].</p> <p>4) Failure to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel [30 TEX. ADMIN. CODE § 334.48(c)].</p> <p>5) Failure to ensure that all spill and overfill prevention devices are maintained in good operating condition. Specifically,</p>	<p>Total Assessed: \$11,609</p> <p>Total Deferred: \$2,321 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$258 (remaining \$9,030 due in 35 monthly payments of \$258 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:</p> <p>a. Replaced the spill bucket on the super unleaded tank on August 24, 2009;</p> <p>b. Began conducting the required monthly inspections of the Stage II vapor recovery system on August 5, 2009;</p> <p>c. Began maintaining fuel delivery records at the Station on October 26, 2009; and</p> <p>d. Provided Stage II in-house employee training to all employees at the Station on August 7, 2009.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order;</p> <p>i. Implement a release detection method for all USTs including volume measurement and reconciliation of inventory control records;</p> <p>ii. Begin conducting effective manual or automatic inventory control procedures for all USTs at the Station; and</p> <p>iii. Begin maintaining all UST records.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a.i. through a.iii.</p>

<p>the spill bucket on the super unleaded tank was damaged [30 TEX. ADMIN. CODE § 334.51(a)(6) and TEX. WATER CODE § 26.3475(c)(2)].</p> <p>6) Failure to maintain UST records and make them immediately available for inspection upon request by agency personnel. Specifically, documentation for installation of overfill prevention equipment and corrosion protection records were not available for review [30 TEX. ADMIN. CODE § 334.10(b) and (b)(2)(B)(v)].</p> <p>7) Failure to maintain a record at the Station of the dates on which gasoline was delivered to the dispensing Station. Specifically, fuel delivery records were not available for review [30 TEX. ADMIN. CODE § 115.226(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>8) Failure to conduct monthly inspections of the Stage II vapor recovery system [30 TEX. ADMIN. CODE § 115.244(3) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9) Failure to ensure that each current employee received in-house Stage II vapor recovery training regarding the purpose and correct operating procedure of the vapor recovery system [30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p>		
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Additional ID No(s): PST62180



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	24-Aug-2009	Screening	25-Aug-2009	EPA Due	
	PCW	25-Aug-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Adan O'Campo dba Adam Auto Service		
Reg. Ent. Ref. No.	RN101573586		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	38238	No. of Violations	7
Docket No.	2009-1367-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mike Pace
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$10,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 22.0% Enhancement **Subtotals 2, 3, & 7** \$2,200

Notes Enhancement for one 1660 order and one NOV with dissimilar violations.

Culpability No 0.0% Enhancement **Subtotal 4** \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** \$600

Economic Benefit 0.0% Enhancement **Subtotal 6** \$0

Total EB Amounts \$99
Approx. Cost of Compliance \$5,728
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$11,600

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.1% **Adjustment** \$9

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended enhancement to capture the avoided cost of compliance associated with violation No. 6.

Final Penalty Amount \$11,609

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$11,609

DEFERRAL 20.0% Reduction **Adjustment** -\$2,321

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

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY \$9,288

Screening Date 25-Aug-2009

Docket No. 2009-1367-PST-E

PCW

Respondent Adan O'Campo dba Adam Auto Service

Policy Revision 2 (September 2002)

Case ID No. 38238

PCW Revision October 30, 2003

Reg. Ent. Reference No. RN101573566

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Mike Pace

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 22%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one 1660 order and one NOV with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 22%

Screening Date 25-Aug-2009 **Docket No.** 2009-1367-PST-E **PCW**

Respondent Adan O'Campo dba Adam Auto Service *Policy Revision 2 (September 2002)*

Case ID No. 38238 *PCW Revision October 30, 2008*

Reg. Ent. Reference No. RN101573566

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Mike Pace

Violation Number

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

Violation Description
 Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Failure to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons. Also, failure to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

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

Adjustment

Violation Events

Number of Violation Events **Number of violation days**

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended based on documentation of the violation during the August 4, 2009 investigation to the August 25, 2009 screening date.

Good Faith Efforts to Comply **Reduction**

	Before NOV	NOV to EDRP/ Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

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

Violation Subtotal

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

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Adan O'Campo dba Adam Auto Service
Case ID No. 38238
Reg. Ent. Reference No. RN101573568
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	4-Aug-2009	25-Apr-2010	0.72	\$54	n/a	\$54

Notes for DELAYED costs

Estimated cost to monitor USTs for releases including volume measurement and reconciliation of inventory control records. The date required is the investigation date and the final date is the expected compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$54

Screening Date 25-Aug-2009		Docket No. 2009-1367-PST-E		PCW	
Respondent Adan O'Campo dba Adam Auto Service				<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 38238				<i>PCW Revision October 30, 2009</i>	
Reg. Ent. Reference No. RN101573566					
Media [Statute] Petroleum Storage Tank					
Enf. Coordinator Mike Pace					
Violation Number		<input type="text" value="2"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 334.48(c)"/>			
Violation Description		<input type="text" value="Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel."/>			
Base Penalty				<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="25%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>	
Matrix Notes		<input type="text" value="Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation."/>			
Adjustment				<input type="text" value="\$7,500"/>	
				<input type="text" value="\$2,500"/>	
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="21"/>	Number of violation days	
<i>mark only one with an x</i>	Daily	<input type="text"/>	<input type="text"/>		
	Weekly	<input type="text"/>	<input type="text"/>		
	Monthly	<input checked="" type="checkbox"/>	<input type="text"/>		
	Quarterly	<input type="text"/>	<input type="text"/>		
	Semiannual	<input type="text"/>	<input type="text"/>		
	Annual	<input type="text"/>	<input type="text"/>		
	Single event	<input type="text"/>	<input type="text"/>		
				Violation Base Penalty	<input type="text" value="\$2,500"/>
<input type="text" value="One monthly event is recommended based on documentation of the violation during the August 4, 2009 investigation to the August 25, 2009 screening date."/>					
Good Faith Efforts to Comply		0.0% Reduction		\$0	
		Before NOV	NOV to EOPRP/Settlement Offer		
Extraordinary		<input type="text"/>	<input type="text"/>		
Ordinary		<input type="text"/>	<input type="text"/>		
N/A		<input checked="" type="checkbox"/>	(mark with x)		
Notes		<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Violation Subtotal				<input type="text" value="\$2,500"/>	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		<input type="text" value="\$18"/>		Violation Final Penalty Total <input type="text" value="\$3,052"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$3,052"/>	

Economic Benefit Worksheet

Respondent Adan O'Campo dba Adam Auto Service
Case ID No. 38238
Reg. Ent. Reference No. RN101573586
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	4-Aug-2009	25-Apr-2010	0.72	\$18	n/a	\$18
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to conduct proper inventory control procedures. The date required is the investigation date and the final date is the expected compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$18

Screening Date: 25-Aug-2009	Docket No.: 2009-1367-PST-E	PCW		
Respondent: Adan O'Campo dba Adam Auto Service		<small>Policy Revision 2 (September 2002)</small>		
Case ID No.: 38238		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No.: RN101573586				
Media [Statute]: Petroleum Storage Tank				
Enf. Coordinator: Mika Pace				
Violation Number:	<input type="text" value="3"/>			
Rule Cite(s):	<input type="text" value="30 Tex. Admin. Code § 334.51(a)(6) and Tex. Water Code § 26.3475(c)(2)"/>			
Violation Description:	<input type="text" value="Failed to ensure that all spill and overfill prevention devices are maintained in good operating condition. Specifically, the spill bucket on the super unleaded tank was damaged."/>			
Base Penalty:		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	x	<input type="text"/>	Percent: <input type="text" value="10%"/>
>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="text"/>			<input type="text"/>	<input type="text"/>
			Percent: <input type="text" value="0%"/>	
Matrix Notes:	<input type="text" value="Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>			
Adjustment:		<input type="text" value="\$9,000"/>		
		<input type="text" value="\$1,000"/>		
Violation Events				
Number of Violation Events:		<input type="text" value="1"/>	<input type="text" value="21"/> Number of violation days	
<small>mark only one with an x</small>	<input type="checkbox"/> daily	<input type="text"/>	Violation Base Penalty: <input type="text" value="\$1,000"/>	
	<input type="checkbox"/> weekly	<input type="text"/>		
	<input type="checkbox"/> monthly	<input type="text"/>		
	<input checked="" type="checkbox"/> quarterly	x		
	<input type="checkbox"/> semiannual	<input type="text"/>		
	<input type="checkbox"/> annual	<input type="text"/>		
	<input type="checkbox"/> single event	<input type="text"/>		
<input type="text" value="One quarterly event is recommended based on documentation of the violation during the August 4, 2009 investigation to the August 25, 2009 screening date."/>				
Good Faith Efforts to Comply		<input type="text" value="10.0%"/> Reduction	<input type="text" value="\$100"/>	
		<small>Before NOV NOV to EOPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	x		
N/A	<input type="text"/>	<small>(mark with x)</small>		
Notes:	<input type="text" value="The Respondent came into compliance on August 24, 2009 after the NOE dated August 21, 2009."/>			
Violation Subtotal:		<input type="text" value="\$900"/>		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount: <input type="text" value="\$6"/>		Violation Final Penalty Total: <input type="text" value="\$1,121"/>		
This violation Final Assessed Penalty (adjusted for limits):		<input type="text" value="\$1,121"/>		

Economic Benefit Worksheet

Respondent Adan O'Campo dba Adam Auto Service
Case ID No. 38238
Reg. Ent. Reference No. RN101573566
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,128	4-Aug-2009	24-Aug-2009	0.05	\$6	n/a	\$6

Notes for DELAYED costs

The actual cost of replacing the spill bucket on the super unleaded tank. The date required is the investigation date and final date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,128

TOTAL

\$6

Screening Date 25-Aug-2009	Docket No. 2009-1367-PST-E	PCW				
Respondent Adan O'Campo dba Adam Auto Service		<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 38238		<small>PCW Revision October 30, 2008</small>				
Reg. Ent. Reference No. RN101573566						
Media [Statute] Petroleum Storage Tank						
Enf. Coordinator Mike Pace						
Violation Number	<input type="text" value="4"/>					
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 334.10(b) and (b)(2)(B)(v)"/>					
Violation Description	<input type="text" value="Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel. Specifically, documentation for installation of overfill prevention equipment and corrosion protection records were not available for review."/>					
Base Penalty		<input type="text" value="\$10,000"/>				
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>		
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
		Percent	<input type="text" value="0%"/>			
>> Programmatic Matrix						
		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	<input type="text"/>	
					Percent	<input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>					
Adjustment		<input type="text" value="\$9,000"/>				
		<input type="text" value="\$1,000"/>				
Violation Events						
Number of Violation Events		<input type="text" value="1"/>	Number of violation days			
		<input type="text" value="21"/>				
<small>mark only one with an x</small>	daily	<input type="text"/>				
	weekly	<input type="text"/>				
	monthly	<input type="text"/>				
	quarterly	<input type="text"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
single event	<input checked="" type="text" value="X"/>					
					Violation Base Penalty	<input type="text" value="\$1,000"/>
<input type="text" value="One single event is recommended based on documentation of the violation during the August 4, 2009 investigation."/>						
Good Faith Efforts to Comply		<input 2"="" style="text-align: right;" type="text" value="0.0% Reduction</input></td> <td colspan="/> <input type="text" value="\$0"/>				
		Before NOV	NOV to EDRP/Settlement Offer			
Extraordinary		<input type="text"/>	<input type="text"/>			
Ordinary		<input type="text"/>	<input type="text"/>			
N/A		<input checked="" type="text" value="X"/>	<small>(mark with x)</small>			
Notes		<input type="text" value="The Respondent came into compliance on October 26, 2009 after the initial proposed order mail out dated October 16, 2009. Therefore, the Respondent does not meet the good faith criteria for this violation."/>				
Violation Subtotal		<input type="text" value="\$1,000"/>				
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$6"/>	Violation Final Penalty Total		<input type="text" value="\$1,221"/>	
				This violation Final Assessed Penalty (adjusted for limits)		
				<input type="text" value="\$1,221"/>		

Economic Benefit Worksheet

Respondent: Adan O'Campo dba Adam Auto Service
Case ID No.: 38238
Reg. Ent. Reference No.: RN101573566
Media: Petroleum Storage Tank
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	4-Aug-2009	26-Oct-2009	0.23	\$6	n/a	\$6
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain UST records. The date required is the investigation date and the final date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$6

Screening Date 25-Aug-2009		Docket No. 2009-1367-PST-E		PCW
Respondent Adan O'Campo dba Adam Auto Service				<small>Policy Revision 2 (September 2002)</small>
Case ID No. 38238				<small>PCW Revision October 30, 2008</small>
Reg. Ent. Reference No. RN101573566				
Media [Statute] Petroleum Storage Tank				
Enf. Coordinator Mike Pace				
Violation Number		<input type="text" value="5"/>		
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 115.226(1) and Tex. Health & Safety Code § 382.085(b)"/>		
Violation Description		<input type="text" value="Failed to maintain a record at the Station of the dates on which gasoline was delivered to the dispensing Station. Specifically, fuel delivery records were not available for review."/>		
Base Penalty				<input type="text" value="\$10,000"/>
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
>> Programmatic Matrix				
		Falsification		
		Major	Moderate	Minor
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>
		Percent <input type="text" value="10%"/>		
Matrix Notes		<input type="text" value="100% of the rule requirement was not met."/>		
Adjustment				<input type="text" value="\$9,000"/>
				<input type="text" value="\$1,000"/>
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="21"/> Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>	
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input checked="" type="text" value="x"/>			
<input type="text" value="One single event is recommended based on documentation of the violation during the August 4, 2009 investigation."/>				
Good Faith Efforts to Comply		0.0% Reduction		<input type="text" value="\$0"/>
		Before NOV	NOV to EDP/PP/ Settlement Offer	
Extraordinary		<input type="text"/>	<input type="text"/>	
Ordinary		<input type="text"/>	<input type="text"/>	
N/A		<input checked="" type="text" value="x"/>	(mark with x)	
Notes		<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
Violation Subtotal				<input type="text" value="\$1,000"/>
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount		<input type="text" value="\$8"/>	Violation Final Penalty Total <input type="text" value="\$1,221"/>	
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$1,221"/>

Economic Benefit Worksheet

Respondent Adan O'Campo dba Adam Auto Service
Case ID No. 38238
Reg. Ent. Reference No. RN101573588
Media Petroleum Storage Tank
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	4-Aug-2009	26-Oct-2009	0.23	\$6	n/a	\$6
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to maintain fuel delivery records. The date required is the investigation date and the final date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$6

Screening Date 25-Aug-2009		Docket No. 2009-1367-PST-E		PCW	
Respondent Adan O'Campo dba Adam Auto Service				<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 38238				<small>PCW Revision October 30, 2008</small>	
Reg. Ent. Reference No. RN101573566					
Media [Statute] Petroleum Storage Tank					
Enf. Coordinator Mike Pace					
Violation Number		<input type="text" value="6"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 115.244(3) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description		<input type="text" value="Failed to conduct monthly inspections of the Stage II vapor recovery system."/>			
Base Penalty				<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	x	<input type="text"/>	
				Percent <input type="text" value="10%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>	
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>				
Adjustment				<input type="text" value="\$9,000"/>	
				<input type="text" value="\$1,000"/>	
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="21"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	<input type="text"/>		
	weekly	<input type="text"/>	<input type="text"/>		
	monthly	<input type="text"/>	<input type="text"/>		
	quarterly	<input type="text"/>	x		
	semiannual	<input type="text"/>	<input type="text"/>		
	annual	<input type="text"/>	<input type="text"/>		
	single event	<input type="text"/>	<input type="text"/>		
				Violation Base Penalty	<input type="text" value="\$1,000"/>
<input type="text" value="One quarterly event is recommended from the August 4, 2009 investigation date to the August 25, 2009 screening date."/>					
Good Faith Efforts to Comply		25.0% Reduction		<input type="text" value="\$250"/>	
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Ordinary	x	<input type="text"/>	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)			
Notes	<input type="text" value="The Respondent came into compliance on August 5, 2009 prior to the NOE dated August 21, 2009."/>				
Violation Subtotal				<input type="text" value="\$750"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$9"/>	Violation Final Penalty Total		
			<input type="text" value="\$971"/>		
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$971"/>	

Economic Benefit Worksheet

Respondent: Adan O'Campo dba Adam Auto Service
Case ID No.: 38238
Reg. Ent. Reference No.: RN101573566
Media: Petroleum Storage Tank
Violation No.: 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	4-Jul-2009	5-Aug-2009	0.09	\$0	\$9
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct the required monthly inspections of the components of the Stage II vapor recovery system. Date required is one month prior to the investigation date and final date is the compliance date.

Approx. Cost of Compliance

\$100

TOTAL

\$9

Screening Date 25-Aug-2009		Docket No. 2009-1367-PST-E		PCW	
Respondent Adan O'Campo dba Adam Auto Service		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 38238		<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101573566					
Media [Statute] Petroleum Storage Tank					
Enf. Coordinator Mike Pace					
Violation Number		<input type="text" value="7"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 115.248(1) and Tex. Health & Safety Code § 382.085(b)"/>			
Violation Description		<input type="text" value="Failed to ensure that each current employee received in-house Stage II vapor recovery training regarding the purpose and correct operating procedure of the vapor recovery system."/>			
Base Penalty				<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	x	<input type="text"/>	Percent <input type="text" value="10%"/>	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
					Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation."/>				
Adjustment				<input type="text" value="\$9,000"/>	
				<input type="text" value="\$1,000"/>	
Violation Events					
		<input type="text" value="1"/>	<input type="text" value="21"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>			
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	x			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
				Violation Base Penalty	<input type="text" value="\$1,000"/>
<input type="text" value="One quarterly event is recommended based on documentation of the violation during the August 4, 2009 investigation to the August 25, 2009 screening date."/>					
Good Faith Efforts to Comply		<input type="text" value="25.0%"/>	Reduction		<input type="text" value="\$250"/>
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	x	<input type="text"/>			
N/A	<input type="text"/>	(mark with x)			
Notes	<input type="text" value="The Respondent came into compliance on August 7, 2009 prior to the NOE dated August 21, 2009."/>				
Violation Subtotal				<input type="text" value="\$750"/>	
Economic Benefit (EB) for this violation					
		Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$0"/>	Violation Final Penalty Total		<input type="text" value="\$971"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$971"/>	

Economic Benefit Worksheet

Respondent Adan O'Campo dba Adam Auto Service
Case ID No. 38238
Reg. Ent. Reference No. RN101573568
Media Petroleum Storage Tank
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$500	4-Aug-2009	7-Aug-2009	0.01	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide the Stage II training to all current employees. The date required is the investigation date and the final date is the compliance date.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$0

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601554553 O'Campo, Adan	Classification: AVERAGE	Rating: 17.00
Regulated Entity:	RN101573566 Adam Auto Service	Classification: AVERAGE	Site Rating: 17.00
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	62180
Location:	1600 W EULESS BLVD, EULESS, TX, 76040		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	August 24, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	August 24, 2004 to August 24, 2009		

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

Name: Mike Pace Phone: 817-588-5933

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 05/23/2005 ADMINORDER 2004-1599-PST-E
- Classification: Moderate
- Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)
30 TAC Chapter 37, SubChapter I 37.815(b)
- Description: A mechanism was received, but it did not provide coverage on the file review date.
- B. Any criminal convictions of the state of Texas and the federal government.
- N/A
- C. Chronic excessive emissions events.
- N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 10/01/2004 | (290455) |
| 2 | 08/23/2007 | (573410) |
| 3 | 08/20/2009 | (765056) |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- Date: 08/24/2007 (573410) CN601554553
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter C 115.246(3)
- Description: Failure to maintain a record of maintenance conducted on any part of the Stage II equipment, including a general part description, the date and the time the equipment was taken out of service, the date of repair or replacement, the replacement part manufacturer=s information, a general description of the part location in the system, and a description of the problem.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 115, SubChapter C 115.246(1)
- Description: Failure to maintain a copy of the California Air Resources Board (CARB) Executive Order(s) for the Stage II vapor recovery system and any related

components installed at the facility.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 115, SubChapter C 115.246(5)
Description: Failure to maintain a record of the results of testing conducted at the motor vehicle fuel dispensing facility in accordance with the provisions specified in 115.245 of this title (relating to Testing Requirements).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(A)
Description: Failure to maintain the Stage II vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable California Air Resource Board (CARB) Executive Order(s), and free of defects that would impair the effectiveness of the system.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ADAN O'CAMPO
DBA ADAM AUTO SERVICE
RN101573566

§
§
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§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-1367-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Adan O'Campo dba Adam Auto Service ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates an auto service center with a convenience store and retail sales of gasoline at 1600 West Euless Boulevard in Euless, Tarrant County, Texas (the "Station").
2. The Respondent's three underground storage tanks ("USTs") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 26, 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 Eleven Thousand Six Hundred Nine Dollars (\$11,609) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Two Hundred Fifty-Eight Dollars (\$258) of the administrative penalty and Two Thousand Three Hundred Twenty-One Dollars (\$2,321) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Nine Thousand Thirty Dollars (\$9,030) of the administrative penalty shall be payable in 35 monthly payments of Two Hundred Fifty-Eight Dollars (\$258) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Station:
 - a. Replaced the spill bucket on the super unleaded tank on August 24, 2009;
 - b. Began conducting the required monthly inspections of the Stage II vapor recovery system on August 5, 2009;
 - c. Began maintaining fuel delivery records at the Station on October 26, 2009; and
 - d. Provided Stage II in-house employee training to all employees at the Station on August 7, 2009.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on August 4, 2009.
2. Failed to conduct reconciliation of detailed inventory control records at least once each month, in a manner sufficiently accurate to detect a release which equals or exceeds the sum of 1.0% of the total substance flow-through for the month plus 130 gallons, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(ii) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on August 4, 2009.
3. Failed to record inventory volume measurement for regulated substance inputs, withdrawals, and the amount still remaining in the tank each operating day, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on August 4, 2009.
4. Failed to conduct effective manual or automatic inventory control procedures for all USTs involved in the retail sale of petroleum substances used as a motor fuel, in violation of 30 TEX. ADMIN. CODE § 334.48(c), as documented during an investigation conducted on August 4, 2009.
5. Failed to ensure that all spill and overfill prevention devices are maintained in good operating condition, in violation of 30 TEX. ADMIN. CODE § 334.51(a)(6) and TEX. WATER CODE § 26.3475(c)(2), as documented during an investigation conducted on August 4, 2009. Specifically, the spill bucket on the super unleaded tank was damaged.
6. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b) and (b)(2)(B)(v), as documented during an investigation conducted on August 4, 2009. Specifically, documentation for installation of overfill prevention equipment and corrosion protection records were not available for review.
7. Failed to maintain a record at the Station of the dates on which gasoline was delivered to the dispensing Station, in violation of 30 TEX. ADMIN. CODE § 115.226(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 4, 2009. Specifically, fuel delivery records were not available for review.
8. Failed to conduct monthly inspections of the Stage II vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.244(3) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 4, 2009.
9. Failed to ensure that each current employee received in-house Stage II vapor recovery training regarding the purpose and correct operating procedure of the vapor recovery system, in violation of 30 TEX. ADMIN. CODE § 115.248(1) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on August 4, 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: Adan O'Campo dba Adam Auto Service, Docket No. 2009-1367-PST-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order;
 - i. Implement a release detection method for all USTs including volume measurement and reconciliation of inventory control records, in accordance with of 30 TEX. ADMIN. CODE § 334.50;
 - ii. Begin conducting effective manual or automatic inventory control procedures for all USTs at the Station, in accordance with of 30 TEX. ADMIN. CODE § 334.48; and
 - iii. Begin maintaining all UST records, in accordance with of 30 TEX. ADMIN. CODE § 334.10.
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Waste Section Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Station operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This 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

John Soderlin
For the Executive Director

12/23/2009
Date

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

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

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

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

Adan R. Ocampo
Signature

11/09/09
Date

ADAN R. Ocampo
Name (Printed or typed)
Authorized Representative of
Adan O'Campo dba Adam Auto Service

OWNER
Title

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.