

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 3

**DOCKET NO.:** 2009-1243-PST-E **TCEQ ID:** RN102439387 **CASE NO.:** 38106**RESPONDENT NAME:** Allsup Petroleum Inc. dba Allsup 356

|   |   |  |
|---|---|--|
| <b>ORDER TYPE:</b>  |   |  |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER   | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER   | <input type="checkbox"/> SHUTDOWN ORDER                     | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER  | <input type="checkbox"/> EMERGENCY ORDER                    |  |
| <b>CASE TYPE:</b>   |   |  |
| <input type="checkbox"/> AIR  | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Allsup 356, 4316 Southwest Boulevard, San Angelo, Tom Green County</p> <p><b>TYPE OF OPERATION:</b> Convenience store with retail sales of gasoline</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 25, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/> <b>TCEQ Attorney/SEP Coordinator:</b> None<br/> <b>TCEQ Enforcement Coordinator:</b> Ms. Judy Kluge, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5825; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387<br/> <b>Respondent:</b> Mr. Lonnie D. Allsup, President, Allsup Petroleum Inc., P.O. Box 1907, Clovis, New Mexico 88102<br/> <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |   |  |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION  | PENALTY CONSIDERATIONS  | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
|--|---|---|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 30, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> August 7, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WASTE</b></p> <p>1) Failure to ensure that all spill and overfill prevention devices are maintained in good operating condition and that such devices are inspected and serviced in accordance with manufacturers' specifications. Specifically, all four spill buckets were corroded, the unleaded spill bucket's metal flange and gasket was broken, and the spill bucket for tank no. 3 was broken [30 TEX. ADMIN. CODE § 334.51(a)(6) and TEX. WATER CODE § 26.3475(c)(2)].</p> <p>2) Failure to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, the monthly inventory control records for July and August 2008 indicated a suspected release that was not reported [30 TEX. ADMIN. CODE § 334.72(3)].</p> <p>3) Failure to provide corrosion protection to all underground components of an underground storage tank ("UST") system which is used to convey or contain regulated substances. Specifically, all submersible pumps and their associated piping and components were in contact with soil and backfill [30 TEX. ADMIN. CODE § 334.49(a)(4) and TEX. WATER CODE § 26.3475(d)].</p> <p>4) Failure to ensure that all monitoring wells and observation wells are properly capped, labeled, and secured or locked to</p> | <p><b>Total Assessed:</b> \$7,759</p> <p><b>Total Deferred:</b> \$1,551<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$6,208</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. Replaced the damaged spill buckets and implemented procedures for timely inspection and servicing of spill and overfill devices on August 26, 2009;</p> <p>b. Implemented a process for reporting suspected releases on July 22, 2009;</p> <p>c. Relined the monitoring wells and equipped them with locking caps on August 26, 2009;</p> <p>d. Cleared the soil and backfill away from the submersible pumps and their associated piping and components, and ensured that all underground components of the UST system are protected from corrosion on June 30, 2009; and</p> <p>e. Implemented a release detection method for all USTs as of July 22, 2009.</p> |

|   |  |  |
|---|--|--|
| <p>prevent unauthorized access, tampering, accidental depositing of unauthorized substances. Specifically, all four observation wells did not have a locking lid, the caps were missing, the well casings were in a state of deterioration, and there was debris in some of the wells [30 TEX. ADMIN. CODE § 334.46(g)(1)(H)].</p> <p>5) Failure to ensure that all USTs are monitored in a manner which will detect a release 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> |  |  |
|---|--|--|

Additional ID No(s): PST No. 62280





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

|              |          |             |           |             |
|--------------|----------|-------------|-----------|-------------|
| <b>DATES</b> | Assigned | 3-Aug-2009  |           |             |
|              | PCW      | 10-Aug-2009 | Screening | 10-Aug-2009 |
|              |          |             | EPA Due   |             |

|  |                                       |                    |       |
|--|---------------------------------------|--------------------|-------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                                       |                    |       |
| Respondent                             | Allsup Petroleum Inc. dba Allsups 356 |                    |       |
| Reg. Ent. Ref. No.                     | RN102439387                           |                    |       |
| Facility/Site Region                   | 8-San Angelo                          | Major/Minor Source | Minor |

|                                 |                        |                       |                    |
|---------------------------------|------------------------|-----------------------|--------------------|
| <b>CASE INFORMATION</b>         |                        |                       |                    |
| Enf./Case ID No.                | 38106                  | No. of Violations     | 5                  |
| Docket No.                      | 2009-1243-PST-E        | Order Type            | 1660               |
| Media Program(s)                | Petroleum Storage Tank | Government/Non-Profit | No                 |
| Multi-Media                     |                        | Enf. Coordinator      | Judy Kluge         |
|                                 |                        | 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**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History**  **Subtotals 2, 3, & 7**

Notes

**Culpability**   **Subtotal 4**

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  **Subtotal 6**

|                            |         |  |
|----------------------------|---------|--|
| Total EB Amounts           | \$128   | <i>*Capped at the Total EB \$ Amount</i> |
| Approx. Cost of Compliance | \$3,600 |  |

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

Screening Date 10-Aug-2009

Docket No. 2009-1243-PST-E

PCW

Respondent Allsup Petroleum Inc. dba Allsup 356

Policy Revision 2 (September 2002)

Case ID No. 38106

PCW Revision October 30, 2009

Reg. Ent. Reference No. RN102439387

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  | 0                 | 0%      |
|                               | Other written NOVs   | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)                                       | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government (number of counts)  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)              | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 0                 | 0%      |
| Please Enter Yes or No        |  |                   |         |
| 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)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

No adjustment due to compliance history.

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

|   |  |  |   |   |
|---|--|--|---|---|
| <b>Screening Date:</b> 10-Aug-2009                              | <b>Docket No.:</b> 2009-1243-PST-E   | <b>PCW</b>   |   |   |
| <b>Respondent:</b> Allsup Petroleum Inc. dba Allsups 356        |  | <small>Policy Revision 2 (September 2002)</small>                                    |   |   |
| <b>Case ID No.:</b> 38106                                       |  | <small>PCW Revision October 30, 2008</small>   |   |   |
| <b>Reg. Ent. Reference No.:</b> RN102439387                     |  |  |   |   |
| <b>Media [Statute]:</b> Petroleum Storage Tank                  |  |  |   |   |
| <b>Enf. Coordinator:</b> Judy Kluge                             |  |  |   |   |
| <b>Violation Number:</b> <input type="text" value="1"/>         |  |  |   |   |
| <b>Rule Cite(s):</b>  | <input type="text" value="30 Tex. Admin. Code § 334.51(a)(6) and Tex. Water Code § 26.3475(c)(2)"/>  |  |   |   |
| <b>Violation Description:</b>                                   | <input type="text" value="Failed to ensure that all spill and overfill prevention devices are maintained in good operating condition and that such devices are inspected and serviced in accordance with manufacturers' specifications. Specifically, all four spill buckets were corroded, the unloaded spill bucket's metal flange and gasket was broken, and the spill bucket for tank no. 3 was broken."/> |  |   |   |
|   | <b>Base Penalty:</b>   | <input type="text" value="\$10,000"/>  |   |   |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b> |  |  |   |   |
| <b>OR</b>   | <b>Harm</b>  |  |   |   |
|   | Release  | Major  | Moderate  | Minor   |
|   | Actual   | <input type="text"/>   | <input type="text"/>  | <input type="text"/>  |
|   | Potential  | <input type="text"/>   | x   | <input type="text"/>  |
|   |  |  |   | <b>Percent:</b> <input type="text" value="10%"/>                    |
| <b>&gt;&gt; Programmatic Matrix</b>                             |  |  |   |   |
|   | Falsification  | Major  | Moderate  | Minor   |
|   | <input type="text"/>   | <input type="text"/>   | <input type="text"/>  | <input type="text"/>  |
|   |  |  |   | <b>Percent:</b> <input type="text" value="0%"/>                     |
| <b>Matrix Notes:</b>  | <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."/>  |  |   |   |
|   |  |  |   | <b>Adjustment:</b> <input type="text" value="\$9,000"/>             |
|   |  |  |   | <input type="text" value="\$1,000"/>                                |
| <b>Violation Events</b>   |  |  |   |   |
|   | <b>Number of Violation Events:</b>   | <input type="text" value="1"/>   | <b>Number of violation days:</b>                                    | <input type="text" value="41"/>                                     |
|   | <small>mark only one with an x</small>   | 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"/>   |   |   |
|   |  |  |   | <b>Violation Base Penalty:</b> <input type="text" value="\$1,000"/> |
|   | <input type="text" value="One quarterly event is recommended based on documentation of the violation during the June 30, 2009, investigation to the August 10, 2009, screening date."/>  |  |   |   |
| <b>Good Faith Efforts to Comply</b>                             |  | <b>10.0%</b>   | <b>Reduction</b>  | <input type="text" value="\$100"/>                                  |
|   |  | <small>Before NOV</small>  | <small>NOV to EDRP/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>  |   |
|   | <b>Notes:</b>  | <input type="text" value="The Respondent came into compliance on August 26, 2009."/> |   |   |
|   |  |  |   | <b>Violation Subtotal:</b> <input type="text" value="\$900"/>       |
| <b>Economic Benefit (EB) for this violation</b>                 |  | <b>Statutory Limit Test</b>  |   |   |
|   | <b>Estimated EB Amount:</b>  | <input type="text" value="\$11"/>  | <b>Violation Final Penalty Total:</b>                               | <input type="text" value="\$913"/>                                  |
|   |  |  | <b>This violation Final Assessed Penalty (adjusted for limits):</b> | <input type="text" value="\$913"/>                                  |

## Economic Benefit Worksheet

**Respondent** Allsup Petroleum Inc. dba Allsups 356  
**Case ID No.** 38106  
**Reg. Ent. Reference No.** RN102439387  
**Media** Petroleum Storage Tank  
**Violation No.** 1

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 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                | \$1,000   | 30-Jun-2009   | 26-Aug-2009 | 0.16 | \$1            | \$10          | \$11      |
| 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

The estimated cost of replacing the spill buckets and maintaining them in good operating condition. 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)

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$11

|  |  |   |   |
|--|--|---|---|
| <b>Screening Date</b> 10-Aug-2009                                  | <b>Docket No.</b> 2009-1243-PST-E  | <b>PCW</b>  |   |
| <b>Respondent</b> Allsup Petroleum Inc. dba Allsups 356            |  | <small>Policy Revision 2 (September 2002)</small>                                     |   |
| <b>Case ID No.</b> 38108   |  | <small>PCW Revision October 30, 2008</small>  |   |
| <b>Reg. Ent. Reference No.</b> RN102439387                         |  |   |   |
| <b>Media [Statute]</b> Petroleum Storage Tank                      |  |   |   |
| <b>Enf. Coordinator</b> Judy Kluge                                 |  |   |   |
| <b>Violation Number</b> 2  |  |   |   |
| <b>Rule Cite(s)</b>  | 30 Tex. Admin. Code § 334.72(3)  |   |   |
| <b>Violation Description</b>                                       | Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, the monthly inventory control records for July and August 2008 indicated a suspected release that was not reported. |   |   |
|  | <b>Base Penalty:</b>   | \$10,000  |   |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>    |  |   |   |
| <b>OR</b>  | <b>Release</b>   | <b>Harm</b>   |   |
|  |  | Major    Moderate    Minor  |   |
|  | Actual   | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            | <b>Percent</b> <input type="text" value="0%"/>                          |
|  | Potential  | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>            |   |
| <b>&gt;&gt; Programmatic Matrix</b>                                |  |   |   |
|  | <b>Falsification</b>   | <b>Major</b> <b>Moderate</b> <b>Minor</b>   |   |
|  | <input type="checkbox"/>   | <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <b>Percent</b> <input type="text" value="10%"/>                         |
| <b>Matrix Notes</b>  | 100% of the rule requirement was not met.  |   |   |
|  | <b>Adjustment:</b>   | \$9,000   |   |
|  |  |   | \$1,000   |
| <b>Violation Events</b>  |  |   |   |
|  | <b>Number of Violation Events</b>  | <input type="text" value="1"/>  | <b>Number of violation days</b>   |
|  |  | <input type="text" value="22"/>   |   |
| <small>mark only one with an x</small>                             | daily  | <input type="checkbox"/>  | <b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>      |
|  | weekly   | <input type="checkbox"/>  |   |
|  | monthly  | <input type="checkbox"/>  |   |
|  | quarterly  | <input type="checkbox"/>  |   |
|  | semiannual   | <input type="checkbox"/>  |   |
|  | annual   | <input type="checkbox"/>  |   |
|  | single event   | <input checked="" type="checkbox"/>   |   |
|  | One single event is recommended based on documentation of the violation during the June 30, 2009 investigation.  |   |   |
| <b>Good Faith Efforts to Comply</b>                                |  | <b>25.0% Reduction</b>  | <b>\$250</b>  |
|  |  | <small>Before NOV    NOV to EDP/PRP/Settlement Offer</small>                          |   |
|  | Extraordinary  | <input type="checkbox"/>  | <b>Violation Subtotal</b> <input type="text" value="\$750"/>            |
|  | Ordinary   | <input checked="" type="checkbox"/>   |   |
|  | N/A  | <small>(mark with x)</small>  |   |
|  | <b>Notes</b>   | The Respondent came into compliance on July 22, 2009.                                 |   |
| <b>Economic Benefit (EB) for this violation</b>                    |  | <b>Statutory Limit Test</b>   |   |
|  | <b>Estimated EB Amount</b>   | <input type="text" value="\$109"/>  | <b>Violation Final Penalty Total</b> <input type="text" value="\$761"/> |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |  |   | <b>\$761</b>  |

## Economic Benefit Worksheet

**Respondent** Allsup Petroleum Inc. dba Allsups 356  
**Case ID No.** 38108  
**Reg. Ent. Reference No.** RN102439387  
**Media** Petroleum Storage Tank  
**Violation No.** 2

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

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

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

|                               |       |            |             |      |     |       |       |
|-------------------------------|-------|------------|-------------|------|-----|-------|-------|
| Disposal                      |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Personnel                     |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Inspection/Reporting/Sampling |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Supplies/equipment            |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| Financial Assurance [2]       |       |            |             | 0.00 | \$0 | \$0   | \$0   |
| ONE-TIME avoided costs [3]    | \$100 | 1-Sep-2008 | 22-Jul-2009 | 1.81 | \$9 | \$100 | \$109 |
| Other (as needed)             |       |            |             | 0.00 | \$0 | \$0   | \$0   |

Notes for AVOIDED costs

Estimated cost to report a suspected release. The date required is the date of the suspected release and the final date is the compliance date.

Approx. Cost of Compliance

\$100

TOTAL

\$109

|  |  |   |  |                                      |
|--|--|---|--|--------------------------------------|
| <b>Screening Date</b> 10-Aug-2009  | <b>Docket No.</b> 2009-1243-PST-E  | <b>PCW</b>  |  |                                      |
| <b>Respondent</b> Allsup Petroleum Inc. dba Allsups 356  | <i>Policy Revision 2 (September 2002)</i>  |   |  |                                      |
| <b>Case ID No.</b> 38106   | <i>PCW Revision October 30, 2008</i>   |   |  |                                      |
| <b>Reg. Ent. Reference No.</b> RN102439387   |  |   |  |                                      |
| <b>Media: [Statute]</b> Petroleum Storage Tank   |  |   |  |                                      |
| <b>Enf. Coordinator</b> Judy Kluge   |  |   |  |                                      |
| <b>Violation Number</b> <input type="text" value="3"/>   |  |   |  |                                      |
| <b>Rule Cite(s)</b>  | <input type="text" value="30 Tex. Admin. Code § 334.49(a)(4) and Tex. Water Code § 26.3475(d)"/>   |   |  |                                      |
| <b>Violation Description</b>   | <input type="text" value="Failed to provide corrosion protection to all underground components of an UST system which is used to convey or contain regulated substances. Specifically, all submersible pumps and their associated piping and components were in contact with soil and backfill."/> |   |  |                                      |
| <b>Base Penalty</b>  | <input type="text" value="\$10,000"/>  |   |  |                                      |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>  |  |   |  |                                      |
| <b>OR</b>  | <b>Release</b>   | <b>Harm</b>   |  |                                      |
|  | Major      Moderate      Minor   |   |  |                                      |
| Actual   | <input type="text"/>   | <input type="text"/>  | <input type="text"/>   |                                      |
| Potential  | <input type="text" value="x"/>   | <input type="text"/>  | <input type="text"/>   |                                      |
|  |  | <b>Percent</b>  | <input type="text" value="25%"/>                                   |                                      |
| <b>&gt;&gt; Programmatic Matrix</b>  |  |   |  |                                      |
|  | Falsification  | Major   | Moderate   | Minor                                |
|  | <input type="text"/>   | <input type="text"/>  | <input type="text"/>   | <input type="text"/>                 |
|  |  | <b>Percent</b>  | <input type="text" value="0%"/>                                    |                                      |
| <b>Matrix Notes</b>  | <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."/>   |   |  |                                      |
| <b>Adjustment</b>  | <input type="text" value="\$7,500"/>   |   |  |                                      |
|  |  |   | <input type="text" value="\$2,500"/>                               |                                      |
| <b>Violation Events</b>  |  |   |  |                                      |
|  | <b>Number of Violation Events</b>  | <input type="text" value="1"/>  | <b>Number of violation days</b>                                    | <input type="text" value="1"/>       |
| <i>mark only one with an x</i>   |  | <input type="text" value="daily"/><br><input type="text" value="weekly"/><br><input style="border: 1px solid black;" type="text" value="monthly"/><br><input type="text" value="quarterly"/><br><input type="text" value="semiannual"/><br><input type="text" value="annual"/><br><input type="text" value="single event"/> |  | <b>Violation Base Penalty</b>        |
|  |  |   | <input type="text" value="\$2,500"/>                               |                                      |
| <input type="text" value="One monthly event is recommended based on the June 30, 2009 investigation to the June 30, 2009 compliance date."/> |  |   |  |                                      |
| <b>Good Faith Efforts to Comply</b>  |  | <input type="text" value="25.0%"/>  | <b>Reduction</b>   | <input type="text" value="\$625"/>   |
|  |  | <small>Before NOV</small>   | <small>NOV to EDCRP/Settlement Offer</small>                       |                                      |
| Extraordinary  | <input type="text"/>   | <input type="text"/>  | <input type="text"/>   |                                      |
| Ordinary   | <input type="text" value="x"/>   | <input type="text"/>  | <input type="text"/>   |                                      |
| N/A  | <input type="text"/>   | <small>(mark with x)</small>  |  |                                      |
| <b>Notes</b>   | <input type="text" value="The Respondent came into compliance on June 30, 2009."/>   |   |  |                                      |
|  |  |   | <b>Violation Subtotal</b>  | <input type="text" value="\$1,875"/> |
| <b>Economic Benefit (EB) for this violation</b>  |  |   | <b>Statutory Limit Test</b>  |                                      |
|  | <b>Estimated EB Amount</b>   | <input type="text" value="\$0"/>  | <b>Violation Final Penalty Total</b>                               | <input type="text" value="\$1,902"/> |
|  |  |   | <b>This violation Final Assessed Penalty (adjusted for limits)</b> |                                      |
|  |  |   | <input type="text" value="\$1,902"/>                               |                                      |

## Economic Benefit Worksheet

**Respondent** Allsup Petroleum Inc. dba Allsups 356  
**Case ID No.** 38106  
**Reg. Ent. Reference No.** RN102439387  
**Media** Petroleum Storage Tank  
**Violation No.** 3

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

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

**Delayed Costs**

|                          |       |             |             |      |     |     |     |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        | \$500 | 30-Jun-2009 | 30-Jun-2009 | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to provide cathodic protection to all underground metal components of the UST system. The date required is the date of the investigation and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

|       |                  |
|-------|------------------|
| \$500 | <b>TOTAL</b> \$0 |
|-------|------------------|

|  |   |   |   |  |
|--|---|---|---|--|
| <b>Screening Date</b> 10-Aug-2009                                  | <b>Docket No.</b> 2009-1243-PST-E   | <b>PGW</b>  |   |  |
| <b>Respondent</b> Allsup Petroleum Inc. dba Allsup 356             |   | <small>Policy Revision 2 (September 2002)</small>       |   |  |
| <b>Case ID No.</b> 38108   |   | <small>PCW Revision October 30, 2008</small>            |   |  |
| <b>Reg. Ent. Reference No.</b> RN102439387                         |   |   |   |  |
| <b>Media [Statute]</b> Petroleum Storage Tank                      |   |   |   |  |
| <b>Enf. Coordinator</b> Judy Kluge                                 |   |   |   |  |
| <b>Violation Number</b> <input type="text" value="4"/>             |   |   |   |  |
| <b>Rule Cite(s)</b>  | 30 Tex. Admin. Code § 334.46(g)(1)(H)   |   |   |  |
| <b>Violation Description</b>                                       | Failed to ensure that all monitoring wells and observation wells are properly capped, labeled, and secured or locked to prevent unauthorized access, tampering, accidental depositing of unauthorized substances. Specifically, all four observation wells did not have a locking lid, the caps were missing, the well casings were in a state of deterioration, and there was debris in some of the wells. |   |   |  |
|  | <b>Base Penalty</b>   | <input type="text" value="\$10,000"/>                   |   |  |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>    |   |   |   |  |
| <b>OR</b>  | <b>Harm</b>   |   |   |  |
|  | Release   | Major   | Moderate                                    | Minor  |
|  | Actual  | <input type="text"/>                                    | <input type="text"/>                        | <input type="text"/>   |
|  | Potential   | <input checked="" type="checkbox"/>                     | <input type="checkbox"/>                    | <input type="checkbox"/>   |
|  |   |   |   | <b>Percent</b> <input type="text" value="25%"/>                    |
| <b>&gt;&gt; Programmatic Matrix</b>                                |   |   |   |  |
|  | Falsification   | Major   | Moderate                                    | Minor  |
|  | <input type="text"/>  | <input type="text"/>                                    | <input type="text"/>                        | <input type="text"/>   |
|  |   |   |   | <b>Percent</b> <input type="text" value="0%"/>                     |
| <b>Matrix Notes</b>  | 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.   |   |   |  |
|  | <b>Adjustment</b>   |   | <input type="text" value="\$7,500"/>        |  |
|  |   |   | <input type="text" value="\$2,500"/>        |  |
| <b>Violation Events</b>  |   |   |   |  |
|  | <b>Number of Violation Events</b>   | <input type="text" value="1"/>                          | <b>Number of violation days</b>             | <input type="text" value="41"/>                                    |
|  | <small>mark only one with an x</small>  | daily   | <input type="text"/>                        |  |
|  |   | weekly  | <input type="text"/>                        |  |
|  |   | monthly   | <input type="text"/>                        |  |
|  |   | quarterly   | <input checked="" type="checkbox"/>         |  |
|  |   | semiannual  | <input type="text"/>                        |  |
|  |   | annual  | <input type="text"/>                        |  |
|  | single event  | <input type="text"/>                                    |   |  |
|  | One quarterly event is recommended based on documentation of the violation during the June 30, 2009, investigation to the August 10, 2009, screening date.  |   |   | <b>Violation Base Penalty</b> <input type="text" value="\$2,500"/> |
| <b>Good Faith Efforts to Comply</b>                                |   | <input type="text" value="10.0%"/>                      | <b>Reduction</b>                            | <input type="text" value="\$250"/>                                 |
|  |   | <small>Before NOV</small>                               | <small>NOV to EDRP/Settlement Offer</small> |  |
|  | Extraordinary   | <input type="text"/>                                    | <input type="text"/>                        |  |
|  | Ordinary  | <input type="text"/>                                    | <input checked="" type="checkbox"/>         |  |
|  | N/A   | <input type="text"/>                                    | <small>(mark with x)</small>                |  |
|  | <b>Notes</b>  | The Respondent came into compliance on August 26, 2009. |   |  |
|  | <b>Violation Subtotal</b>   |   |   | <input type="text" value="\$2,250"/>                               |
| <b>Economic Benefit (EB) for this violation</b>                    |   |   | <b>Statutory Limit Test</b>                 |  |
|  | <b>Estimated EB Amount</b>  | <input type="text" value="\$4"/>                        | <b>Violation Final Penalty Total</b>        | <input type="text" value="\$2,282"/>                               |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b> |   |   | <input type="text" value="\$2,282"/>        |  |

## Economic Benefit Worksheet

**Respondent:** Allsup Petroleum Inc. dba Allsups 356  
**Case ID No.:** 38106  
**Reg. Ent. Reference No.:** RN102439387  
**Media:** Petroleum Storage Tank  
**Violation No.:** 4

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 5.0                     | 15                           |

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

No commas or \$

**Delayed Costs**

|                          |       |             |             |      |     |     |     |
|--------------------------|-------|-------------|-------------|------|-----|-----|-----|
| Equipment                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Buildings                |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Engineering/construction |       |             |             | 0.00 | \$0 | \$0 | \$0 |
| Land                     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System    |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling        |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal     |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Permit Costs             |       |             |             | 0.00 | \$0 | n/a | \$0 |
| Other (as needed)        | \$500 | 30-Jun-2009 | 26-Aug-2009 | 0.16 | \$4 | n/a | \$4 |

Notes for DELAYED costs

Estimated cost to ensure that all wells are properly capped, labeled, and secured to prevent unauthorized access or tampering. The date required is the investigation and the final date is the date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$4

|   |   |  |  |
|---|---|--|--|
| <b>Screening Date</b> 10-Aug-2009   | <b>Docket No.</b> 2009-1243-PST-E   | <b>PGW</b>   |  |
| <b>Respondent</b> Allsup Petroleum Inc. dba Allsups 356   | <small>Policy Revision 2 (September 2002)</small>   |  |  |
| <b>Case ID No.</b> 38106  | <small>PCW Revision October 30, 2009</small>  |  |  |
| <b>Reg. Ent. Reference No.</b> RN102439387  |   |  |  |
| <b>Media [Statute]</b> Petroleum Storage Tank   |   |  |  |
| <b>Enf. Coordinator</b> Judy Kluge  |   |  |  |
| <b>Violation Number</b>   | 5   |  |  |
| <b>Rule Cite(s)</b>   | 30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)   |  |  |
| <b>Violation Description</b>  | Failed to ensure that all USTs are monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring).             |  |  |
| <b>Base Penalty</b>   |   | \$10,000   |  |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>   |   |  |  |
| <b>OR</b>   | <b>Harm</b>   |  |  |
|   | Major   | Moderate   | Minor  |
| <b>Release Actual</b>   | <input type="checkbox"/>  | <input type="checkbox"/>   | <input type="checkbox"/>                     |
| <b>Potential</b>  | x   | <input type="checkbox"/>   | <input type="checkbox"/>                     |
| <b>Percent</b>  |   |  | 25%  |
| <b>&gt;&gt; Programmatic Matrix</b>   |   |  |  |
| <b>Falsification</b>  |   |  |  |
| Major   | Moderate  | Minor  |  |
| <input type="checkbox"/>  | <input type="checkbox"/>  | <input type="checkbox"/>   |  |
| <b>Percent</b>  |   |  | 0%   |
| <b>Matrix Notes</b>   | 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. |  |  |
| <b>Adjustment</b>   |   | \$7,500  |  |
|   |   | \$2,500  |  |
| <b>Violation Events</b>   |   |  |  |
| <b>Number of Violation Events</b>   |   | 1  | 22   |
|   |   | <b>Number of violation days</b>                                    |  |
| <small>mark only one with an x</small>  | daily   | <input type="checkbox"/>   |  |
|   | weekly  | <input type="checkbox"/>   |  |
|   | monthly   | <input type="checkbox"/>   |  |
|   | quarterly   | x  |  |
|   | semiannual  | <input type="checkbox"/>   |  |
|   | annual  | <input type="checkbox"/>   |  |
|   | single event  | <input type="checkbox"/>   |  |
| <b>Violation Base Penalty</b>   |   |  | \$2,500                                      |
| One quarterly event is recommended based on documentation of the violation during the June 30, 2009, investigation to the July 22, 2009, compliance date. |   |  |  |
| <b>Good Faith Efforts to Comply</b>   |   | 25.0% Reduction  | \$625  |
|   |   | <small>Before NOV</small>  | <small>NOV to EDRP/ Settlement Offer</small> |
| Extraordinary   | <input type="checkbox"/>  | <input type="checkbox"/>   |  |
| Ordinary  | x   | <input type="checkbox"/>   |  |
| N/A   | <input type="checkbox"/>  | <small>(mark with x)</small>                                       |  |
| <b>Notes</b>  | The Respondent came into compliance on July 22, 2009.   |  |  |
| <b>Violation Subtotal</b>   |   | \$1,875  |  |
| <b>Economic Benefit (EB) for this violation</b>   |   | <b>Statutory Limit Test</b>  |  |
| <b>Estimated EB Amount</b>  |   | \$5  | \$1,902                                      |
|   |   | <b>Violation Final Penalty Total</b>                               |  |
|   |   | \$1,902  |  |
|   |   | <b>This violation Final Assessed Penalty (adjusted for limits)</b> |  |
|   |   | \$1,902  |  |

## Economic Benefit Worksheet

**Respondent** Allsup Petroleum Inc. dba Allsups 356  
**Case ID No.** 38108  
**Reg. Ent. Reference No.** RN102439387  
**Media** Petroleum Storage Tank  
**Violation No.** 5

|                         |                              |
|-------------------------|------------------------------|
| <b>Percent Interest</b> | <b>Years of Depreciation</b> |
| 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 | 30-Jun-2009 | 22-Jul-2009 | 0.06 | \$5 | n/a | \$5 |

Notes for DELAYED costs

The estimated cost of monitoring all USTs for releases. 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

\$1,500

**TOTAL**

\$5

# Compliance History Report

Customer/Respondent/Owner-Operator: CN601099260 Allsup Petroleum, Inc. Classification: AVERAGE Rating: 1.20  
Regulated Entity: RN102439387 ALLSUPS 356 Classification: AVERAGE Site Rating: 3.01  
BY DEFAULT  
ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 62280  
REGISTRATION  
Location: 4316 SOUTHWEST BLVD, SAN ANGELO, TX, 76904  
TCEQ Region: REGION 08 - SAN ANGELO  
Date Compliance History Prepared: August 03, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: August 03, 2004 to August 03, 2009  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Judy Kluge Phone: 817-588-5825

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? Yes
3. If Yes, who is the current owner/operator? Allsup Petroleum, Inc.
4. If Yes, who was/were the prior owner(s)/operator(s)? OWNOPR C & W Enterprises, Inc.
5. When did the change(s) in owner or operator occur? 08/28/2006
6. Rating Date: 9/1/2008 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 07/29/2009 (760499)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
N/A
  - 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  
ALLSUP PETROLEUM INC. DBA  
ALLSUPS 356  
RN102439387**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-1243-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 Allsup Petroleum Inc. dba Allsup 356 ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a convenience store with retail sales of gasoline at 4316 Southwest Boulevard in San Angelo, Tom Green County, Texas (the "Facility").
2. The Respondent's four underground storage tanks ("USTs") 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 August 12, 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 Seven Thousand Seven Hundred Fifty-Nine Dollars (\$7,759) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Thousand Two Hundred Eight Dollars (\$6,208) of

the administrative penalty and One Thousand Five Hundred Fifty-One Dollars (\$1,551) 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 Facility:
  - a. Replaced the damaged spill buckets and implemented procedures for timely inspection and servicing of spill and overflow devices on August 26, 2009;
  - b. Implemented a process for reporting suspected releases on July 22, 2009;
  - c. Relined the monitoring wells and equipped them with locking caps on August 26, 2009;
  - d. Cleared the soil and backfill away from the submersible pumps and their associated piping and components, and ensured that all underground components of the UST system are protected from corrosion on June 30, 2009; and
  - e. Implemented a release detection method for all USTs as of July 22, 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 Facility, the Respondent is alleged to have:

1. Failed to ensure that all spill and overflow prevention devices are maintained in good operating condition and that such devices are inspected and serviced in accordance with manufacturers' specifications, 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 June 30, 2009. Specifically, all four spill buckets were corroded, the unleaded spill bucket's metal flange and gasket was broken, and the spill bucket for tank no. 3 was broken.
2. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72(3), as documented during an investigation conducted on June 30, 2009. Specifically, the monthly inventory control records for July and August 2008 indicated a suspected release that was not reported.
  3. Failed to provide corrosion protection to all underground components of an UST system which is used to convey or contain regulated substances, in violation of 30 TEX. ADMIN. CODE § 334.49(a)(4) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on June 30, 2009. Specifically, all submersible pumps and their associated piping and components were in contact with soil and backfill.
  4. Failed to ensure that all monitoring wells and observation wells are properly capped, labeled, and secured or locked to prevent unauthorized access, tampering, accidental depositing of unauthorized substances, in violation of 30 TEX. ADMIN. CODE § 334.46(g)(1)(H), as documented during an investigation conducted on June 30, 2009. Specifically, all four observation wells did not have a locking lid, the caps were missing, the well casings were in a state of deterioration, and there was debris in some of the wells.
  5. Failed to ensure that all USTs are monitored in a manner which will detect a release 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 June 30, 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: Allsup Petroleum Inc. dba Allsup 356, Docket No. 2009-1243-PST-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon 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.
3. 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.
4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
5. 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 Szellin  
For the Executive Director

1/8/2010  
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.

Lois A. Allsup  
Signature

11-10-09  
Date

LOWIE D. ALLSUP  
Name (Printed or typed)  
Authorized Representative of  
Allsup Petroleum Inc. dba Allsups 356

President  
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.

