

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-1046-PST-E **TCEQ ID:** RN102451531 **CASE NO.:** 37913
RESPONDENT NAME: PINE FOREST COUNTRY CLUB

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"/> IMMEDIATE 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: Pine Forest Country Club, 18003 Clay Road, Houston, Harris County</p> <p>TYPE OF OPERATION: Convenience store with retail sales of gasoline</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 19, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Rajesh Acharya, Enforcement Division, Enforcement Team 6, MC 128, (512) 239-0577; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495 Respondent: Mr. William F. Horton, General Manager, PINE FOREST COUNTRY CLUB, 18003 Clay Road, Houston, Texas 77084 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: June 8, 2009</p> <p>Date of NOE Relating to this Case: June 26, 2009</p> <p>Background Facts: This was a routine investigation.</p> <p>WASTE</p> <p>1) Failure to notify the agency of any change or additional information regarding the underground storage tanks ("USTs") within 30 days from the date of occurrence of the change or addition. Specifically, the registration was not updated to reflect the out-of-service and in-service status of USTs [30 TEX. ADMIN. CODE § 334.7(d)(3)].</p> <p>2) Failure to timely renew a previously issued TCEQ delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(B)(ii)].</p> <p>3) Failure to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, one fuel delivery was accepted without a delivery certificate [30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a)].</p> <p>4) Failure to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs [30 TEX. ADMIN. CODE § 37.815(a) and (b)].</p> <p>5) Failure to provide proper corrosion protection for the UST system. Specifically, the investigator documented</p>	<p>Total Assessed: \$14,521</p> <p>Total Deferred: \$2,904 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$969 (remaining \$10,648 due in 11 monthly payments of \$968 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 permanently removed the USTs from the ground on September 17, 2009.</p>

<p>that a corrosion protection system was not provided for the UST system [30 TEX. ADMIN. CODE § 334.49(a) and TEX. WATER CODE § 26.3475(d)].</p> <p>6) Failure to monitor the 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>7) Failure to provide proper release detection for the suction piping associated with the USTs [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(b)].</p> <p>8) Failure to upgrade the Stage II equipment to onboard refueling vapor recovery compatible systems [30 TEX. ADMIN. CODE § 115.242(1)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> <p>9) Failure to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements. Specifically, the regular grade UST was out of service [30 TEX. ADMIN. CODE § 334.47(a)(2)].</p> <p>10) Failure to maintain all piping, pumps, manways, tank access points and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons [30 TEX. ADMIN. CODE § 334.54(b)(2)].</p>		
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Additional ID No(s): 52804



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	29-Jun-2009	Screening	2-Jul-2009	EPA Due
	PCW	6-Oct-2009			

RESPONDENT/FACILITY INFORMATION	
Respondent	PINE FOREST COUNTRY CLUB
Reg. Ent. Ref. No.	RN102451531
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37913	No. of Violations	7
Docket No.	2009-1046-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		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
Approx. Cost of Compliance

*Capped at the Total EB \$ Amount

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 2-Jul-2009

Docket No. 2009-1046-PST-E

PCW

Respondent PINE FOREST COUNTRY CLUB

Policy Revision 2 (September 2002)

Case ID No. 37913

PCW Revision October 30, 2006

Reg. Ent. Reference No. RN102451531

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rajesh Acharya

Compliance History Worksheet

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

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

Adjustment Percentage (Subtotal 2)

>> **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)

Screening Date 2-Jul-2009	Docket No. 2009-1046-PST-E	PCW	
Respondent PINE FOREST COUNTRY CLUB	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37913	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN102451531			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Rajesh Acharya			
Violation Number 1			
Rule Cite(s)	30 Tex. Admn. Code §§ 334.7(d)(3) and 334.8(c)(5)(B)(ii)		
Violation Description	Failed to notify the agency of any change or additional information regarding the UST within 30 days from the date of occurrence of the change or addition. Specifically, the registration was not updated to reflect the out-of-service and in-service status of USTs. Also, failed to timely renew a previously issued TCEQ delivery certificate.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
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			0%
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
x	<input type="text"/>	<input type="text"/>	
Percent			10%
Matrix Notes	100% of the rule requirement was not met.		
Adjustment			\$9,000
			\$1,000
Violation Events			
Number of Violation Events	1	Number of violation days	24
mark only one with an x	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	x	
Violation Base Penalty			\$1,000
One single event is recommended.			
Good Faith Efforts to Comply			\$0
0.0% Reduction			
Before NOV NOV to EDRP/Settlement Offer			
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			\$1,000
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$1	Violation Final Penalty Total	\$1,210
This violation Final Assessed Penalty (adjusted for limits)			\$1,210

Economic Benefit Worksheet

Respondent PINE FOREST COUNTRY CLUB
Case ID No. 37913
Reg. Ent. Reference No. RN102451531
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
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)	\$100	8-Jun-2009	17-Sep-2009	0.28	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to renew a delivery certificate by submitting a properly completed UST registration and self-certification form. Date Required is the investigation date. Final Date is the estimated 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

\$100

TOTAL

\$1

Screening Date 2-Jul-2009	Docket No. 2009-1046-PST-E	PCW	
Respondent PINE FOREST COUNTRY CLUB	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37913	<small>PCW Revision October 30, 2009</small>		
Reg. Ent. Reference No. RN102451531			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Rajesh Acharya			
Violation Number 2			
Rule Cite(s)	30 Tex. Admin. Code § 334.8(c)(5)(A)(i) and Tex. Water Code § 26.3467(a)		
Violation Description	Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the UST. Specifically, one fuel delivery was accepted without a delivery certificate.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	Potential	Percent
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	5%
>> Programmatic Matrix			
	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	0%
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.		
Adjustment		\$9,500	
		\$500	
Violation Events			
Number of Violation Events		1	Number of violation days
		1	
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty
	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"/>	\$500	
One single event is recommended.			
Good Faith Efforts to Comply			
		0.0% Reduction	\$0
		<small>Before NOV NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$500	
Economic Benefit (EB) for this violation			
Statutory Limit Test			
Estimated EB Amount		\$0	Violation Final Penalty Total
			\$605
This violation Final Assessed Penalty (adjusted for limits)			\$605

Economic Benefit Worksheet

Respondent PINE FOREST COUNTRY CLUB
Case ID No. 37913
Reg. Ent. Reference No. RN102451631
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
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit included in violation no. 1.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 2-Jul-2009	Docket No. 2009-1046-PST-E	PCW	
Respondent PINE FOREST COUNTRY CLUB	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37913	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102451531			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Rajesh Acharya			
Violation Number 3			
Rule Cite(s)	30 Tex. Admin. Code § 37.815(a) and (b)		
Violation Description	Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs.		
Base Penalty		\$10,000	
>> Environmental, Property and Human Health Matrix			
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"/>
OR			Percent <input type="text" value="0%"/>
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="text" value="X"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.		
Adjustment		\$8,000	
			\$1,000
Violation Events			
Number of Violation Events	<input type="text" value="2"/>	<input type="text" value="24"/>	Number of violation days
mark only one with an x	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 type="text" value="X"/>	
Violation Base Penalty		\$2,000	
Two single events (one per tank) are recommended based on documentation of the violation during the June 8, 2009 investigation date.			
Good Faith Efforts to Comply			<input type="text" value="0%"/>
			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 type="text" value="X"/>	<input type="text" value="(mark with x)"/>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$2,000	
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount	<input type="text" value="\$1,425"/>	Violation Final Penalty Total	<input type="text" value="\$2,420"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$2,420"/>

Economic Benefit Worksheet

Respondent PINE FOREST COUNTRY CLUB
Case ID No. 37913
Reg. Ent. Reference No. RN102451531
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)				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]	\$1,300	8-Jun-2008	8-Jun-2009	1.92	\$125	\$1,300	\$1,425
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide financial assurance for two USTs (\$650 per tank). Date Required is one year prior to investigation date. Final Date is the investigation date.

Approx. Cost of Compliance

\$1,300

TOTAL

\$1,425

Screening Date 2-Jul-2009	Docket No. 2009-1046-PST-E	PCW															
Respondent PINE FOREST COUNTRY CLUB		<small>Policy Revision 2 (September 2002)</small>															
Case ID No. 37913		<small>PCW Revision October 30, 2008</small>															
Reg. Ent. Reference No. RN102451531																	
Media [Statute] Petroleum Storage Tank																	
Enf. Coordinator Rajesh Acharya																	
Violation Number 4																	
Rule Cite(s)	30 Tex. Admin. Code § 334.49(a) and Tex. Water Code § 26.3475(d)																
Violation Description	Failed to provide proper corrosion protection for the UST system. Specifically, the investigator documented that a corrosion protection system was not provided for the UST system.																
	Base Penalty	\$10,000															
>> Environmental, Property and Human Health Matrix																	
	Harm																
	Major	Moderate	Minor														
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Actual</td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		Actual			Potential	x		Percent 25%								
Actual																	
Potential	x																
>> Programmatic Matrix																	
	Major	Moderate	Minor														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Falsification</td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>		Falsification						Percent 0%								
Falsification																	
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.																
	Adjustment	\$7,500															
		\$2,500															
Violation Events																	
Number of Violation Events	1	Number of violation days	24														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;">daily</td> <td style="width:70%;"></td> </tr> <tr> <td>weekly</td> <td></td> </tr> <tr> <td>monthly</td> <td style="text-align: center;">x</td> </tr> <tr> <td>quarterly</td> <td></td> </tr> <tr> <td>semiannual</td> <td></td> </tr> <tr> <td>annual</td> <td></td> </tr> <tr> <td>single event</td> <td></td> </tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty	\$2,500
daily																	
weekly																	
monthly	x																
quarterly																	
semiannual																	
annual																	
single event																	
<small>mark only one with an x</small>																	
	One monthly event is recommended based on documentation of the violation during the June 8, 2009 investigation to the July 2, 2009 screening date.																
Good Faith Efforts to Comply			\$0														
	0.0% Reduction																
	Before NOV	NOV to EDRP/Settlement Offer															
Extraordinary																	
Ordinary																	
N/A	x	(mark with x)															
Notes	The Respondent permanently removed the UST system from the ground on September 17, 2009 after the proposed order mailout date of August 25, 2009. Therefore, the Respondent does not meet the good faith criteria for this violation.																
	Violation Subtotal	\$2,500															
Economic Benefit (EB) for this violation			Statutory Limit Test														
Estimated EB Amount	\$21	Violation Final Penalty Total	\$3,025														
		This violation Final Assessed Penalty (adjusted for limits)	\$3,025														

Economic Benefit Worksheet

Respondent PINE FOREST COUNTRY CLUB
Case ID No. 37913
Reg. Ent. Reference No. RN102451531
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
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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)	\$1,500	8-Jun-2009	17-Sep-2009	0.28	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to provide proper corrosion protection for the UST system. Date Required is the investigation date. Final Date is the UST system removal 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

\$21

Screening Date 2-Jul-2009	Docket No. 2009-1046-PST-E	PCW	
Respondent PINE FOREST COUNTRY CLUB	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37913	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN102451531			
Media [Statute] Petroleum Storage Tank			
Enf. Coordinator Rajesh Acharya			
Violation Number <input type="text" value="5"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 334.50(b)(1)(A), (b)(2) and Tex. Water Code § 26.3475(b) and (c)(1)"/>		
Violation Description	<input type="text" value="Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Failed to provide proper release detection for the suction piping associated with the USTs."/>		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
OR			
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Percent			<input type="text" value="25%"/>
>> Programmatic Matrix			
Falsification			
Major			Minor
<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"/>	Number of violation days
		<input type="text" value="24"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty
	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"/>	<input type="text" value="\$2,500"/>	
<input type="text" value="One monthly event is recommended based on documentation of the violation during the June 8, 2009 investigation to the July 2, 2009 screening date."/>			
Good Faith Efforts to Comply			<input type="text" value="\$0"/>
0.0% Reduction			
<small>Before NOV NOV to EDRP/Settlement Offer</small>			
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>	
Notes	<input type="text" value="The Respondent permanently removed the UST system from the ground on September 17, 2009 after the proposed order mailout date of August 25, 2009. Therefore, 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="\$1,117"/>	Violation Final Penalty Total
			<input type="text" value="\$3,025"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$3,025"/>

Economic Benefit Worksheet

Respondent PINE FOREST COUNTRY CLUB
Case ID No. 37913
Reg. Ent. Reference No. RN102451531
Media Petroleum Storage Tank
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Item Description: 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	8-Jun-2009	17-Sep-2009	0.28	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to provide release detection for the UST system. Date Required is the date of investigation. Final Date is the UST system removal 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]	\$1,000	8-Jun-2008	8-Jun-2009	1.92	\$96	\$1,000	\$1,096
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Avoided cost for the annual piping tightness and line leak detector tests. Date Required is one year prior to the investigation date. Final Date is the investigation date.

Approx. Cost of Compliance

\$2,500

TOTAL

\$1,117

Screening Date 2-Jul-2009	Docket No. 2009-1046-PST-E	PCW															
Respondent PINE FOREST COUNTRY CLUB		<i>Policy Revision 2 (September 2002)</i>															
Case ID No. 37913		<i>PCW Revision October 30, 2009</i>															
Reg. Ent. Reference No. RN102451531																	
Media [Statute] Petroleum Storage Tank																	
Enf. Coordinator Rajesh Acharya																	
Violation Number 6																	
Rule Cite(s)	30 Tex. Adm'n. Code § 115.242(1)(C) and Tex. Health & Safety Code § 382.085(b)																
Violation Description	Failed to upgrade the Stage II equipment to onboard refueling vapor recovery ("ORVR") compatible systems.																
	Base Penalty	\$10,000															
>> Environmental, Property and Human Health Matrix																	
	Harm																
	Major	Moderate	Minor														
OR	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Actual</td> <td style="width:50px;"></td> <td style="width:50px;"></td> <td style="width:50px;"></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td style="text-align: center;">X</td> <td></td> </tr> </table>		Actual				Potential		X		Percent 10%						
Actual																	
Potential		X															
>> Programmatic Matrix																	
	Falsification	Major	Moderate	Minor													
				Percent 0%													
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																
	Adjustment	\$9,000															
		\$1,000															
Violation Events																	
	Number of Violation Events	1	Number of violation days 24														
	<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">weekly</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">X</td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td></td></tr> </table>	daily		weekly		monthly		quarterly	X	semiannual		annual		single event		Violation Base Penalty \$1,000
daily																	
weekly																	
monthly																	
quarterly	X																
semiannual																	
annual																	
single event																	
	One quarterly event is recommended based on documentation of the violation during the June 8, 2009 investigation to the July 2, 2009 screening date.																
Good Faith Efforts to Comply																	
		0.0% Reduction	\$0														
		Before NOV NOV to EDRP/Settlement Offer															
	Extraordinary																
	Ordinary																
	N/A	X (mark with x)															
Notes	The Respondent permanently removed the UST system from the ground on September 17, 2009 after the proposed order mailout date of August 25, 2009. Therefore, the Respondent does not meet the good faith criteria for this violation.																
	Violation Subtotal	\$1,000															
Economic Benefit (EB) for this violation																	
	Estimated EB Amount	\$48	Violation Final Penalty Total \$1,210														
		This violation Final Assessed Penalty (adjusted for limits) \$1,210															

Economic Benefit Worksheet

Respondent PINE FOREST COUNTRY CLUB
Case ID No. 37913
Reg. Ent. Reference No. RN102451531
Media Petroleum Storage Tank
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$2,500	8-Jun-2009	17-Sep-2009	0.28	\$2	\$46	\$48
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to upgrade the Stage II equipment to ORVR compatible systems. Date Required is the investigation date. Final Date is the UST system removal 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

\$2,500

TOTAL

\$48

Screening Date 2-Jul-2009	Docket No. 2009-1046-PST-E	PCW
Respondent PINE FOREST COUNTRY CLUB		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 37913		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN102451531		
Media [Statute] Petroleum Storage Tank		
Enf. Coordinator Rajesh Acharya		
Violation Number	7	
Rule Cite(s)	30 Tex. Admin. Code §§ 334.47(a)(2) and 334.54(b)(2)	
Violation Description	Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements. Specifically, the gasoline UST was out of service. Also, failed to maintain all piping, pumps, manways, tank access points and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons.	
	Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix		
	Harm	
	Release	Major Moderate Minor
OR	Actual	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Potential	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
	Percent	25%
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Percent	0%
Matrix Notes	Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.	
	Adjustment	\$7,500
		\$2,500
Violation Events		
	<input type="checkbox"/> 1	<input type="checkbox"/> 24
		Number of violation days
mark only one with an x	daily	<input type="checkbox"/>
	weekly	<input type="checkbox"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>
	Violation Base Penalty	\$2,500
One monthly event is recommended based on documentation of the violation during the June 8, 2009 investigation to the July 2, 2009 screening date.		
Good Faith Efforts to Comply		
	0.0% Reduction	\$0
	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)
Notes	The Respondent permanently removed the UST system from the ground on September 17, 2009 after the proposed order mailout date of August 25, 2009. Therefore, the Respondent does not meet the good faith criteria for this violation.	
	Violation Subtotal	\$2,500
Economic Benefit (EB) for this violation		
	Estimated EB Amount	\$2,686
Statutory Limit Test		
	Violation Final Penalty Total	\$3,025
	This violation Final Assessed Penalty (adjusted for limits)	\$3,025

Economic Benefit Worksheet

Respondent PINE FOREST COUNTRY CLUB
Case ID No. 37913
Reg. Ent. Reference No. RN102451531
Media Petroleum Storage Tank
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$5,000	22-Dec-1998	17-Sep-2009	10.75	\$2,886	n/a	\$2,886

Notes for DELAYED costs

Estimated minimum cost to permanently remove the one UST from service. Date Required is the date when the Respondent was required to upgrade the UST system. Final Date is the UST system removal 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

\$5,000

TOTAL

\$2,886

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600676050 PINE FOREST COUNTRY CLUB	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN102451531 PINE FOREST COUNTRY CLUB	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	52804
Location:	18003 CLAY RD, HOUSTON, TX, 77084		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	July 01, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	July 01, 2004 to July 01, 2009		

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

Name: Rajesh Acharya Phone: (512) 239-0577

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/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.
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 06/26/2009 (759095)
- 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
PINE FOREST COUNTRY CLUB
RN102451531**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1046-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 PINE FOREST COUNTRY CLUB ("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 a country club with a golf course and underground storage tanks ("USTs") at 18003 Clay Road in Houston, Harris County, Texas (the "Station").
2. The Respondent's two 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 July 1, 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 Fourteen Thousand Five Hundred Twenty-One Dollars (\$14,521) is assessed by the Commission in settlement of the violations alleged in Section

II ("Allegations"). The Respondent has paid Nine Hundred Sixty-Nine Dollars (\$969) of the administrative penalty and Two Thousand Nine Hundred Four Dollars (\$2,904) 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, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Ten Thousand Six Hundred Forty-Eight Dollars (\$10,648) of the administrative penalty shall be payable in 11 monthly payments of Nine Hundred Sixty-Eight Dollars (\$968) 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 permanently removed the USTs from the ground on September 17, 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 notify the agency of any change or additional information regarding the USTs within 30 days from the date of occurrence of the change or addition, in violation of 30 TEX. ADMIN. CODE

- § 334.7(d)(3), as documented during an investigation conducted on June 8, 2009. Specifically, the registration was not updated to reflect the out-of-service and in-service status of USTs.
2. Failed to timely renew a previously issued TCEQ delivery certificate, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(B)(ii), as documented during an investigation conducted on June 8, 2009.
 3. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i) and TEX. WATER CODE § 26.3467(a), as documented during an investigation conducted on June 8, 2009. Specifically, one fuel delivery was accepted without a delivery certificate.
 4. Failed to demonstrate acceptable financial assurance for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs, in violation of 30 TEX. ADMIN. CODE § 37.815(a) and (b), as documented during an investigation conducted on June 8, 2009.
 5. Failed to provide proper corrosion protection for the UST system, in violation of 30 TEX. ADMIN. CODE § 334.49(a) and TEX. WATER CODE § 26.3475(d), as documented during an investigation conducted on June 8, 2009. Specifically, the investigator documented that a corrosion protection system was not provided for the UST system.
 6. Failed to monitor the 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 June 8, 2009.
 7. Failed to provide proper release detection for the suction piping associated with the USTs, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(b), as documented during an investigation conducted on June 8, 2009.
 8. Failed to upgrade the Stage II equipment to onboard refueling vapor recovery compatible systems, in violation of 30 TEX. ADMIN. CODE § 115.242(1)(C) and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during an investigation conducted on June 8, 2009.
 9. Failed to permanently remove from service, no later than 60 days after the prescribed upgrade implementation date, a UST system for which any applicable component of the system is not brought into timely compliance with the upgrade requirements, in violation of 30 TEX. ADMIN. CODE § 334.47(a)(2), as documented during an investigation conducted on June 8, 2009. Specifically, the regular grade UST was out of service.
 10. Failed to maintain all piping, pumps, manways, tank access points and ancillary equipment in a capped, plugged, locked, and/or otherwise secured manner to prevent access, tampering, or vandalism by unauthorized persons, in violation of 30 TEX. ADMIN. CODE § 334.54(b)(2), as documented during an investigation conducted on June 8, 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: PINE FOREST COUNTRY CLUB, Docket No. 2009-1046-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 78711-3087

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 Station operations referenced in this Agreed Order.
3. 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.
4. 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.
5. 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.
6. 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.

7. 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.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Joe Szolter
For the Executive Director

3/30/2010
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

Bill F. Horton
Signature

10-27-09
Date

Bill F. Horton
Name (Printed or typed)
Authorized Representative of
PINE FOREST COUNTRY CLUB

General Manager
Title

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