FIELD CITATION ON THE 06/22/2011 COMMISSIONER'S AGENDA

June 22, 2011	Mailing Address
Item # 2011-0403-PST-E RN105668479 FC #20005	AIG Annuity Insurance Company AIG Data Center 2401 South Osage Amarillo, Texas 79103
Item# 2011-0419-WOC-E RN103842951 FC #10557	Christopher D. Moss, Jr. 10034 Rosbrook Houston, Texas 77038
Item # 2011-0400-WQ-E RN106077597 FC #10046	Miguel Hurtado Hurtado Construction Company 2115 Center Street Richmond, Texas 77469-1676
Item # 2011-0418-WOC-E RN106052673 FC #11488	Johnny Mican Sweet Home Independent School District P.O. Box 402 Sweet Home, Texas 77987
Item # 2011-0383-PST-E RN100941798 FC #20801	Flying J Travel Plaza 724 PTCAA Texas, L.P. 3001 Mountain Pass Boulevard Anthony, Texas 79821-7256
Item # 2011-0421-WR-E RN106082837 FC #11412	Ross Ridge Sand Pit Ross Ridge Sand Company, L.P. 1365 Freeway Boulevard Vidor, Texas 77662
Item # 2011-0401-WQ-E RN105966394 FC # 11440	Timothy Horn US Army Corps of Engineers Proctor Lake Project Site 2330 West Highway 6 Waco, Texas 76712

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

To: Office of General Counsel **Date:** March 24, 2011

From: Enforcement Division

Subject: Field Citation Compliance Certification
PTCAA Texas, L.P.
(Convenience store with retail sales of gasoline)
Docket No. 2011-0383-PST-E, RN100941798

Regarding the enforcement action listed above, the penalties have been paid and corrective actions have been verified complete by the Field Operations Division.

If there are any questions, please contact Laurie Eaves at 239-4495.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)
PETROLEUM STORAGE TANK FIELD CITATION

Field Citation
20801

REGION 6 116682 E 14 =

Investigation Date: 01/25/2011 Time: 09:00 ☑ AM ☐ PM Docket No.: 2011-0383-PST-E

Investigator Name: Robert Gilliam Investigator Signature: [signature] Investigation No.: 893409

Responsible Party (RP): PTCAA Texas, L.P.	CN No. CN602677585
Regulated Entity: Flying J Travel Plaza 724	**RN No.** RN100941798
Physical Address: 3001 Mountain Pass Blvd. **County:** El Paso	Additional ID No. 58007

An investigation was conducted at the regulated entity named above. The following violation(s), with a checked box and/or assessed penalty, are alleged against the responsible party named above:

ALLEGED VIOLATION	30 TEX. ADMIN. CODE (TAC) RULE	ASSESSED PENALTY			
		MAJOR		MINOR	
Failure to provide release detection	30 TAC §334.50(a)(1)(A)	☐	$ 3,500	☐	$ 1,750
Failure to provide corrosion protection	30 TAC §334.49(a)(1)	☐	$ 3,500	☐	$ 1,750
Failure to implement inventory control methods	30 TAC §334.50(d)(1)(B)	☐	$ 3,500	☐	$ 1,750
Failure to provide spill containment and overfill prevention	30 TAC §334.51(b)(2)	☐	$ 3,500	☐	$ 1,750
Failure to possess a valid TCEQ Delivery Certificate prior to receiving fuel	30 TAC §334.8(c)(5)(A)(i)			☐	$ 875
Failure to have Stage I vapor recovery equipment	30 TAC §115.221	☒	$ 1,750	☐	$ 875
Failure to have Stage II vapor recovery equipment	30 TAC §115.241	☐	$ 1,750	☐	$ 875
Failure to submit initial/renewal UST Registration and Self-certification form.	30 TAC §334.8(c)			☐	$ 875
Failure to maintain Financial Assurance	30 TAC §37.815(a) and (b)	# tanks ___ x $1,750 = $_____		# tanks __ x $700 = $_____	
Failure to obtain a required occupational license (PST)	30 TAC §30.5 (a)			☐	$ 210

Investigator Comments: (including corrective action)

TOTAL ASSESSED PENALTY: $ 1,750.00

IF YOU CHOOSE TO SETTLE the alleged violation(s) within **30 days** from the investigation date noted above, please submit this form with the Authorized Representative's original signature AND check or money order for the total assessed penalty to the address below. Please include the Field Citation No. on your payment method.

Financial Administration Division, MC 214
Texas Commission on Environmental Quality
PO Box 13088
Austin, Texas 78711-3088

Certification of completed corrective action for each alleged violation must be submitted to the TCEQ region address circled on the back of this form within 45 days from the investigation date. Your signature below and penalty payment within 30 days from the investigation date indicates that you will correct the alleged violation(s). Failure to provide documentation of completed corrective action within the 45 days may result in additional penalties.

The RP named above generally denies the alleged violation(s) with an assessed penalty above. Payment of the penalty is made only in the interest of settlement.

As an Authorized Representative, I understand that by signing this citation and agreeing to pay the administrative penalty, I waive certain procedural rights, including the right to formal notice of violation(s) alleged in this citation, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal.

Authorized Representative Signature	Joey Cupp Printed Name	Environmental Manager Title	2-9-11 Date

FOR COMMISSION USE ONLY

Commission Signature _____ Date _____

IF YOU CHOOSE TO CONTEST the alleged violation(s) in this citation, notify the investigator named above. The alleged violation(s) above will be referred to the TCEQ's Enforcement Division. Please be aware this Field Citation total assessed penalty amount will no longer be available.

FAILURE TO RESPOND TO THIS CITATION: If you fail to pay the assessed penalty, the TCEQ Enforcement Division will pursue further enforcement action including assessment of increased administrative penalties. Financial inability to pay the penalty does not excuse failure to respond to and correct the alleged violation(s).