

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 37163
Sam's Truck Stop Business, Inc.
RN101377620
Docket No. 2012-2082-MLM-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

MLM – PWS and OSS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Interstate Highway 10 West, 20 miles east of Van Horn, Culberson County

Type of Operation:

public water system ("PWS") and an on-site sewage facility ("OSSF")

Other Significant Matters:

| | |
|---|------|
| Additional Pending Enforcement Actions: | None |
| Past-Due Penalties: | None |
| Past-Due Fees: | None |
| Other: | None |
| Interested Third-Parties: | None |

Texas Register Publication Date: July 19, 2013

Comments Received: None

Penalty Information

Total Penalty Assessed: \$36,234

Total Paid to General Revenue: \$1,024

Total Due to General Revenue: \$35,210

Payment Plan: 35 payments of \$1,006 each

Compliance History Classifications:

Person/CN – Satisfactory
Site/RN – Satisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002 (PCW 1); September 2011 (PCWs 2 and 3)

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: August 23, 2012

Date(s) of NOV(s): N/A

Date(s) of NOE(s): October 5, 2012

Sam's Truck Stop Business, Inc.

RN101377620

Docket No. 2012-2082-MLM-E

Violation Information

1. Failed to provide a holding tank constructed according to the requirements established for septic tanks under 30 TEX. ADMIN. CODE § 285.32(b)(1)(D)-(E) [30 TEX. ADMIN. CODE § 285.34(e) and TCEQ Agreed Order Docket No. 2009-0252-MLM-E, Ordering Provisions Nos. 2.b.v. and 2.h].
2. Failed to ensure that back flush from a point-of-entry reverse osmosis system does not cause hydraulic overloading prior to discharge into an OSSF [30 TEX. ADMIN. CODE § 285.37(b)(2)(B)(i)].
3. Failed to properly seal the wellhead with a gasket or sealing compound [30 TEX. ADMIN. CODE § 290.41(c)(3)(K)].
4. Failed to enclose the well at the PWS Facility with an intruder-resistant fence with a lockable gate or a locked and ventilated well house [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].
5. Failed to ensure that all groundwater is disinfected prior to distribution [30 TEX. ADMIN. CODE § 290.42(e)(2)].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

None

Technical Requirements:

1. Within 30 days:
 - a. Have a waste transporter holding a current registration with the Executive Director remove all wastewater from the holding tank at the OSSF Facility, and continue to remove wastewater on an as-needed basis; and
 - b. Enclose the well within an intruder-resistance fence with a lockable gate or a lockable and ventilated well house at the PWS Facility.
2. Within 60 days:
 - a. Properly seal the wellhead at the PWS Facility with a gasket or sealing compound to prevent the possibility of contaminating the well water; and
 - b. Ensure that all groundwater at the PWS Facility is disinfected prior to distribution, including water supplied in the restrooms and showers.
3. Within 180 days:
 - a. Obtain approval of a plan to construct from the Executive Director, obtain a permit, and construct an OSSF Facility; and
 - b. Remove any remaining wastewater in the holding tank and fill it to ground level with fill material (less than 3 inches in diameter) which is free of organic and construction debris.
4. Within 210 days, ensure that the point-of-entry reverse osmosis system does not cause hydraulic overloading prior to discharge into the OSSF Facility.
5. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirement No. 1;
 - b. Within 75 days for Technical Requirement No. 2; and
 - c. Within 225 days for Technical Requirements Nos. 3 and 4.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 37163
Sam's Truck Stop Business, Inc.
RN101377620
Docket No. 2012-2082-MLM-E

Litigation Information

Date Petition(s) Filed: December 13, 2012
Date Answer(s) Filed: December 27, 2012
SOAH Referral Date: January 29, 2013
Hearing Date(s):
 Preliminary Hearing: March 21, 2013 (waived)
 Evidentiary Hearing: June 20, 2013 (scheduled)
Settlement Date: June 17, 2013

Contact Information

TCEQ Attorneys: Steven M. Fishburn, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Amy Swanholm, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Epi Villarreal, Enforcement Division, (361) 825-3425
TCEQ Regional Contact: Kent Waggoner, El Paso Regional Office, (915) 834-4957
Respondent Contact: Mehdi Mohammed, Director, Sam's Truck Stop Business, Inc., 5206
Turning Leaf Lane, Sugar Land, Texas 77479
Respondent's Attorney: Ted A. Cox, Ted A. Cox, P.C., 1225 West 34th Street, Houston, Texas 77018

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 8-Oct-2012 | Screening | 15-Oct-2012 | EPA Due | |
| | PCW | 15-Oct-2012 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | |
|-----------------------------|---------------------------------|---------------------------|-------|
| Respondent | Sam's Truck Stop Business, Inc. | | |
| Reg. Ent. Ref. No. | RN101377620 | | |
| Facility/Site Region | 6-El Paso | Major/Minor Source | Minor |

CASE INFORMATION

| | | | |
|--|-------------------------|------------------------------|--------------------|
| Enf./Case ID No. | 37163 | No. of Violations | 1 |
| Docket No. | 2012-2082-MLM-E | Order Type | Findings |
| Media Program(s) | On-Site Sewage Disposal | Government/Non-Profit | No |
| Multi-Media | Public Water Supply | Enf. Coordinator | Michaelle Sherlock |
| | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$2,500 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$23,750 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|--|--|-----------------------------------|----------|
| Compliance History | 47.0% Enhancement | Subtotals 2, 3, & 7 | \$11,162 |
| Notes | Enhancement for one dissimilar NOV, one agreed order with a denial, and one agreed order without a denial. | | |
| Culpability | No 0.0% Enhancement | Subtotal 4 | \$0 |
| Notes | The Respondent does not meet the culpability criteria. | | |
| Good Faith Effort to Comply Total Adjustments | | Subtotal 5 | \$0 |
| Economic Benefit | 0.0% Enhancement* | Subtotal 6 | \$0 |
| Total EB Amounts | \$561 | *Capped at the Total EB \$ Amount | |
| Approx. Cost of Compliance | \$2,000 | | |

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$34,912 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|-------------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|-------------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

| | |
|--------------|--------------------------------------|
| Notes | |
| | Final Penalty Amount \$34,912 |

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$34,912 |
|-----------------------------------|-------------------------------|----------|

| | | | |
|-----------------|----------------|-------------------|-----|
| DEFERRAL | 0.0% Reduction | Adjustment | \$0 |
|-----------------|----------------|-------------------|-----|

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

| | |
|--------------|---|
| Notes | No deferral is recommended for Findings Orders. |
|--------------|---|

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$34,912 |
|------------------------|----------|

Screening Date 15-Oct-2012

Docket No. 2012-2082-MLM-E

PCW

Respondent Sam's Truck Stop Business, Inc.

Policy Revision 2 (September 2002)

Case ID No. 37163

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101377620

Media [Statute] On-Site Sewage Disposal

Enf. Coordinator Michaelle Sherlock

Compliance History Worksheet

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

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 1 | 25% |
| 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 (<i>number of judgements or consent decrees meeting criteria</i>) | 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 (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 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 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 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) 47%

>> **Repeat Violator (Subtotal 3)**

No

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one dissimilar NOV, one agreed order with a denial, and one agreed order without a denial.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 47%

| | | | | |
|--------------------------------|---------------------------------|-------------------|-----------------|---|
| Screening Date | 15-Oct-2012 | Docket No. | 2012-2082-MLM-E | PCW |
| Respondent | Sam's Truck Stop Business, Inc. | | | <i>Policy Revision 2 (September 2002)</i> |
| Case ID No. | 37163 | | | <i>PCW Revision October 30, 2008</i> |
| Reg. Ent. Reference No. | RN101377620 | | | |
| Media [Statute] | On-Site Sewage Disposal | | | |
| Enf. Coordinator | Michaelle Sherlock | | | |

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 285.34(e) and TCEQ Agreed Order Docket No. 2009-0252-MLM-E, Ordering Provision Nos. 2.b.v. and 2.h.

Violation Description

Failed to provide a holding tank constructed according to the requirements established for septic tanks under 30 Tex. Admin. Code § 285.32(b)(1)(D)-(E). Specifically, at the time the investigation, it was documented that an open concrete tank covered by a piece of corrugated metal was used as a holding tank for sewage disposal.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

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

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants that exceed levels protective of human health as a result of this violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | | |
|--------------------------------|--------------|--------------------------------|
| <i>mark only one with an x</i> | daily | <input type="text"/> |
| | weekly | <input type="text"/> |
| | monthly | <input type="text" value="x"/> |
| | quarterly | <input type="text"/> |
| | semiannual | <input type="text"/> |
| | annual | <input type="text"/> |
| | single event | <input type="text"/> |

Violation Base Penalty

Thirty-eight monthly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket 2009-0252-MLM-E, August 23, 2009, to the date of screening, October 15, 2012.

Good Faith Efforts to Comply

0.0% Reduction

| | | | |
|---------------|--------------------------------|----------------------|-------------------------------|
| | | Before NOV | NOV to EDPRP/Settlement Offer |
| Extraordinary | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| N/A | <input type="text" value="x"/> | (mark with x) | |

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Sam's Truck Stop Business, Inc.
Case ID No. 37163
Reg. Ent. Reference No. RN101377620
Media Violation No. On-Site Sewage Disposal
 1

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|-------------|------------|------|------|-------|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$500 | 23-Aug-2009 | 1-May-2013 | 3.69 | \$6 | \$123 | \$129 |
| Engineering/construction | \$1,500 | 23-Aug-2009 | 1-Oct-2013 | 4.11 | \$21 | \$411 | \$432 |
| 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 delayed costs include the estimated amount to remove and properly dispose of all wastewater from the holding tank (\$500) and to install a proper septic system (\$1,500), calculated from the effective date of TCEQ Agreed Order Docket 2009-0252-MLM-E to the estimated dates 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 \$2,000

TOTAL \$561



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

| | | | | | | |
|-------|----------|-------------|-----------|-------------|---------|--|
| DATES | Assigned | 8-Oct-2012 | Screening | 15-Oct-2012 | EPA Due | |
| | PCW | 15-Oct-2012 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | |
|----------------------|---------------------------------|--------------------|-------|
| Respondent | Sam's Truck Stop Business, Inc. | | |
| Reg. Ent. Ref. No. | RN101377620 | | |
| Facility/Site Region | 6-El Paso | Major/Minor Source | Minor |

CASE INFORMATION

| | | | |
|---------------------------------|-------------------------|-----------------------|--------------------|
| Enf./Case ID No. | 37163 | No. of Violations | 1 |
| Docket No. | 2012-2082-MLM-E | Order Type | Findings |
| Media Program(s) | On-Site Sewage Disposal | Government/Non-Profit | No |
| Multi-Media | Public Water Supply | Enf. Coordinator | Michaelle Sherlock |
| | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$5,000 |

Penalty Calculation Section

| | | |
|---|-------------------|-------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$250 |
|---|-------------------|-------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|--------------------------|--------------------------------|--------------|
| Compliance History | 47.0% Enhancement | Subtotals 2, 3, & 7 | \$117 |
|---------------------------|--------------------------|--------------------------------|--------------|

Notes

Enhancement for one dissimilar NOV, one agreed order with a denial, and one agreed order without a denial.

| | | | | |
|--------------------|----|-------------------------|-------------------|------------|
| Culpability | No | 0.0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|-------------------------|-------------------|------------|

Notes

The Respondent does not meet the culpability criteria.

| | | |
|--|-------------------|------------|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|------------|

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

| | |
|----------------------------|-------|
| Total EB Amounts | \$27 |
| Approx. Cost of Compliance | \$500 |

*Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|--------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$367 |
|-----------------------------|-----------------------|--------------|

| | | | |
|---|-------------|-------------------|------------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|-------------|-------------------|------------|

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

| | |
|-----------------------------|--------------|
| Final Penalty Amount | \$367 |
|-----------------------------|--------------|

| | | |
|-----------------------------------|-------------------------------|--------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$367 |
|-----------------------------------|-------------------------------|--------------|

| | | | |
|-----------------|-----------------------|-------------------|------------|
| DEFERRAL | 0.0% Reduction | Adjustment | \$0 |
|-----------------|-----------------------|-------------------|------------|

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

Notes

No deferral is recommended for Findings Orders.

| | |
|------------------------|--------------|
| PAYABLE PENALTY | \$367 |
|------------------------|--------------|

Screening Date 15-Oct-2012

Docket No. 2012-2082-MLM-E

PCW

Respondent Sam's Truck Stop Business, Inc.

Policy Revision 3 (September 2011)

Case ID No. 37163

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101377620

Media [Statute] On-Site Sewage Disposal

Enf. Coordinator Michaëlle Sherlock

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 1 | 25% |
| 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 (<i>number of judgements or consent decrees meeting criteria</i>) | 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 (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 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 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 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) 47%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one dissimilar NOV, one agreed order with a denial, and one agreed order without a denial.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 47%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 47%

| | | | | |
|--------------------------------|---------------------------------|-------------------|-----------------|---|
| Screening Date | 15-Oct-2012 | Docket No. | 2012-2082-MLM-E | PCW |
| Respondent | Sam's Truck Stop Business, Inc. | | | <i>Policy Revision 3 (September 2011)</i> |
| Case ID No. | 37163 | | | <i>PCW Revision August 3, 2011</i> |
| Reg. Ent. Reference No. | RN101377620 | | | |
| Media [Statute] | On-Site Sewage Disposal | | | |
| Enf. Coordinator | Michaelle Sherlock | | | |

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 285.37(b)(2)(B)(i)

Violation Description

Failed to ensure that back flush from a point-of-entry reverse osmosis system does not cause hydraulic overloading prior to discharge into an on-site sewage facility ("OSSF").

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR

| Release | Harm | | |
|-----------|----------------------|---|----------------------|
| | Major | Moderate | Minor |
| Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> |
| Potential | <input type="text"/> | <input checked="" type="text" value="x"/> | <input type="text"/> |

Percent

>> **Programmatic Matrix**

| Falsification | Major | Moderate | Minor |
|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Percent

Matrix Notes

Failure to ensure that back flush volume does not result in hydraulic overloading of the OSSF can expose human health or the environment to a significant amount of pollutants that would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | | |
|--------------------------------|--------------|---|
| <i>mark only one with an x</i> | daily | <input type="text"/> |
| | weekly | <input type="text"/> |
| | monthly | <input type="text"/> |
| | quarterly | <input checked="" type="text" value="x"/> |
| | semiannual | <input type="text"/> |
| | annual | <input type="text"/> |
| | single event | <input type="text"/> |

Violation Base Penalty

One quarterly event is recommended, calculated from the date of the investigation, August 23, 2012, to the date of screening, October 15, 2012.

Good Faith Efforts to Comply

Reduction

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|---|-------------------------------|
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text"/> |
| N/A | <input checked="" type="text" value="x"/> | (mark with x) |

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Sam's Truck Stop Business, Inc.
Case ID No. 37163
Reg. Ent. Reference No. RN101377620
Media Violation No. On-Site Sewage Disposal
 1

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|------|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$500 | 23-Aug-2012 | 1-Jun-2013 | 0.77 | \$1 | \$26 | \$27 |
| 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 delayed cost includes the estimated amount to ensure that the back flush from the reverse osmosis system does not cause overloading of the OSSF, calculated from the date of the investigation to the estimated 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 \$27



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 8-Oct-2012 | Screening | 15-Oct-2012 | EPA Due | |
| | PCW | 15-Oct-2012 | | | | |

RESPONDENT/FACILITY INFORMATION

| | | | |
|-----------------------------|---------------------------------|---------------------------|-------|
| Respondent | Sam's Truck Stop Business, Inc. | | |
| Reg. Ent. Ref. No. | RN101377620 | | |
| Facility/Site Region | 6-El Paso | Major/Minor Source | Minor |

CASE INFORMATION

| | | | |
|--|-------------------------|------------------------------|--------------------|
| Enf./Case ID No. | 37163 | No. of Violations | 3 |
| Docket No. | 2012-2082-MLM-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | No |
| Multi-Media | On-Site Sewage Disposal | Enf. Coordinator | Michaelle Sherlock |
| | | EC's Team | Enforcement Team 2 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$1,000 |

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 Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

Economic Benefit Enhancement* **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 15-Oct-2012 | Docket No. 2012-2082-MLM-E | PCW |
| Respondent Sam's Truck Stop Business, Inc. | <i>Policy Revision 3 (September 2011)</i> | |
| Case ID No. 37163 | <i>PCW Revision August 3, 2011</i> | |
| Reg. Ent. Reference No. RN101377620 | | |
| Media [Statute] Public Water Supply | | |
| Enf. Coordinator Michaelle Sherlock | | |

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 1 | 2% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 1 | 20% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 1 | 25% |
| 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 (<i>number of judgements or consent decrees meeting criteria</i>) | 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 (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 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 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 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) 47%

>> Repeat Violator (Subtotal 3)

| | |
|--|--|
| No | Adjustment Percentage (Subtotal 3) 0% |
|--|--|

>> Compliance History Person Classification (Subtotal 7)

| | |
|--|--|
| Satisfactory Performer | Adjustment Percentage (Subtotal 7) 0% |
|--|--|

>> Compliance History Summary

| | |
|---------------------------------|--|
| Compliance History Notes | Enhancement for one dissimilar NOV, one agreed order with a denial, and one agreed order without a denial. |
|---------------------------------|--|

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 47%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 47%

| | | | | |
|--------------------------------|---------------------------------|-------------------|-----------------|---|
| Screening Date | 15-Oct-2012 | Docket No. | 2012-2082-MLM-E | PCW |
| Respondent | Sam's Truck Stop Business, Inc. | | | <i>Policy Revision 3 (September 2011)</i> |
| Case ID No. | 37163 | | | <i>PCW Revision August 3, 2011</i> |
| Reg. Ent. Reference No. | RN101377620 | | | |
| Media [Statute] | Public Water Supply | | | |
| Enf. Coordinator | Michaelle Sherlock | | | |

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(3)(K)

Violation Description

Failed to properly seal the wellhead with a gasket or sealing compound. Specifically, at the time of the investigation, it was documented that the wellhead was not sealed properly and revealed a gap.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR

| Release | Harm | | |
|-----------|--------------------------------|----------------------|----------------------|
| | 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"/> |

Percent

>> **Programmatic Matrix**

| Falsification | Major | Moderate | Minor |
|----------------------|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> |

Percent

Matrix Notes

Failure to seal the wellhead gasket could allow insects, dust, and other contaminants to enter the source water exposing persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

| | | |
|--------------------------------|--------------|--------------------------------|
| <i>mark only one with an x</i> | daily | <input type="text"/> |
| | weekly | <input type="text"/> |
| | monthly | <input type="text" value="x"/> |
| | quarterly | <input type="text"/> |
| | semiannual | <input type="text"/> |
| | annual | <input type="text"/> |
| | single event | <input type="text"/> |

Violation Base Penalty

Two monthly events are recommended, calculated from the date of the investigation, August 23, 2012, to the date of screening, October 15, 2012.

Good Faith Efforts to Comply

Reduction

| | Before NOV | NOV to EDPRP/Settlement Offer |
|----------|--------------------------------|-------------------------------|
| | Extraordinary | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text"/> |
| N/A | <input type="text" value="x"/> | (mark with x) |

Notes

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Sam's Truck Stop Business, Inc.
Case ID No. 37163
Reg. Ent. Reference No. RN101377620
Media Violation No. Public Water Supply
 1

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|------|-------------|------------|------|-----|-----|-----|
| Equipment | \$62 | 23-Aug-2012 | 1-Jun-2013 | 0.77 | \$0 | \$3 | \$3 |
| 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 delayed cost includes the estimated amount to seal the wellhead, calculated from the date of the investigation to the estimated 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 \$62

TOTAL \$3

| | | | | |
|--------------------------------|---------------------------------|-------------------|-----------------|---|
| Screening Date | 15-Oct-2012 | Docket No. | 2012-2082-MLM-E | PCW |
| Respondent | Sam's Truck Stop Business, Inc. | | | <i>Policy Revision 3 (September 2011)</i> |
| Case ID No. | 37163 | | | <i>PCW Revision August 3, 2011</i> |
| Reg. Ent. Reference No. | RN101377620 | | | |
| Media [Statute] | Public Water Supply | | | |
| Enf. Coordinator | Michaelle Sherlock | | | |

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

| OR | Release | Harm | | | Percent |
|----|-----------|----------------------|---|----------------------|-----------------------------------|
| | | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="5.0%"/> |
| | Potential | <input type="text"/> | <input checked="" type="text" value="x"/> | <input type="text"/> | |

>> **Programmatic Matrix**

| | Falsification | Major | Moderate | Minor | Percent |
|--|----------------------|----------------------|----------------------|----------------------|-----------------------------------|
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="0.0%"/> |

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | <input type="text"/> |
| quarterly | <input checked="" type="text" value="x"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text"/> |

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|---|-------------------------------|
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text"/> |
| N/A | <input checked="" type="text" value="x"/> | (mark with x) |

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Sam's Truck Stop Business, Inc.
Case ID No. 37163
Reg. Ent. Reference No. RN101377620
Media Public Water Supply
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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$ | | | | | | | |

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|------|------|
| Equipment | \$500 | 23-Aug-2012 | 1-Jul-2013 | 0.85 | \$1 | \$28 | \$30 |
| 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 delayed cost includes the estimated amount necessary to provide a lockable wellhouse or an intruder-resistant fence around the well, calculated from the date of the investigation to the estimated 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 | \$30 |
|-----------------------------------|-------|--------------|------|

| | | | | |
|--------------------------------|---------------------------------|-------------------|-----------------|---|
| Screening Date | 15-Oct-2012 | Docket No. | 2012-2082-MLM-E | PCW |
| Respondent | Sam's Truck Stop Business, Inc. | | | <i>Policy Revision 3 (September 2011)</i> |
| Case ID No. | 37163 | | | <i>PCW Revision August 3, 2011</i> |
| Reg. Ent. Reference No. | RN101377620 | | | |
| Media [Statute] | Public Water Supply | | | |
| Enf. Coordinator | Michaelle Sherlock | | | |

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> **Environmental, Property and Human Health Matrix**

| OR | Release | Harm | | | Percent |
|----|-----------|--------------------------------|----------------------|----------------------|------------------------------------|
| | | Major | Moderate | Minor | |
| | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="15.0%"/> |
| | Potential | <input type="text" value="x"/> | <input type="text"/> | <input type="text"/> | |

>> **Programmatic Matrix**

| | Falsification | Major | Moderate | Minor | Percent |
|--|----------------------|----------------------|----------------------|----------------------|-----------------------------------|
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text" value="0.0%"/> |

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

| | |
|--------------|--------------------------------|
| daily | <input type="text"/> |
| weekly | <input type="text"/> |
| monthly | <input type="text" value="x"/> |
| quarterly | <input type="text"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text"/> |

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

| | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|--------------------------------|-------------------------------|
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text"/> |
| N/A | <input type="text" value="x"/> | (mark with x) |

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Sam's Truck Stop Business, Inc.
Case ID No. 37163
Reg. Ent. Reference No. RN101377620
Media Violation No. Public Water Supply
 3

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

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|-------------|------------|------|-----|------|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$500 | 23-Aug-2012 | 1-Apr-2013 | 0.61 | \$1 | \$20 | \$21 |
| 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 delayed costs include the estimated amount to ensure that all water is disinfected prior to distribution, calculated from the investigation date to the estimated 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 | \$21 |
|-----------------------------------|-------|--------------|------|

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PENDING Compliance History Report for CN603380460, RN101377620, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN603380460, Sam's Truck Stop Business, Inc. **Classification:** SATISFACTORY **Rating:** 1.00

Regulated Entity: RN101377620, PLATEAU TRUCK STOP **Classification:** SATISFACTORY **Rating:** 1.00

Complexity Points: 6 **Repeat Violator:** NO

CH Group: 14 - Other

Location: IH-10 W, 20 MI E OF VAN HORN, CULBERSON COUNTY, TX

TCEQ Region: REGION 06 - EL PASO

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0550016 **PETROLEUM STORAGE TANK REGISTRATION** REGISTRATION 69909

Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012

Date Compliance History Report Prepared: October 16, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 15, 2007 to October 15, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Michaelle Sherlock

Phone: (210) 403-4076

Site and Owner/Operator History:

- 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 for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 08/23/2009 ADMINORDER 2009-0252-MLM-E (1660 Order)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

Description: Failure to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspections.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failure to inspect the Facility's ground storage tanks annually.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)

Description: Failure to maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to operate the disinfection equipment to maintain the residual disinfectant concentration in the water at least 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system at all times.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)

Description: Failure to inspect the Facility's pressure tanks annually.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)

Description: Failure to maintain the ground storage tank located at the well site thoroughly tight against leakage.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to paint, disinfect, and maintain the ground storage tank in strict accordance with current American Water Works Association ("AWWA") standards.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to properly seal the wellhead by a gasket or sealing compound to prevent the possibility of contaminating the well water.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)

Description: Failure to notify the Executive Director prior to making any significant change or addition to the Facility's production, treatment, storage, pressure maintenance, or distribution facilities.

Classification: Moderate

Citation: 30 TAC Chapter 285, SubChapter D 285.34(e)

Description: Failure to provide a holding tank constructed according to the requirements established for septic tanks under 30 TEX. ADMIN. CODE § 285.32(b)(1)(D) - (E) of this title. In addition, this method for managing sewage is only to be used when other methods of sewage disposal are not feasible, which is not the case.

2 Effective Date: 08/17/2012 ADMINORDER 2011-1792-PWS-E (Findings Order)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)

Description: TCR Repeat Monitoring Violation 08/2010 - Failure to collect any repeats following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Repeat Monitoring Violation 08/2010 - Failure to post a public notice for not collecting any repeats following a coliform found result.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)

Description: TCR Increase Monitoring Violation 09/2010 - Failure to collect all 5 distribution samples following a coliform found month.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Increase Monitoring Violation 09/2010 - Failure to post public notice for not collecting all 5 distribution samples following a coliform found month.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 10/2010 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 10/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 04/2011 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 05/2011 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)

Description: GWR Triggered Source Monitoring Violation 12/2010 - Failure to collect any triggered source monitoring sample(s) following a coliform found result for one source.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

5A THSC Chapter 341, SubChapter A 341.033(d)

Description: TCR Routine Monitoring Violation 01/2011 - Failure to collect any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 01/2011 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)

Description: GWR PN Triggered Source Monitoring Violation 12/2010 - Failure to post public notice for not collecting any triggered source monitoring sample(s) following a coliform found result for one source.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 04/2011 - Failure to post public notice for not collecting any routine monitoring sample(s).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 05/2011 - Failure to post public notice for not collecting any routine monitoring sample(s).

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 August 27, 2008 (688640)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 01/25/2012 (976160) CN603380460

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter A 334.7(d)

Description: Failure to amend, update, or change the facility's Petroleum Storage Tank (PST) Registration as required. Specifically, the information pertaining to the facility and owner information is outdated.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 334, SubChapter D 334.75(a)

Description: Failure to maintain all of the dispensing equipment so that no gasoline leaks exist. The entity also failed to remove the oil/water liquid mixture inside of all the sumps and around the sumps located within the secondary containment unit provided for the above ground storage tanks (ASTs).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 334, SubChapter F 334.127(a)(1)

Description: Failure to register all of the aboveground storage tanks (ASTs) in existence on or after September 1, 1989. Specifically, the entity has four ASTs on line and only three ASTs are registered with the TCEQ.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SAM'S TRUCK STOP BUSINESS,
INC.;
RN101377620**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2012-2082-MLM-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Sam's Truck Stop Business, Inc. ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 37 and TEX. HEALTH & SAFETY CODE chs. 341 and 366. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by Ted A. Cox of the law firm Ted A. Cox, P.C., presented this Agreed Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a public water system ("PWS") located at Interstate Highway 10 West, 20 miles east of Van Horn, in Culberson County, Texas (the "PWS Facility"). The PWS Facility provides water for human consumption, has one (1) service connection, and serves at least 25 people per day for at least 60 days per year. As such, the PWS Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66). Respondent constructed, installed, altered, and/or repaired an On-Site Sewage Facility ("OSSF"), as defined in 30 TEX. ADMIN. CODE § 285.2(45), at Interstate Highway 10 West, 20 miles east of Van Horn, in Culberson County, Texas (the "OSSF Facility"). Therefore, Respondent is subject to TCEQ jurisdiction pursuant to TEX. WATER CODE ch. 37 and TEX. HEALTH & SAFETY CODE § 366.011.
2. During an investigation conducted on August 23, 2012, a TCEQ El Paso Regional Office investigator documented that Respondent:
 - a. Failed to provide a holding tank constructed according to the requirements established for septic tanks under 30 TEX. ADMIN. CODE § 285.32(b)(1)(D)-(E).

- Specifically, an open concrete tank covered by a piece of corrugated metal was used as a holding tank for sewage disposal at the OSSF Facility;
- b. Failed to ensure that back flush from a point-of-entry reverse osmosis system does not cause hydraulic overloading prior to discharge into an OSSF;
 - c. Failed to properly seal the wellhead with a gasket or sealing compound. Specifically, the wellhead at the PWS Facility was not sealed properly and revealed a gap;
 - d. Failed to enclose the well at the PWS Facility with an intruder-resistant fence with a lockable gate or a locked and ventilated well house. Specifically, the fence line surrounding the well was disconnected and not suitable to keep out intruders; and
 - e. Failed to ensure that all groundwater is disinfected prior to distribution. Specifically, the restrooms, at the PWS Facility, which include showers, were serviced by water that is not disinfected prior to distribution.
3. Respondent received notice of the violations on or about October 10, 2012.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 37, TEX. HEALTH & SAFETY CODE chs. 341 and 366, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide a holding tank constructed according to the requirements established for septic tanks under 30 TEX. ADMIN. CODE § 285.32(b)(1)(D)-(E), in violation of 30 TEX. ADMIN. CODE § 285.34(e) and TCEQ Agreed Order Docket No. 2009-0252-MLM-E, Ordering Provisions Nos. 2.b.v. and 2.h.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to ensure that back flush from a point-of-entry reverse osmosis system does not cause hydraulic overloading prior to discharge into an OSSF, in violation of 30 TEX. ADMIN. CODE § 285.37(b)(2)(B)(i).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to properly seal the wellhead with a gasket or sealing compound, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(K).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to enclose the well at the PWS Facility with an intruder-resistant fence with a lockable gate or a locked and ventilated well house, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to ensure that all groundwater is disinfected prior to distribution, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(2).
7. Pursuant to TEX. WATER CODE §§ 7.051 and 7.052 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of thirty-six thousand two hundred thirty-four dollars (\$36,234.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049 Respondent paid one thousand twenty-four dollars (\$1,024.00) of the administrative penalty. The remaining amount of thirty-five thousand two hundred ten dollars (\$35,210.00) of the administrative penalty shall be payable in thirty-five (35)

monthly payments of one thousand six dollars (\$1,006.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his 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, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 8, above, for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Sam's Truck Stop Business, Inc., Docket No. 2012-2082-MLM-E" to:

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

2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, Respondent shall:
 - i. Have a waste transporter holding a current registration with the Executive Director remove all wastewater from the holding tank at the OSSF Facility, and continue to remove wastewater on an as needed basis; and
 - ii. Enclose the well within an intruder-resistance fence with a lockable gate or a lockable and ventilated well house at the PWS Facility, in accordance with 30 TEX. ADMIN. CODE § 290.41.
 - b. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.h. below, to demonstrate compliance with Ordering Provisions Nos. 2.a.i. and 2.a.ii.
 - c. Within 60 days after the effective date of this Agreed Order, Respondent shall:
 - i. Properly seal the wellhead at the PWS Facility with a gasket or sealing compound to prevent the possibility of contaminating the well water, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - ii. Ensure that all groundwater at the PWS Facility is disinfected prior to distribution, including water supplied in the restrooms and showers, in accordance with 30 TEX. ADMIN. CODE § 290.42.
 - d. Within 75 days after the effective date of this Agreed Order, Respondent shall

submit written certification, in accordance with Ordering Provision No. 2.h. below, to demonstrate compliance with Ordering Provisions Nos. 2.c.i and 2.c.ii.

- e. Within 180 days after the effective date of this Agreed Order, Respondent shall:
 - i. Obtain approval of a plan to construct from the Executive Director, obtain a permit, and construct an OSSF Facility, in accordance with the requirements established under 30 TEX. ADMIN. CODE §§ 285.3 and 285.31; and
 - ii. Remove any remaining wastewater in the holding tank and fill it to ground level with fill material (less than 3 inches in diameter) which is free of organic and construction debris, as required by 30 TEX. ADMIN. CODE § 285.36.
- f. Within 210 days after the effective date of this Agreed Order, Respondent shall ensure that the point-of-entry reverse osmosis system does not cause hydraulic overloading prior to discharge into the OSSF Facility, in accordance with 30 TEX. ADMIN. CODE § 285.37.
- g. Within 225 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.h. below, to demonstrate compliance with Ordering Provision Nos. 2.e. and 2.f.
- h. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Kent Waggoner
El Paso Regional Office
Texas Commission on Environmental Quality
401 East Franklin Avenue, Suite 560
El Paso, Texas 79901-1212

- 3. All relief not expressly granted in this Agreed Order is denied.
- 4. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the PWS Facility and OSSF Facility operations referenced in this

Agreed Order.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. 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 Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to 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



For the Executive Director

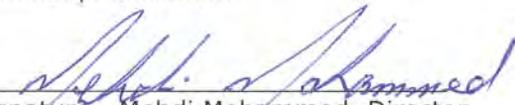
August 23, 2013
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of Sam's Truck Stop Business, Inc., 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 in this Agreed 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Mehdi Mohammed, Director
Sam's Truck Stop Business, Inc.

06/17/13
Date

