

Executive Summary – Enforcement Matter
CASE Nos. 44452, 46712, and 41510
SAVS Investments, Inc. d/b/a Friday's General Store
RN104711163
Docket No. 2012-2141-MLM-E

Order Type:

Default Order (SOAH evidentiary hearing)

Media:

MLM: PST and PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

7678 East United States Highway 290, Johnson City, Blanco County

Type of Operation:

convenience store with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: \$2,758.50 (2010-1634-PWS-E; referred for collection)
Past-Due Fees: None
Other: None
Interested Third-Parties: None

Texas Register Publication Date: November 21, 2014

Comments Received: None

Penalty Information

Total Penalty Assessed: \$56,317

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$56,317

Compliance History Classifications:

Person/CN –Unclassified
Site/RN – Unclassified

Major Source: Yes (PCW 1-A and 1-B)
No (PCW 1-C and PCW 2)

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2002 (PCW 1-A)
September 2011 (PCW 1-B, 1-C, and 2)

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: April 16, 2012; April 23, 2012; August 16-17, 2012;
January 29, 2013; April 15, 2013

Date(s) of NOV(s): February 29, 2012; March 15, 2012; March 27, 2012;
April 10, 2012

Date(s) of NOE(s): June 15, 2012; October 15, 2012; April 15, 2013

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CASE Nos. 44452, 46712, and 41510
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Docket No. 2012-2141-MLM-E

Violation Information

1. 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 [30 Tex. Admin. Code § 37.815(a) and (b)].
2. Failed to obtain a UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date [30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii)].
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 [TEX. WATER CODE § 26.3467(a) and 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i)].
4. Failed to provide corrosion protection for the UST system [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(a)(1)].
5. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(A)].
6. Failed to provide release detection for the pressurized piping associated with the UST system [TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2)].
7. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel [30 TEX. ADMIN. CODE § 334.10(b)].
8. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notice of the failure to sample [TEX. HEALTH & SAFETY CODE § 341.033(d); 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B); and TCEQ Agreed Order Docket No. 2010-1634-PWS-E, Ordering Provisions Nos. 2.a. through 2.c.].
9. Failed to submit engineering plans and specifications and obtain Executive Director approval prior to the construction of a new water system [TEX. HEALTH & SAFETY CODE § 341.035(a); 30 TEX. ADMIN. CODE §§ 290.39(e)(1), (h)(1), and (c); and TCEQ Default Order Docket No. 2011-0635-PWS-E, Ordering Provisions Nos. 3.d.ii. and 3.f.].
10. Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/l of free chlorine throughout the distribution system at all times [TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4); and TCEQ Default Order Docket No. 2011-0635-PWS-E, Ordering Provisions Nos. 3.a.i. and 3.b.i.].
11. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 Tex. Admin. Code § 290.110(c)(4)(A) and TCEQ Default Order Docket No. 2011-0635-PWS-E, Ordering Provisions Nos. 3.a.ii. and 3.b.i.].
12. Failed to provide a minimum pressure tank capacity of 220 gallons [TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii); and TCEQ Default Order Docket No. 2011-0635-PWS-E, Ordering Provisions Nos. 3.d.i and 3.f.].
13. Failed to report the results for triennial metals and minerals monitoring to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)].
14. Failed to report the results of annual nitrate/nitrite monitoring to the Executive Director [30 TEX. ADMIN. CODE § 290.106(e)].

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RN104711163
Docket No. 2012-2141-MLM-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

Respondent longer owns or operates the Facility as of January 7, 2014.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: June 14, 2013; May 19, 2014; June 26, 2014
Date Green Card(s) Signed: Unclaimed; Unclaimed; June 27, 2014
Date Answer(s) Filed: October 17, 2013
SOAH Referral Date: November 22, 2013
Hearing Date(s):
Preliminary hearing: January 9, 2014
Evidentiary hearing: September 25, 2014 (defaulted)

Contact Information

TCEQ Attorneys: Ryan Rutledge, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Eli Martinez, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: James Fisher, Enforcement Division, (512) 239-2537
Michael Pace, Enforcement Division, (817) 588-5933
TCEQ Regional Contact: Carolyn Runyon, Austin Regional Office, (512) 239-2929
Respondent Contact: Sreenivas Neerukonda, President, SAVS Investments, Inc., 9201 Evening Primrose Path, Austin, Texas 78750
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	25-Jun-2012		
	PCW	1-May-2014	Screening	7-Jan-2013
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	SAVS Investments, Inc. dba Friday's General Store		
Reg. Ent. Ref. No.	RN104711163		
Facility/Site Region	11-Austin	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	44452	No. of Violations	2
Docket No.	2012-2141-MLM-E	Order Type	Findings
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mike Pace
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$12,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **70.0%** Enhancement **Subtotals 2, 3, & 7** \$8,750

Notes: Enhancement for one order with a denial of liability and two orders without a denial of liability.

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 \$2,189
Approx. Cost of Compliance \$2,080
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$21,250

OTHER FACTORS AS JUSTICE MAY REQUIRE **10.3%** **Adjustment** \$2,189

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended enhancement to capture the avoided cost of compliance associated with the violations.

Final Penalty Amount \$23,439

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$23,439

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 \$23,439

Screening Date 7-Jan-2013

Docket No. 2012-2141-MLM-E

PCW

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 44452
Reg. Ent. Reference No. RN104711163
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Mike Pace

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

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	0	0%
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	2	50%
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) 70%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order with a denial of liability and two orders without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 70%

Screening Date 7-Jan-2013

Docket No. 2012-2141-MLM-E

PCW

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 44452
Reg. Ent. Reference No. RN104711163
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Mike Pace

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 1

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 underground storage tanks ("USTs").

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (25%).

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 3 365 Number of violation days

Table for event frequency: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with x).

Violation Base Penalty \$7,500

Three single events (one event per UST) are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with x).

Notes No good faith reduction offered in default situations.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,079

Violation Final Penalty Total \$14,063

This violation Final Assessed Penalty (adjusted for limits) \$14,063

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 44452
Reg. Ent. Reference No. RN104711163
Media Violation No. 1
 Petroleum Storage Tank

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				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]	\$1,980	29-May-2011	2-Apr-2012	1.00	\$99	\$1,980	\$2,079
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide financial assurance for three USTs (at \$660 per UST). The date required is the date previous insurance was terminated, and the final date is the compliance date.

Approx. Cost of Compliance

\$1,980

TOTAL

\$2,079

Screening Date 7-Jan-2013 **Docket No.** 2012-2141-MLM-E **PCW**

Respondent SAVS Investments, Inc. dba Friday's General Store *Policy Revision 2 (September 2002)*
Case ID No. 44452 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN104711163
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Mike Pace

Violation Number

Rule Cite(s)

Violation Description

Failed to renew a previously issued UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on March 31, 2011.

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="0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>

Matrix Notes

100% of the rule requirement was not met.

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 type="text"/>
semiannual	<input type="text"/>
annual	<input checked="" type="text" value="x"/>
single event	<input type="text"/>

Violation Base Penalty

Two annual events are recommended.

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

No good faith reduction offered in default situations.

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 SAVS Investments, Inc. dba Friday's General Store
Case ID No. 44452
Reg. Ent. Reference No. RN104711163
Media Violation No. Petroleum Storage Tank
 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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$100	31-Mar-2011	9-Apr-2012	1.95	\$10	\$100	\$110
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated avoided cost to accurately prepare and submit an updated UST registration and obtain a valid, current TCEQ delivery certificate. The date required is the expiration date of the delivery certificate, and the final date is the compliance date.

Approx. Cost of Compliance \$100

TOTAL \$110



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	25-Jun-2012	
	PCW	1-May-2014	Screening 7-Jan-2013
			EPA Due <input type="text"/>

RESPONDENT/FACILITY INFORMATION

Respondent	SAVS Investments, Inc. dba Friday's General Store		
Reg. Ent. Ref. No.	RN104711163		
Facility/Site Region	11-Austin	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	44452	No. of Violations	1
Docket No.	2012-2141-MLM-E	Order Type	Findings
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mike Pace
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	<input type="text" value="\$0"/>	Maximum	<input type="text" value="\$25,000"/>

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: Enhancement for one order with a denial of liability and two orders without a denial of liability.

Culpability Enhancement **Subtotal 4**

Notes: The Respondent does not meet the culpability criteria.

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

Economic Benefit Enhancement* **Subtotal 6**

Total EB Amounts **Capped at the Total EB \$ Amount*
 Approx. Cost of Compliance

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 7-Jan-2013 **Docket No.** 2012-2141-MLM-E
Respondent SAVS Investments, Inc. dba Friday's General
Case ID No. 44452
Reg. Ent. Reference No. RN104711163
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Mike Pace

Policy Revision 3 (September 2011)
 PCW Revision August 3, 2011

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	0	0%
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	2	50%
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 judgments 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) 70%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for one order with a denial of liability and two orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 70%

Screening Date	7-Jan-2013	Docket No.	2012-2141-MLM-E	PCW
Respondent	SAVS Investments, Inc. dba Friday's General Store			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	44452	<i>PCW Revision August 3, 2011</i>		
Reg. Ent. Reference No.	RN104711163			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Mike Pace			
Violation Number	1			
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 USTs. Specifically, the Respondent received one delivery of fuel without a delivery certificate.			
Base Penalty				\$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				7.0%
	Potential			x	
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
					0.0%
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					\$23,250

\$1,750

Violation Events

Number of Violation Events	1	Number of violation days	1	Violation Base Penalty	\$1,750
<i>mark only one with an x</i>	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event			x	
One single event is recommended based on documentation of the violation during the April 16, 2012 record review.					

Good Faith Efforts to Comply	0.0% Reduction	\$0
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)
Notes	No good faith reduction offered in default situations.	
Violation Subtotal		\$1,750

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$0
Violation Final Penalty Total	\$2,975
This violation Final Assessed Penalty (adjusted for limits)	
	\$2,975

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 44452
Reg. Ent. Reference No. RN104711163
Media Violation No. 1
Media Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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

Notes for DELAYED costs

Economic benefit included in violation no. 2 of Revision 2 PCW.

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



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	22-Apr-2013	
	PCW	18-Feb-2014	Screening 23-Apr-2013
			EPA Due <input type="text"/>

RESPONDENT/FACILITY INFORMATION

Respondent	SAVS Investments, Inc. dba Friday's General Store		
Reg. Ent. Ref. No.	RN104711163		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	46712	No. of Violations	3
Docket No.	2012-2141-MLM-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mike Pace
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	<input type="text" value="\$0"/>	Maximum	<input type="text" value="\$25,000"/>

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 **70.0%** Reduction **Subtotals 2, 3, & 7**

Notes

Enhancement for one order with a denial of liability and two orders without a denial of liability.

Culpability **No** **0.0%** Enhancement **Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

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

Economic Benefit **0.0%** 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 **14.8%** **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Recommended enhancement to capture the avoided cost of compliance associated with the violation nos. 1 & 3.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **0.0%** Reduction **Adjustment**

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

Notes

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY

Screening Date 23-Apr-2013 **Docket No.** 2012-2141-MLM-E
Respondent SAVS Investments, Inc. dba Friday's General
Case ID No. 46712
Reg. Ent. Reference No. RN104711163
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Mike Pace

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

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	0	0%
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	2	50%
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 judgments 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) 70%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order with a denial of liability and two orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 70%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 70%

Screening Date	23-Apr-2013	Docket No.	2012-2141-MLM-E	PCW
Respondent	SAVS Investments, Inc. dba Friday's General Store			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	46712			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN104711163			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Mike Pace			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 334.49(a)(1) and Tex. Water Code § 26.3475(d)			
Violation Description	Failed to provide corrosion protection for the UST system.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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 \$21,250

\$3,750

Violation Events

Number of Violation Events: 1 84 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended based on the documentation of the violation during the January 29, 2013 investigation to the April 23, 2013 screening date.

Good Faith Efforts to Comply **0.0%** Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$343 Violation Final Penalty Total \$7,321

This violation Final Assessed Penalty (adjusted for limits) \$7,321

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 46712
Reg. Ent. Reference No. RN104711163
Media Violation No. 1
Media Petroleum Storage Tank

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	\$6,000	29-Jan-2013	23-Nov-2013	0.82	\$16	\$327	\$343
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 install a corrosion protection system and test the system. The date required is the investigation date, and the final date is 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

\$6,000

TOTAL

\$343

Screening Date	23-Apr-2013	Docket No.	2012-2141-MLM-E	PCW
Respondent	SAVS Investments, Inc. dba Friday's General Store			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	46712			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN104711163			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Mike Pace			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A) and (b)(2) and Tex. Water Code § 26.3475(a) and (c)(1)			
Violation Description	Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring). Also, failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent had not conducted the annual piping tightness test.			
		Base Penalty	\$25,000	

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

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 \$21,250

\$3,750

Violation Events

Number of Violation Events: 1 84 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,750

One quarterly event is recommended based on the documentation of the violation during the January 29, 2013 investigation to the April 23, 2013 screening date.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

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

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount: \$197	Violation Final Penalty Total: \$7,321
This violation Final Assessed Penalty (adjusted for limits) \$7,321	

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 46712
Reg. Ent. Reference No. RN104711163
Media Violation No. Petroleum Storage Tank
 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				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	29-Jan-2013	23-Dec-2013	0.90	\$67	n/a	\$67

Notes for DELAYED costs

Estimated cost of monitoring the USTs for releases. The date required is the investigation date, and the final date is 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)	\$118	29-Jan-2012	29-Jan-2013	1.92	\$11	\$118	\$129

Notes for AVOIDED costs

Estimated cost for conducting annual piping tightness test. The date required is one year prior to the investigation date and the final date is the investigation date.

Approx. Cost of Compliance

\$1,618

TOTAL

\$197

Screening Date	23-Apr-2013	Docket No.	2012-2141-MLM-E	PCW
Respondent	SAVS Investments, Inc. dba Friday's General Store			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	46712			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN104711163			
Media [Statute]	Petroleum Storage Tank			
Enf. Coordinator	Mike Pace			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 334.10(b)			
Violation Description	Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel.			
Base Penalty	\$25,000			

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	Percent
		x			5.0%
Matrix Notes	100% of the rule requirement was not met.				
Adjustment	\$23,750				

\$1,250

Violation Events

Number of Violation Events	1	84	Number of violation days
<i>mark only one with an x</i>	daily		Violation Base Penalty
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
One single event is recommended.			

\$1,250

Good Faith Efforts to Comply

0.0%	Reduction	\$0
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)
Notes	The Respondent does not meet the good faith criteria for this violation.	
Violation Subtotal	\$1,250	

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount	\$20	Violation Final Penalty Total	\$2,440
This violation Final Assessed Penalty (adjusted for limits)		\$2,440	

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 46712
Reg. Ent. Reference No. RN104711163
Media Violation No. Petroleum Storage Tank
 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)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	29-Jan-2013	24-Nov-2013	0.82	\$20	n/a	\$20
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

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

\$20

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

PUBLISHED Compliance History Report for CN603679143, RN104711163, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN603679143, SAVS Investments, Inc. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN104711163, Friday's General Store **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 7678 E US HIGHWAY 290 JOHNSON CITY, TX 78636-4372, BLANCO COUNTY

TCEQ Region: REGION 11 - AUSTIN

ID Number(s): **PETROLEUM STORAGE TANK REGISTRATION** 69483
PUBLIC WATER SYSTEM/SUPPLY 0160028

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: February 18, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 20, 2007 to August 20, 2012

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

Name: Mike Pace

Phone: (817) 588-5933

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: 02/08/2009 ADMINORDER 2008-1391-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(c)
30 TAC Chapter 290, SubChapter D 290.39(h)(1)
30 TAC Chapter 290, SubChapter D 290.46(a)
5A THSC Chapter 341, SubChapter A 341.035(a)

Description: Failed to have approval for the rainwater collection system (surface water source) and the groundwater system prior to construction and use.

2 Effective Date: 10/17/2011 ADMINORDER 2010-1634-PWS-E (Findings Order-Agreed Order Without Denial)

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 12/2009 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 12/2009 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)

Description: TCR Routine Monitoring Violation 01/2010 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 01/2010 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)

Description: TCR Routine Monitoring Violation 02/2010 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 02/2010 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)

Description: TCR Routine Monitoring Violation 03/2010 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 03/2010 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)(3)(A)(i)
 5A THSC Chapter 341, SubChapter A 341.033(d)
 Description: TCR Routine Monitoring Violation 04/2010 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 04/2010 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 05/2010 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 05/2010 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 06/2010 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 07/2010 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 08/2010 Failure to collect any routine monitoring sample(s).

3 Effective Date: 01/08/2012 ADMINORDER 2011-0635-PWS-E (Default Order)

Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.39(c)
 30 TAC Chapter 290, SubChapter D 290.39(e)(1)
 30 TAC Chapter 290, SubChapter D 290.39(h)(1)
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
 Description: Failure to submit engineering plans and specifications and well completion data for the groundwater well and associated water system components.
 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: Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(C)
 Description: Failure to monitor the disinfectant residual in the distribution system since December 2009.
 Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
 Description: Failure to provide a concrete sealing block around the wellhead.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
 5A THSC Chapter 341, SubChapter A 341.0315(c)
 Description: Failure to provide the minimum required pressure tank capacity.
 Classification: Minor
 Citation: 2A TWC Chapter 5, SubChapter A 5.702
 30 TAC Chapter 290, SubChapter E 290.51(a)(3)
 Description: Failed to pay annual public health service fees, including associated late fees, for TCEQ Financial Administration Account No. 90160028 for Fiscal Year 2011.

- B. Criminal convictions:** N/A
- C. Chronic excessive emissions events:** N/A
- D. The approval dates of investigations (CCEDS Inv. Track. No.):**
 Item 1 November 07, 2007 (599778)
- E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):** N/A
 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.
- 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



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	22-Oct-2012	Screening	22-Oct-2012	EPA Due	31-Mar-2012
	PCW	22-Oct-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	SAVS Investments, Inc. dba Friday's General Store	
Reg. Ent. Ref. No.	RN104711163	
Facility/Site Region	11-Austin	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	41510	No. of Violations	7
Docket No.	2012-2141-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Jim Fisher
		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** **\$5,200**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	90.0%	Enhancement	Subtotals 2, 3, & 7	\$4,680
Notes	Enhancements for four NOV's with the same/similar violations, one final agreed order containing a denial of liability, one final agreed order not containing a denial of liability and one final default order.			
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	\$4,345	*Capped at the Total EB \$ Amount		
Approx. Cost of Compliance	\$14,000			

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$9,880**

OTHER FACTORS AS JUSTICE MAY REQUIRE **29.8%** **Adjustment** **\$2,940**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement for the recovery of avoided costs associated with Violation Nos. 1, 3 and 4.	Final Penalty Amount	\$12,820
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STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$12,820**

DEFERRAL **0.0%** **Reduction** **Adjustment** **\$0**

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

Notes	No deferral is recommended for Findings Orders.
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PAYABLE PENALTY **\$12,820**

Screening Date 22-Oct-2012

Docket No. 2012-2141-MLM-E

PCW

Respondent SAVS Investments, Inc. dba Friday's General Stor

Policy Revision 3 (September 2011)

Case ID No. 41510

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN104711163

Media [Statute] Public Water Supply

Enf. Coordinator Jim Fisher

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>)	4	20%
	Other written NOVs	0	0%
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	2	50%
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) 90%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancements for four NOVs with the same/similar violations, one final agreed order containing a denial of liability, one final agreed order not containing a denial of liability and one final default order.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 90%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 90%

Screening Date	22-Oct-2012	Docket No.	2012-2141-MLM-E	PCW
Respondent	SAVS Investments, Inc. dba Friday's General Store			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	41510			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN104711163			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Jim Fisher			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B), and Tex. Health & Safety Code § 341.033(d) and TCEQ Agreed Order Docket No. 2010-1634-PWS-E, Ordering Provisions Nos. 2.a. through 2.c.			
Violation Description	Failed to collect routine distribution water samples for coliform analysis for the months of November 2011 through September 2012 and failed to provide public notice of the failure to sample for the months of November 2011 through June 2012.			
		Base Penalty	\$1,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 15.0%
	Potential	x			
>> Programmatic Matrix					
		Major	Moderate	Minor	
	Falsification				Percent 0.0%
Matrix Notes	Failure to perform routine coliform monitoring and provide public notice could result in consumers of the Facility being exposed to undetected contaminants, which would exceed levels protective of human health.				
				Adjustment	\$850
					\$150

Violation Events

Number of Violation Events	12	334	Number of violation days
<i>mark only one with an x</i>	daily		Violation Base Penalty \$1,800
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
Twelve monthly events are recommended, calculated from the first of the month following the effective date of TCEQ Agreed Order Docket No. 2010-1634-PWS-E, October 18, 2011, to the screening date, October 22, 2012.			

Good Faith Efforts to Comply **0.0%** Reduction \$0

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary			
Ordinary			
N/A	x	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$1,800

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$345	Violation Final Penalty Total \$4,438
This violation Final Assessed Penalty (adjusted for limits) \$4,438	

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Reg. Ent. Reference No. RN104711163
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	18-Oct-2011	30-Apr-2013	1.53	\$3	n/a	\$3
Training/Sampling	\$100	16-Aug-2012	30-Apr-2013	0.70	\$4	n/a	\$4
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 first delayed cost includes the estimated amount to develop a protocol and conduct employee training to ensure all necessary public notifications are provided in a timely manner, calculated from the effective date of TCEQ Agreed Order Docket No. 2010-1634-PWS-E, to the estimated date of compliance. The second delayed cost includes the estimated amount to begin complying with applicable coliform monitoring requirements, including but not limited to the collection of all routine and repeat distribution samples, calculated from the record review 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]	\$275	1-Nov-2011	30-Sep-2012	1.83	\$25	\$275	\$300
Other (as needed)	\$35	1-Dec-2011	30-Jun-2012	1.50	\$3	\$35	\$38

Notes for AVOIDED costs

The avoided costs include the estimated amount (\$25/samples x 11 months) to conduct routine coliform sampling; and the other avoided cost is the estimated amount (\$5/notice x 7 months) to provide public notice to consumers of the Facility, calculated for the months sampling was not conducted and for the period public notice should have been provided.

Approx. Cost of Compliance \$455

TOTAL \$345

Screening Date	22-Oct-2012	Docket No.	2012-2141-MLM-E	PCW
Respondent	SAVS Investments, Inc. dba Friday's General Store			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	41510			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN104711163			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Jim Fisher			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.39(e)(1) and (h)(1) and (c), and Tex. Health & Safety Code § 341.035(a) and TCEQ Default Order Docket No. 2011-0635-PWS-E, Ordering Provision Nos. 3.d.ii. and 3.f.

Violation Description

Failed to submit engineering plans and specifications and obtain Executive Director approval prior to the construction of a new water system. Specifically, without prior review and approval of the Executive Director, the Respondent made significant modifications to the Facility's distribution system, which include the installation of two new pressure tanks and a hypochlorination system.

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="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

Matrix Notes

100% of the rule requirement was not met.

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 type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>	

Violation Base Penalty

One single event is recommended.

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 SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Reg. Ent. Reference No. RN104711163
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$10,000	8-Jan-2012	31-Oct-2013	1.81	\$60	\$1,209	\$1,270
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 prepare and submit as-built plans and specifications by a professional engineer, calculated from the effective date of TCEQ Default Order Docket No. 2011-0635-PWS-E 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	\$10,000	TOTAL	\$1,270
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Screening Date 22-Oct-2012 **Docket No.** 2012-2141-MLM-E **PCW**
Respondent SAVS Investments, Inc. dba Friday's General Store *Policy Revision 3 (September 2011)*
Case ID No. 41510 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN104711163
Media [Statute] Public Water Supply
Enf. Coordinator Jim Fisher

Violation Number
Rule Cite(s)

30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c) and TCEQ Default Order Docket No. 2011-0635-PWS-E, Ordering Provision Nos. 3.a.i. and 3.b.i.

Violation Description

Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times.

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

Failure to maintain adequate disinfection residuals could expose consumers of the Facility to contaminants which would exceed levels protective of human health.

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

Ten monthly events are recommended, calculated from the effective date of TCEQ Default Order Docket No. 2011-0635-PWS-E, January 8, 2012, to the screening date, October 22, 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 type="text" value="x"/>	(mark w th 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 SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Reg. Ent. Reference No. RN104711163
Media Public Water Supply
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
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]				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	8-Jan-2012	22-Oct-2012	1.71	\$171	\$2,000	\$2,171

Notes for AVOIDED costs

The avoided costs include the estimated amount (\$200/month) for maintenance, oversight and chlorine dosage that could have avoided or prevented the low disinfectant residual levels, calculated from the effective date of TCEQ Default Order Docket No. 2011-0635-PWS-E to the screening date.

Approx. Cost of Compliance

\$2,000

TOTAL

\$2,171

Screening Date	22-Oct-2012	Docket No.	2012-2141-MLM-E	PCW
Respondent	SAVS Investments, Inc. dba Friday's General Store			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	41510			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN104711163			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Jim Fisher			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.110(c)(4)(A) and TCEQ Default Order Docket No. 2011 0635-PWS-E, Ordering Provision Nos. 3.a.ii. and 3.b.i.			
Violation Description	Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failing to monitor the disinfectant residual at representative locations throughout the distribution system may allow a wide range of pathogens that can cause illness to go undetected; thereby, exposing consumers of the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events: 10 288 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Ten monthly events are recommended, calculated from the effective date of TCEQ Default Order Docket No. 2011-0635-PWS-E, January 8, 2012, to the screening date, October 22, 2012.

Good Faith Efforts to Comply 0.0% Reduction \$0

		Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary			
Ordinary			
N/A	x		(mark with x)

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

Violation Subtotal \$1,500

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$431 Violation Final Penalty Total \$3,698

This violation Final Assessed Penalty (adjusted for limits) \$3,698

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Reg. Ent. Reference No. RN104711163
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				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	\$520	8-Jan-2012	22-Oct-2012	0.79	\$21	\$410	\$431
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

The avoided costs include the estimated amount (\$10 per week) to perform weekly monitoring of the disinfectant residual at representative locations within the distribution system, calculated from the effective date of TCEQ Default Order Docket No. 2011-0635-PWS-E to the screening date.

Approx. Cost of Compliance \$520

TOTAL \$431

Screening Date 22-Oct-2012	Docket No. 2012-2141-MLM-E	PCW
Respondent SAVS Investments, Inc. dba Friday's General Store		<i>Policy Revision 3 (September 2011)</i>
Case ID No. 41510		<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No. RN104711163		
Media [Statute] Public Water Supply		
Enf. Coordinator Jim Fisher		

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.45(d)(2)(A)(ii) and Tex. Health & Safety Code § 341.0315(c) and TCEQ Default Order Docket No. 2011-0635-PWS-E, Ordering Provision Nos. 3.d.i. and 3.f.

Violation Description Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, the pressure tank was found to have a total capacity of 170 gallons, which is a 23% deficiency.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes Failure to have sufficient pressure tank capacity could result in water outages or low pressure which would expose consumers of the Facility to significant amounts of contaminants, which would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

mark only one with an x

Violation Base Penalty

Four quarterly events are recommended, calculated from the effective date of TCEQ Default Order Docket No. 2011-0635-PWS-E, January 8, 2012, to the screening date, October 22, 2012.

Good Faith Efforts to Comply

Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	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 SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Reg. Ent. Reference No. RN104711163
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$1,000	8-Jan-2012	31-Oct-2013	1.81	\$6	\$121	\$127
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 increase the pressure tank capacity to a minimum of 220 total gallons, calculated from the effective date of TCEQ Default Order Docket No. 2011-0635-PWS-E 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 \$1,000

TOTAL \$127

Screening Date 22-Oct-2012 **Docket No.** 2012-2141-MLM-E **PCW**
Respondent SAVS Investments, Inc. dba Friday's General Store *Policy Revision 3 (September 2011)*
Case ID No. 41510 *PCW Revision August 3, 2011*
Reg. Ent. Reference No. RN104711163
Media [Statute] Public Water Supply
Enf. Coordinator Jim Fisher

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.106(e)

Violation Description
Failed to report the results for triennial metals and minerals monitoring to the Executive Director. Specifically, the Respondent did not submit the monitoring results for metals and minerals for the January 1, 2009 through December 31, 2011 reporting period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

Matrix Notes
100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 296 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events are recommended, based on one event for each report not submitted.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

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

Violation Subtotal \$100

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$34 **Violation Final Penalty Total** \$247

This violation Final Assessed Penalty (adjusted for limits) \$247

Economic Benefit Worksheet

Respondent SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Reg. Ent. Reference No. RN104711163
Media Violation No. Public Water Supply
 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$155	31-Dec-2011	31-May-2013	1.42	\$11	n/a	\$11
Training/Sampling	\$264	31-Dec-2011	31-May-2013	1.42	\$19	n/a	\$19
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	16-Aug-2012	31-May-2013	0.79	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount of the outstanding laboratory costs (\$155/mineral sample; \$264/metals sample) that must be paid in order to release the test results, calculated from the last date of the first monitoring period in which results were not provided to the estimated date of compliance. The other delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director, calculated from the date of the record review 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 \$519

TOTAL \$34

Screening Date	22-Oct-2012	Docket No.	2012-2141-MLM-E	PCW
Respondent	SAVS Investments, Inc. dba Friday's General Store			<i>Policy Revision 3 (September 2011)</i>
Case ID No.	41510			<i>PCW Revision August 3, 2011</i>
Reg. Ent. Reference No.	RN104711163			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Jim Fisher			

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="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>

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 type="text"/>
semiannual	<input type="text"/>
annual	<input checked="" type="text" value="x"/>
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 SAVS Investments, Inc. dba Friday's General Store
Case ID No. 41510
Reg. Ent. Reference No. RN104711163
Media Violation No. Public Water Supply
 7

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$25	31-Dec-2011	31-May-2013	1.42	\$2	n/a	\$2
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 of the outstanding laboratory costs (\$25/nitrate/nitrite sample) that must be paid in order to release the test results, calculated from the last date of the first monitoring period in which results were not provided to the estimated date of compliance. The other delayed costs are included in the Economic Benefit for Violation No. 6.

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 \$25

TOTAL \$2

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 CN603679143, RN104711163, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN603679143, SAVS Investments, Inc. **Classification:** UNCLASSIFIED **Rating:** -----

Regulated Entity: RN104711163, Friday's General Store **Classification:** UNCLASSIFIED **Rating:** -----

Complexity Points: 3 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 7678 EAST US HIGHWAY 290, JOHNSON CITY, BLANCO COUNTY, TEXAS

TCEQ Region: REGION 11 - AUSTIN

ID Number(s): **PETROLEUM STORAGE TANK REGISTRATION** 69483
PUBLIC WATER SYSTEM/SUPPLY 0160028

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

Date Compliance History Report Prepared: October 22, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 22, 2007 to October 22, 2012

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

Name: Jason Fraley

Phone: (512) 239-2552

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? YES
- 3) If YES for #2, who is the current owner/operator? SAVS Investments, Inc.
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? FREITAG, ADAM, OPERATOR, 8/31/1987 to 11/1/2009
FREITAG, BOYD R, OWNER, 8/31/1987 to 11/1/2009
- 5) If YES, when did the change(s) in owner or operator occur? 11/1/2009

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

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

1 Effective Date: 02/08/2009 ADMINORDER 2008-1391-PWS-E (1660 Order)

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(c)
30 TAC Chapter 290, SubChapter D 290.39(h)(1)
30 TAC Chapter 290, SubChapter D 290.46(a)
5A THSC Chapter 341, SubChapter A 341.035(a)

Description: Failed to have approval for the rainwater collection system (surface water source) and the groundwater system prior to construction and use.

2 Effective Date: 10/17/2011 ADMINORDER 2010-1634-PWS-E (Findings Order)

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 12/2009 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 12/2009 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 01/2010 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 01/2010 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 02/2010 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 02/2010 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 03/2010 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 03/2010 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)(3)(A)(i)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 04/2010 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 04/2010 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 05/2010 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 05/2010 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 06/2010 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 07/2010 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 08/2010 Failure to collect any routine monitoring sample(s).

3 Effective Date: 01/08/2012 ADMINORDER 2011-0635-PWS-E (Default Order)

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.39(c)
30 TAC Chapter 290, SubChapter D 290.39(e)(1)
30 TAC Chapter 290, SubChapter D 290.39(h)(1)
30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)
Description: Failure to submit engineering plans and specifications and well completion data for the groundwater well and associated water system components.
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: Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/L of free chlorine throughout the distribution system at all times
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
30 TAC Chapter 290, SubChapter F 290.110(c)(4)(C)
Description: Failure to monitor the disinfectant residual in the distribution system since December 2009.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
Description: Failure to provide a concrete sealing block around the wellhead.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to provide the minimum required pressure tank capacity.
Classification: Minor
Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51(a)(3)
Description: Failed to pay annual public health service fees, including associated late fees, for TCEQ Financial Administration Account No. 90160028 for Fiscal Year 2011.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
SAVS INVESTMENTS, INC.
DBA FRIDAY'S GENERAL STORE;
RN104711163**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2012-2141-MLM-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Second Amended Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is SAVS Investments, Inc. dba Friday's General Store ("Respondent").

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

FINDINGS OF FACT

1. Respondent owned and operated, as defined in 30 TEX. ADMIN. CODE § 334.2(73) and (70), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline with a public water system ("PWS") located at 7678 East United States Highway 290 in Johnson City, Blanco County, Texas (PST Facility ID No. 69483) (PWS Facility ID No. 0160028) (the "Facility"). The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contain a regulated petroleum substance as defined in the rules of the TCEQ. The Facility provides water for human consumption, has one service connection, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on April 16, 2012 of the UST system at the Facility, a TCEQ Austin Regional Office investigator documented that Respondent:
 - a. 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;
 - b. Failed to obtain a UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date. Specifically, the delivery certificate expired on March 31, 2011; and
 - c. Failed to make available to a common carrier a valid, current TCEQ delivery certificate before accepting delivery of a regulated substance into the USTs. Specifically, Respondent received one delivery of fuel without a delivery certificate.

3. During an investigation conducted on January 29, 2013 of the UST system at the Facility, and a record review conducted on April 15, 2013, a UT-Arlington PST program investigator (TCEQ Contractor) documented that Respondent:
 - a. Failed to provide corrosion protection for the UST system;
 - b. Failed to monitor the USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring);
 - c. Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, Respondent did not conduct the annual piping tightness test; and
 - d. Failed to maintain UST records and make them immediately available for inspection upon request by agency personnel.
4. During an investigation conducted on April 23, 2012 of the PWS system at the Facility, and record reviews conducted on August 16 and 17, 2012, TCEQ Austin Regional Office investigators documented that Respondent:
 - a. Failed to collect routine distribution water samples for coliform analysis for the months of November 2011 through September 2012 and failed to provide public notice of the failure to sample for the months of November 2011 through June 2012;
 - b. Failed to submit engineering plans and specifications and obtain Executive Director approval prior to the construction of a new water system. Specifically, Respondent made significant modifications to the PWS distribution system, which included installation of two pressure tanks and a hypochlorination system;
 - c. Failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 milligrams per liter ("mg/l") of free chlorine throughout the distribution system at all times;
 - d. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days;
 - e. Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, the pressure tank had a total capacity of 170 gallons, which is a 23% deficiency;
 - f. Failed to report the results for triennial metals and minerals monitoring to the Executive Director. Specifically, Respondent did not submit the monitoring results for metals and minerals for the January 1, 2009 through December 31, 2011, reporting period; and
 - g. Failed to report the results of annual nitrate/nitrite monitoring to the Executive Director. Specifically, Respondent did not provide nitrate/nitrite monitoring results for the January 1, 2011 through December 31, 2011, reporting period.
5. The Executive Director recognizes that Respondent no longer owns or operates the Facility as of January 7, 2014.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of SAVS Investments, Inc. dba Friday's General Store" (the "EDPRP") in the TCEQ Chief Clerk's office on June 14, 2013.

7. Respondent filed an answer requesting a hearing on October 17, 2013, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on November 22, 2013.
8. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against SAVS Investments, Inc. dba Friday's General Store" (the "EDFARP") in the TCEQ Chief Clerk's office on May 19, 2014.
9. The Executive Director filed the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against SAVS Investments, Inc. dba Friday's General Store" (the "EDSARP") in the TCEQ Chief Clerk's office on June 26, 2014.
10. By letter dated June 26, 2014, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDSARP. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDSARP on June 27, 2014, as evidenced by the signature on the certified mail "green card."
11. On July 10, 2014, the Administrative Law Judge ("ALJ") issued Order No. 4, which set the evidentiary hearing for September 25, 2014. The SOAH docket clerk mailed a copy of Order No. 4 to Respondent at its last known address via first class mail, postage pre-paid.
12. On September 25, 2014, the ALJ convened the evidentiary hearing. Respondent failed to appear, and the Executive Director requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be dismissed from the SOAH Docket and remanded to the Executive Director so that a Default Order may be entered by the Commission.
13. On October 6, 2014, the ALJ entered a finding that Respondent was served with proper notice of the hearing and remanded the matter to the Executive Director by SOAH Order No. 6, Granting Motion to Dismiss and Remand, so that TCEQ may dispose of this case on a default basis.

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. 26, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent 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).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to obtain a UST delivery certificate by submitting a properly completed UST registration and self-certification form at least 30 days before the expiration date, in violation of 30 TEX. ADMIN. CODE § 334.8(c)(4)(A)(vii) and (c)(5)(B)(ii).
4. As evidenced by Finding of Fact No. 2.c., Respondent 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 TEX. WATER CODE § 26.3467(a) and 30 TEX. ADMIN. CODE § 334.8(c)(5)(A)(i).
5. As evidenced by Finding of Fact No. 3.a., Respondent failed to provide corrosion protection for the UST system, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(a)(1).
 6. As evidenced by Finding of Fact No. 3.b., Respondent 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 TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(A).
 7. As evidenced by Finding of Fact No. 3.c., Respondent failed to provide release detection for the pressurized piping associated with the UST system, in violation of TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2).
 8. As evidenced by Finding of Fact No. 3.d., Respondent failed to maintain UST records and make them immediately available for inspection upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.10(b).
 9. As evidenced by Finding of Fact No. 4.a., Respondent failed to collect routine distribution water samples for coliform analysis and failed to provide public notice of the failure to sample, in violation of TEX. HEALTH & SAFETY CODE § 341.033(d); 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B); and TCEQ Agreed Order Docket No. 2010-1634-PWS-E, Ordering Provisions Nos. 2.a. through 2.c.
 10. As evidenced by Finding of Fact No. 4.b., Respondent failed to submit engineering plans and specifications and obtain Executive Director approval prior to the construction of a new water system, in violation of TEX. HEALTH & SAFETY CODE § 341.035(a); 30 TEX. ADMIN. CODE §§ 290.39(e)(1), (h)(1), and (c); and TCEQ Default Order Docket No. 2011-0635-PWS-E, Ordering Provisions Nos. 3.d.ii. and 3.f.
 11. As evidenced by Finding of Fact No. 4.c., Respondent failed to operate the disinfection equipment to continuously maintain a disinfectant residual of 0.2 mg/l of free chlorine throughout the distribution system at all times, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4); and TCEQ Default Order Docket No. 2011-0635-PWS-E, Ordering Provisions Nos. 3.a.i. and 3.b.i.
 12. As evidenced by Finding of Fact No. 4.d., Respondent failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A) and TCEQ Default Order Docket No. 2011-0635-PWS-E, Ordering Provisions Nos. 3.a.ii. and 3.b.i.
 13. As evidenced by Finding of Fact No. 4.e., Respondent failed to provide a minimum pressure tank capacity of 220 gallons, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c); 30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii); and TCEQ Default Order Docket No. 2011-0635-PWS-E, Ordering Provisions Nos. 3.d.i and 3.f.
 14. As evidenced by Finding of Fact No. 4.f., Respondent failed to report the results for triennial metals and minerals monitoring to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
 15. As evidenced by Finding of Fact No. 4.g., Respondent failed to report the results of annual nitrate/nitrite monitoring to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e).

16. As evidenced by Finding of Fact No. 7, Respondent filed an answer requesting a hearing as required by TEX. WATER CODE § 7.056, TEX. HEALTH & SAFETY CODE § 341.049(e), and 30 TEX. ADMIN. CODE § 70.105, and the matter was referred to SOAH pursuant to 1 TEX. ADMIN. CODE §§ 155.53(b) and 155.101(b) and 30 TEX. ADMIN. CODE § 70.109.
17. As evidenced by Finding of Fact No. 11, Respondent was provided proper notice of the evidentiary hearing in accordance with TEX. GOV'T CODE §§ 2001.051(1) and 2001.052, TEX. WATER CODE § 7.058, TEX. HEALTH & SAFETY CODE § 341.049(g), 1 TEX. ADMIN. CODE §§ 155.103(a) and (c)(3), 155.401 and 155.501, and 30 TEX. ADMIN. CODE §§ 1.11, 1.12, 39.23, 39.25, 39.405, 39.413, 39.423, 39.425 and 80.6.
18. As evidenced by Findings of Fact Nos. 12 and 13, Respondent failed to appear for the evidentiary hearing, and pursuant to TEX. GOV'T CODE § 2001.056(4), TEX. WATER CODE § 7.057, TEX. HEALTH & SAFETY CODE § 341.049(g), and 1 TEX. ADMIN. CODE § 155.501(d), the ALJ dismissed the case from the SOAH docket so that the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director pursuant to 30 TEX. ADMIN. CODE § 70.106(b).
19. Pursuant to TEX. WATER CODE § 7.051 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 TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
20. An administrative penalty in the amount of fifty-six thousand three hundred seventeen dollars (\$56,317.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049.
21. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of fifty-six thousand three hundred seventeen dollars (\$56,317.00) 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 Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: SAVS Investments, Inc. dba Friday's General Store; Docket No. 2012-2141-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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.
5. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this 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.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF RYAN RUTLEDGE

STATE OF TEXAS

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COUNTY OF TRAVIS

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"My name is Ryan Rutledge. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality ("TCEQ"), the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of SAVS Investments, Inc. dba Friday's General Store" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on June 14, 2013.

Respondent filed an answer requesting a hearing on October 17, 2013, and the matter was referred to the State Office of Administrative Hearings ("SOAH") on November 22, 2013.

On behalf of the Executive Director of the TCEQ, the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against SAVS Investments, Inc. dba Friday's General Store" (the "EDFARP") was filed in the TCEQ Chief Clerk's office on May 19, 2014.

On behalf of the Executive Director of the TCEQ, the "Executive Director's Second Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against SAVS Investments, Inc. dba Friday's General Store" (the "EDSARP") was filed in the TCEQ Chief Clerk's office on June 26, 2014.

By letter dated June 26, 2014, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDSARP. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDSARP on June 27, 2014, as evidenced by the signature on the certified mail "green card."

On July 10, 2014, the ALJ issued Order No. 4, which set the evidentiary hearing for September 25, 2014. The SOAH docket clerk mailed a copy of Order No. 4 to Respondent at its last known address via first class mail, postage pre-paid.

Respondent failed to appear at the hearing on September 25, 2014. At that hearing, I requested that the ALJ enter a finding that Respondent was served with proper notice of the hearing and the matter be remanded to the Executive Director pursuant to 1 TEX. ADMIN. CODE § 155.501(d), which gives an ALJ the authority to remand the case back to the TCEQ for informal disposition on a default basis in accordance with TEX. GOV'T CODE § 2001.056.

The ALJ remanded the matter to the Executive Director by SOAH Order No. 6, Granting Motion to Dismiss and Remand, issued on October 6, 2014, so that TCEQ may dispose of this case on a default basis."



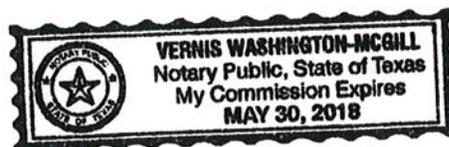
Ryan Rutledge, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Ryan Rutledge, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Subscribed and sworn to before me on this 4th day of November, A.D. 2014.



Notary Public, State of Texas



Notary without Bond