

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49333
WEST PARK BUSINESS INC d/b/a Gator Stop 4
RN101818201
Docket No. 2014-1346-PST-E

Order Type:

Agreed Order

Media:

Petroleum Storage Tanks ("PST")

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

716 Magnolia Avenue, Port Neches, Jefferson County

Type of Operation:

convenience store with retail sales of gasoline

Other Significant Matters:

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

Texas Register Publication Date: May 8, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: \$13,890

Total Paid to General Revenue: \$590

Total Due to General Revenue: \$13,300

Payment Plan: 35 payments of \$380 each

Compliance History Classifications:

Person/CN – Satisfactory
Site/RN – Satisfactory

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

WEST PARK BUSINESS INC d/b/a Gator Stop 4

RN101818201

Docket No. 2014-1346-PST-E

Investigation Information

Complaint Date(s): June 11, 2014
Complaint Information: Alleged a possible leak in the underground storage tank (“UST”) system.

Date(s) of Investigation: July 1, 2014

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

Date(s) of NOE(s): August 12, 2014

Violation Information

1. Failed to provide signed and dated written verification in the form of a list of all Class C operators who have been trained for the Station [30 TEX. ADMIN. CODE §§ 334.602(a)(4) and 334.603(b)(2)].
2. Failed to inspect sumps, manways, overspill containers or catchment basins at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid tight and free of debris and liquid [30 TEX. ADMIN. CODE § 334.42(i)].
3. Failed to submit the Stage II vapor recovery system test results to the appropriate TCEQ Regional office within 10 working days of the completion of the tests [30 TEX. ADMIN. CODE § 115.245(6)].
4. Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system and each current employee receives in-house Stage II vapor recovery training regarding the purpose and correct operation of the Stage II equipment [TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.248(1)].
5. Failed to conduct daily inspections of the Stage II vapor recovery system [TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.244(1)].
6. Failed to provide release detection for the pressurized piping associated with the USTs [TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2)].

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

Submitted the 2013 and 2014 Stage II vapor recovery system test results on July 2, 2014 (violation no. 3).

Technical Requirements:

1. Within 30 days:
 - a. Begin maintaining a Class C operator log and submit a copy to the TCEQ Beaumont Regional office (violation no. 1);
 - b. Begin conducting bimonthly inspections of all sumps, manways, overspill containers or catchment basins associated with the UST system once every 60 days (violation no. 2); and
 - c. Conduct the annual piping tightness and line leak detector tests (violation no. 6).
2. Within 45 days:
 - a. Decommission the Stage II vapor recovery equipment; or
 - b. Ensure that at least one Station representative successfully completes the required Stage II training and each current employee receives in-house training regarding the purpose and correct operating procedures of the Stage II vapor recovery system (violation no. 4); and
 - c. Begin conducting daily inspections of the Stage II vapor recovery system (violation no. 5).
3. Within 60 days, submit written certification to demonstrate compliance.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 49333
WEST PARK BUSINESS INC d/b/a Gator Stop 4
RN101818201
Docket No. 2014-1346-PST-E

Litigation Information

Date Petition(s) Filed: February 5, 2015
Date Answer Filed: N/A
Settlement Date: March 18, 2015

Contact Information

TCEQ Attorneys: Jacquelyn Boutwell, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Tiffany Maurer, Enforcement Division, (512) 239-2696
TCEQ Regional Contact: Marilyn Gates, Beaumont Regional Office, (409) 898-3838
Respondent Contact: Mahendi Karedia, Director, WEST PARK BUSINESS INC, 716 Magnolia Avenue, Port Neches, Texas 77615
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| DATES | Assigned | 10-Sep-2014 | Screening | 12-Sep-2014 | EPA Due | |
| | PCW | 9-Jan-2015 | | | | |

| | |
|--|---|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | WEST PARK BUSINESS INC dba Gator Stop 4 |
| Reg. Ent. Ref. No. | RN101818201 |
| Facility/Site Region | 10-Beaumont |
| Major/Minor Source | Minor |

| | | | |
|--|------------------------|------------------------------|--------------------|
| CASE INFORMATION | | No. of Violations | 6 |
| Enf./Case ID No. | 49333 | Order Type | 1660 |
| Docket No. | 2014-1346-PST-E | Government/Non-Profit | No |
| Media Program(s) | Petroleum Storage Tank | Enf. Coordinator | Tiffany Maurer |
| Multi-Media | | EC's Team | Enforcement Team 6 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$11,250 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|--|---|--|---------|
| Compliance History | 20.0% Enhancement | Subtotals 2, 3, & 7 | \$2,250 |
| Notes | Enhancement for one order containing 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 | \$439 | <i>*Capped at the Total EB \$ Amount</i> | |
| Estimated Cost of Compliance | \$1,618 | | |

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$13,500 |
|-----------------------------|-----------------------|----------|

| | | | |
|---|------|-------------------|-------|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 2.9% | Adjustment | \$390 |
|---|------|-------------------|-------|

Reduces or enhances the Final Subtotal by the indicated percentage.

| | | | |
|--------------|--|----------|--|
| Notes | Enhancement to capture the avoided costs of compliance associated with violation nos. 2, 3, 5 and 6. | | |
| | Final Penalty Amount | \$13,890 | |

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$13,890 |
|-----------------------------------|-------------------------------|----------|

| | | | |
|-----------------|----------------|-------------------|-----|
| 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 | Deferral not offered for non-expedited settlement. | | |
|--------------|--|--|--|

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$13,890 |
|------------------------|----------|

Screening Date 12-Sep-2014

Docket No. 2014-1346-PST-E

PCW

Respondent WEST PARK BUSINESS INC dba Gator Stop 4

Policy Revision 4 (April 2014)

Case ID No. 49333

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101818201

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Tiffany Maurer

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 | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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) 20%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 20%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 20%

Screening Date 12-Sep-2014
Respondent WEST PARK BUSINESS INC dba Gator Stop 4
Case ID No. 49333
Reg. Ent. Reference No. RN101818201
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Tiffany Maurer

Docket No. 2014-1346-PST-E

PCW

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

| | Before NOE/NOV | NOE/NOV to EDRP/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 w th 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 WEST PARK BUSINESS INC dba Gator Stop 4
Case ID No. 49333
Reg. Ent. Reference No. RN101818201
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 | \$500 | 1-Jul-2014 | 12-Apr-2015 | 0.78 | \$20 | n/a | \$20 |
| 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 a Class C operator training log. 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

Screening Date 12-Sep-2014

Docket No. 2014-1346-PST-E

PCW

Respondent WEST PARK BUSINESS INC dba Gator Stop 4

Policy Revision 4 (April 2014)

Case ID No. 49333

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101818201

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Tiffany Maurer

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 334.42(i)

Violation Description

Failed to inspect sumps, manways, overflow containers or catchment basins at least once every 60 days to assure that their sides, bottoms and any penetration points are maintained liquid tight and free of debris and liquid. Specifically, the regular and super unleaded fill-port spill buckets contained liquid.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | x | |

Percent 5.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

73 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$1,250

One quarterly event is recommended from the July 1, 2014 investigation date to the September 12, 2014 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

| | Before NOE/NOV | NOE/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 \$113

Violation Final Penalty Total \$1,543

This violation Final Assessed Penalty (adjusted for limits) \$1,543

Economic Benefit Worksheet

Respondent WEST PARK BUSINESS INC dba Gator Stop 4
Case ID No. 49333
Reg. Ent. Reference No. RN101818201
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 | \$200 | 1-Jul-2014 | 12-Apr-2015 | 0.78 | \$8 | n/a | \$8 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs
 Estimated cost to remove liquid from the regular and super unleaded fill-port spill buckets, and disposal of it at an authorized Station (\$100), and conduct bimonthly inspections (\$100). 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] | \$100 | 2-May-2014 | 1-Jul-2014 | 1.08 | \$5 | \$100 | \$105 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs
 Estimated avoided cost of conducting the bimonthly inspections of sumps, manways, overspill containers or catchment basins. The date required is 60 days before the investigation date and the final date is the investigation date.

Approx. Cost of Compliance \$300

TOTAL \$113

Screening Date 12-Sep-2014 Docket No. 2014-1346-PST-E

PCW

Respondent WEST PARK BUSINESS INC dba Gator Stop 4

Policy Revision 4 (April 2014)

Case ID No. 49333

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101818201

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Tiffany Maurer

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 115.245(6)

Violation Description Failed to submit the Stage II vapor recovery system test results to the appropriate regional office with 10 working days of the completion of tests. Specifically, the Respondent did not submit the results for 2013 and 2014.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> Programmatic Matrix

| Matrix Notes | Falsification | Harm | | | Percent |
|---|---------------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | | x | | | 5.0% |
| 100% of the rule requirement was not met. | | | | | |

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2 Number of violation days 1

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

Violation Base Penalty \$2,500

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

| | Before NOE/NOV | NOE/NOV to EDRP/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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$110 Violation Final Penalty Total \$3,087

This violation Final Assessed Penalty (adjusted for limits) \$3,087

Economic Benefit Worksheet

Respondent WEST PARK BUSINESS INC dba Gator Stop 4
Case ID No. 49333
Reg. Ent. Reference No. RN101818201
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 | | | | 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) | \$100 | 3-May-2013 | 2-Jul-2014 | 2.08 | \$10 | \$100 | \$110 |

Notes for AVOIDED costs

Estimated cost to submit the test results to the appropriate regional office or local air pollution control program. The date required is test due date and the final date the date of compliance.

Approx. Cost of Compliance \$100

TOTAL \$110

Screening Date 12-Sep-2014

Docket No. 2014-1346-PST-E

PCW

Respondent WEST PARK BUSINESS INC dba Gator Stop 4

Policy Revision 4 (April 2014)

Case ID No. 49333

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101818201

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Tiffany Maurer

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 115.248(1) and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system, and each current employee receives in-house Stage II vapor recovery training regarding the purpose and correct operation of the Stage II equipment.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor). Actual Major is empty, Actual Moderate is empty, Actual Minor is empty. Potential Major is empty, Potential Moderate has 'x', Potential Minor is empty.

Percent 5.0%

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor. All cells are empty.

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

73 Number of violation days

mark only one with an x

Table with frequency options: daily, weekly, monthly, quarterly (has 'x'), semiannual, annual, single event.

Violation Base Penalty \$1,250

One quarterly event is recommended from the July 1, 2014 investigation date to the September 12, 2014 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Table with rows: Extraordinary, Ordinary, N/A. Extraordinary and Ordinary are empty. N/A has 'x' in the 'Before NOE/NOV' column and '(mark with x)' in the 'NOE/NOV to EDPRP/Settlement Offer' column.

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 \$1,543

This violation Final Assessed Penalty (adjusted for limits) \$1,543

Economic Benefit Worksheet

Respondent WEST PARK BUSINESS INC dba Gator Stop 4
Case ID No. 49333
Reg. Ent. Reference No. RN101818201
Media 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 | \$500 | 1-Jul-2014 | 12-Apr-2015 | 0.78 | \$20 | n/a | \$20 |
| 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 of training a Stage II Station representative and to conduct in-house Stage II training for current employees. 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

Screening Date 12-Sep-2014

Docket No. 2014-1346-PST-E

PCW

Respondent WEST PARK BUSINESS INC dba Gator Stop 4

Policy Revision 4 (April 2014)

Case ID No. 49333

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101818201

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Tiffany Maurer

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 115.244(1) and Tex. Health and Safety Code § 382.085(b)

Violation Description Failed to conduct daily inspections of the Stage II vapor recovery system.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | x | |

Percent 5.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or the environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

73 Number of violation days

mark only one with an x

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$1,250

One quarterly event is recommended from the July 1, 2014 investigation date to the September 12, 2014 screening date.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/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 \$52

Violation Final Penalty Total \$1,543

This violation Final Assessed Penalty (adjusted for limits) \$1,543

Economic Benefit Worksheet

Respondent WEST PARK BUSINESS INC dba Gator Stop 4
Case ID No. 49333
Reg. Ent. Reference No. RN101818201
Media Violation No. 5
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 | | | | 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) | \$50 | 1-Jul-2014 | 12-Apr-2015 | 0.78 | \$2 | n/a | \$2 |

Notes for DELAYED costs

Estimated cost to conduct daily inspections of the Stage II vapor recovery 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) | \$50 | 1-Jul-2014 | 1-Jul-2014 | 0.00 | \$0 | \$50 | \$50 |

Notes for AVOIDED costs

Estimated avoided cost to conduct daily inspections of the Stage II vapor recovery system. The date required is the investigation date, and the final date is the investigation date.

Approx. Cost of Compliance \$100

TOTAL \$52

Screening Date 12-Sep-2014

Docket No. 2014-1346-PST-E

PCW

Respondent WEST PARK BUSINESS INC dba Gator Stop 4

Policy Revision 4 (April 2014)

Case ID No. 49333

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101818201

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Tiffany Maurer

Violation Number 6

Rule Cite(s)

30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a)

Violation Description

Failed to provide release detection for the pressurized piping associated with the underground storage tanks. Specifically, the Respondent had not conducted the annual piping tightness and line leak detector tests by the April 16, 2014 due date.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | 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 that 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

76 Number of violation days

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

Violation Base Penalty \$3,750

One annual event is recommended for the period preceeding the July 1, 2014 investigation.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/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 \$125

Violation Final Penalty Total \$4,630

This violation Final Assessed Penalty (adjusted for limits) \$4,630

Economic Benefit Worksheet

Respondent WEST PARK BUSINESS INC dba Gator Stop 4
Case ID No. 49333
Reg. Ent. Reference No. RN101818201
Media Violation No. Petroleum Storage Tank
 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 | | | | 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] | \$118 | 16-Apr-2014 | 1-Jul-2014 | 1.13 | \$7 | \$118 | \$125 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Estimated avoided cost for conducting the piping tightness and line leak detector tests. The date required is the date the test was due, and the final date is the investigation date.

Approx. Cost of Compliance \$118

TOTAL \$125

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 CN604073528, RN101818201, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN604073528, WEST PARK BUSINESS INC **Classification:** SATISFACTORY **Rating:** 11.25

Regulated Entity: RN101818201, GATOR STOP 4 **Classification:** SATISFACTORY **Rating:** 11.25

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

CH Group: 01 - Gas Stations with convenience Stores and other Gas Stations

Location: 716 MAGNOLIA AVENUE PORT NECHES, TEXAS 77651-3703, JEFFERSON COUNTY

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 43543

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: September 11, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 11, 2009 to September 11, 2014

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

Name: Tiffany Maurer

Phone: (512) 239-2696

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? WEST PARK BUSINESS INC OWNER OPERATOR since 4/1/2012
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? Reddy-Gator, Inc., OWNER OPERATOR, 11/30/2006 to 3/31/2012
- 5) If **YES**, when did the change(s) in owner or operator occur? 4/1/2012

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

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

- 1 **Effective Date:** 10/13/2012 **ADMINORDER 2012-0740-PST-E (1660 Order-Agreed Order With Denial)**

Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.242(3)(C)

Description: Failure to maintain Stage II vapor recovery system in proper operating condition and free of defects that would impair the effectiveness of the system.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WEST PARK BUSINESS INC
DBA GATOR STOP 4;
RN101818201**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2014-1346-PST-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding WEST PARK BUSINESS INC d/b/a Gator Stop 4 ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26 and TEXAS HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent together stipulate that:

1. Respondent owns and operates, 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 located at 716 Magnolia Avenue in Port Neches, Jefferson County, Texas (Facility ID No. 43543) (the "Station"). The USTs at the Station are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contain or contained a regulated petroleum substance as defined in the rules of the TCEQ. The Station consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.051 and 7.070, and that Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26, TEXAS HEALTH & SAFETY CODE ch. 382, and TCEQ rules.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of thirteen thousand eight hundred ninety dollars (\$13,890.00) is assessed by the Commission in settlement of the violations alleged in Section II. Respondent paid five hundred ninety dollars (\$590.00) of the penalty. The remaining amount of thirteen thousand three hundred dollars (\$13,300.00) shall be paid in thirty-five (35) monthly payments of three hundred eighty dollars (\$380.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. Respondent's failure to meet the payment schedule of this Order and/or the

- acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.
5. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
 6. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
 7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions contained 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 provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
 10. The ED recognizes that Respondent submitted the 2013 and 2014 Stage II vapor recovery system test results on July 2, 2014 (Allegation No. 1.c.).

II. ALLEGATIONS

1. During an investigation conducted on July 1, 2014, an investigator documented that Respondent:
 - a. Failed to provide signed and dated written verification in the form of a list of all Class C operators who have been trained for the Station, in violation of 30 TEX. ADMIN. CODE §§ 334.602(a)(4) and 334.603(b)(2). Specifically, Respondent did not maintain a Class C operator training log or designate at least one Class C operator for the Station;
 - b. Failed to inspect sumps, manways, overspill containers or catchment basins at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid tight and free of debris and liquid, in violation of 30 TEX. ADMIN. CODE § 334.42(i). Specifically, the regular and super unleaded fill-port spill buckets contained liquid;
 - c. Failed to submit the Stage II vapor recovery system test results to the appropriate TCEQ Regional office within 10 working days of the completion of tests, in violation of 30 TEX. ADMIN. CODE § 115.245(6). Specifically, Respondent did not submit the test results for 2013 and 2014;
 - d. Failed to ensure that at least one Station representative received training in the operation and maintenance of the Stage II vapor recovery system and each current employee receives in-house Stage II vapor recovery training regarding the purpose and correct operation of the Stage II equipment, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.248(1);
 - e. Failed to conduct daily inspections of the Stage II vapor recovery system, in violation of TEX. HEALTH & SAFETY CODE § 382.085(b) and 30 TEX. ADMIN. CODE § 115.244(1); and

- f. Failed to provide release detection for the pressurized piping associated with the USTs, in violation of TEX. WATER CODE § 26.3475(a) and 30 TEX. ADMIN. CODE § 334.50(b)(2). Specifically, Respondent had not conducted the annual piping tightness and line leak detector tests by the April 16, 2014 due date.

III. DENIALS

Respondent generally denies each Allegation in Section II.

IV. ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: WEST PARK BUSINESS INC d/b/a Gator Stop 4, Docket No. 2014-1346-PST-E" to:

Financial Administration Division, Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
2. Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Begin maintaining a Class C operator log and submit a copy to the TCEQ Beaumont Regional office, in accordance with 30 TEX. ADMIN. CODE § 334.602 (Allegation No. 1.a.);
 - ii. Begin conducting bimonthly inspections of all sumps, manways, overspill containers or catchment basins associated with the UST system once every 60 days, in accordance with 30 TEX. ADMIN. CODE § 334.42 (Allegation No. 1.b.); and
 - iii. Conduct the annual piping tightness and line leak detector tests, in accordance with 30 TEX. ADMIN. CODE § 334.50 (Allegation No. 1.f.).
 - b. Within 45 days after the effective date of this Order:
 - i. Decommission the Stage II vapor recovery equipment, in accordance with 30 TEX. ADMIN. CODE § 115.241; or
 - ii. Ensure that at least one Station representative successfully completes the required Stage II training and each current employee receives in-house training regarding the purpose and correct operating procedures of the Stage II vapor recovery system, in accordance with 30 TEX. ADMIN. CODE § 115.248 (Allegation No. 1.d.); and
 - iii. Begin conducting daily inspections of the Stage II vapor recovery system, in accordance with 30 TEX. ADMIN. CODE § 115.244 (Allegation No. 1.e.).
 - c. Within 60 days after the effective date of this Order, submit written certification, to demonstrate compliance with Ordering Provisions Nos. 2.a.i.

through 2.b.iii. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

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

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

and:

Marilyn Gates, Waste Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Station operations referenced in this Order.
5. 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. 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.
7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.

8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date of hand delivery of the fully executed Order to Respondent, or three days after the date on which the Commission mails a copy of the fully executed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of the fully executed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

CM Swamy
For the Executive Director

May 29, 2015
Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions in this Order and/or failure to timely pay the penalty amount may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.

Mahendi Karedia
Signature - Mahendi Karedia, Director
WEST PARK BUSINESS INC
716 Magnolia Avenue
Port Neches, Texas 77615

03/18/15
Date

If mailing address has changed, please check this box and provide the new address below:
