EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2009-1357-PST-E TCEQ ID: RN100646678 CASE NO.: 38267 **RESPONDENT NAME:** ANCIRA ENTERPRISES INCORPORATED dba Ancira Winton Chevrolet

and the second s		
ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	_IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	X_PETROLEUM STORAGE TANKS	_OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Vehicle mainter SMALL BUSINESS: _X_Yes OTHER SIGNIFICANT MATTERS: The facility location. INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Region Contacts and Mailing List: TCEQ Attorney/SEP Coordinates.	No ere are no complaints. There is no record of addition nan the ED and the Respondent has expressed an inte gister comment period expired on December 14, 200 or: None	al pending enforcement actions regarding this erest in this matter. 9. No comments were received.
Cari-Michel La Caille, Enforceme	r: Ms. Judy Kluge, Enforcement Division, Enforcem nt Division, MC 219, (512) 239-1387 President, ANCIRA ENTERPRISES INCORPORA	
Mr. Herman Murray, Vice Preside Antonio, Texas 78238	ent-General Manager, ANCIRA ENTERPRISES INC	CORPORATED, 6111 Bandera Road, San

VIOLATION SUMMARY CHART: PENALTY CONSIDERATIONS CORRECTIVE ACTIONS VIOLATION INFORMATION TAKEN/REQUIRED Corrective Actions Taken: Total Assessed: \$4,950 Type of Investigation: Complaint The Executive Director recognizes that the X Routine Total Deferred: \$990 __ Enforcement Follow-up Respondent has implemented the X Expedited Settlement following corrective measures at the Records Review Facility: ___Financial Inability to Pay Date(s) of Complaints Relating to this a. Submitted an amended UST registration Case: None SEP Conditional Offset: \$0 to the TCBQ indicating the correct contact information on September 1, 2009; Total Paid to General Revenue: \$3,960 Date of Investigation Relating to this Case: July 17, 2009 b. Submitted documentation verifying that Site Compliance History Classification as of August 17, 2009, the ATG was Date of NOV/NOE Relating to this Case: __ High X Average __ Poor performing the required monthly testing; August 14, 2009 (NOE) Person Compliance History Classification c. Properly marked the UST with Background Facts: This was a routine __ High X Average __ Poor identification number matching the investigation. number listed on the UST registration and Major Source: ___ Yes _X_ No self-certification form on August 28, 2009; WASTE Applicable Penalty Policy: September 2002 1) Failure to provide an amended d. Began maintaining all inspection underground storage tank ("UST") records for spill containment devices on registration to the agency for any change or September 1, 2009. additional information regarding the UST within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not amended to indicate the Respondent's correct contact information [30 Tex. ADMIN. CODE § 334.7(d)(3)]. 2) Failure to ensure that the UST is monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring). Specifically, the automatic tank gauge ("ATG") was not being put into test mode monthly [30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1)]. 3) Failure to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST according to the UST registration and selfcertification form. Specifically, the fill port was not labeled [30 Tex. ADMIN. CODE § 334.8(c)(5)(C)]. 4) Failure to maintain records relating to the operation and maintenance of the UST

RESPONDENT NAME: ANCIRA ENTERPRISES INCORPORATED dba Ancira Winton Chevrolet Page 3 of 3 **DOCKET NO.:** 2009-1357-PST-E

system. Specifically, a record of the 60 day inspections of the spill containment	
devices was not being maintained [30 TBX. ADMIN. CODE § 334.48(g)].	

Additional ID No(s).: PST No. 29774

Penalty Calculation Worksheet (PCW	
Policy Revision 2 (September 2002)	PCW Revision October 30, 2008
DATES Assigned 24-Aug-2009 PCW 31-Aug-2009 Screening 24-Aug-2009 EPA Due	
RESPONDENT/FACILITY INFORMATION Respondent ANCIRA ENTERPRISES INCORPORATED dba Ancira Winton Chevrolet	
Reg. Ent. Ref. No. RN100646678 Facility/Site Region 13-San Antonio Major/Minor Source Mino	
Facility/Site Region 13-San Antonio Major/Minor Source Mino	
CASE INFORMATION Ent/Case ID No. 38267 No. of Violations 4	
Enf./Case ID No. 38267 No. of Violations 4 Docket No. 2009-1357-PST-E Order Type 1660	
Media Program(s) Petroleum Storage Tank Government/Non-Profit No	
Multi-Media Enf. Coordinator Judy EC's Team Enfo	
Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000	
Penalty Calculation Section	
TOTAL BASE PENALTY (Sum of violation base penalties)	btotal 1 \$5,500
ADJUSTMENTS (#/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	2.3.8.7 \$0
Gompilarice History 0.0% Enhancement Subtotals	2, 3, 6.7
Notes No adjustment due to compliance history.	
Culpability No 0.0% Enhancement Su	btotal 4 \$0
Notes The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments	biotal 5 \$550
	A CONTRACTOR OF THE CONTRACTOR
Economic Benefit 0.0% Enhancement Su Total EB Amounts \$3 *Capped at the Total EB \$ Amount Approx. Cost of Compliance \$550	btotal 6 \$0
SUM OF SUBTOTALS 1-7	Subtotal \$4,950
OTHER FACTORS AS JUSTICE MAY REQUIRE 0:0% Adji	ustment \$0
Notes	
Final Penalty	Amount \$4,950
	The same of the same
STATUTORY LIMIT ADJUSTMENT. Final Assessed	Penalty \$4,950
DEFERRAL 20.0% Reduction Adju	istinent -\$990
Notes Deferral offered for expedited settlement.	
PAYABLE PENALTY	\$3,960

THE CONTRACT OF THE CONTRACT O	g Date 24-Aug-2009 Docket No. 2009-1357-PST-E	Policy F	Revision 2 (Sept
Case Ent. Referen	ID No. 38267 Se No. RN100646678 tatute Petroleum Storage Tank		V Revision Octo
	linator Judy Kluge		
Pr C. 94.5 ** C. S.	Compliance History Worksheet		
liance History S/	te Enhancement (Subtotal 2)		HITE
Component Nu		nter Number Here	Adjust.
	ritten NOVs with same or similar violations as those in the current enforcement action umber of NOVs meeting criteria)	0	0%
	her written NOVs	0	0%
	ny agreed final enforcement orders containing a denial of liability (number of orders eeting criteria)	0	0%
of	ny adjudicated final enforcement orders, agreed final enforcement orders without a denial liability, or default orders of this state or the federal government, or any final prohibitory nergency orders issued by the commission	0	0%
Judgments of	ny non-adjudicated final court judgments or consent decrees containing a denial of liability this state or the federal government (number of judgements or consent decrees meeting iteria)	0	0%
juc	ny adjudicated final court judgments and default judgments, or non-adjudicated final court dgments or consent decrees without a denial of liability, of this state or the federal evenment	0	0%
Convictions An	ny criminal convictions of this state or the federal government (number of counts)	0	0%
	nronic excessive emissions events (number of events)	0	0%
En	tters notifying the executive director of an intended audit conducted under the Texas notinonmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of indits for which notices were submitted)	O	0%
Dis	sclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege xt, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
	Pleas	e Enter Yes or No	
En	nvironmental management systems in place for one year or more	No	0%
1	oluntary on-site compliance assessments conducted by the executive director under a ecial assistance program	No	0%
	articipation in a voluntary pollution reduction program	No	0%
Ea	arly compliance with, or offer of a product that meets future state or federal government infronmental requirements	No	0%
	Adjustment Pe	rcentage /9	uhtotal 2)
non market make installation of the state of the	on the state of th	- ,	- 1
at Violator (Subto	tal 3) 图 图 图 图 图 图 图 图 图 图 图 图 图 图 图 图 图 图		au Edisti
No	Adjustment Pe	rcentage (S	ubtotal 3) [
oliance History Pe	erson Classification (Subtotal 7)		
Average Perfo	ormer Adjustment Pe	rcentage (S	ubtotal 7) [
illance History Su	ummary ————————————————————————————————————	ili Tora PRESS. Abiz ili veli se el	energia Timor kand
Compliance History Notes	No adjustment due to compliance history.		
	Total Adjustment Percentage	(Subtotals	- 2 3 & 7)[

Screening Date		PCW
Brand and a contract to the contract of the co		evision 2 (September 2002)
Case ID No. Reg. Ent. Reference No.		Revision October 30, 2008
	Petroleum Storage Tank	
Enf. Coordinator	Judy Kluge	
Violation Number	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	I
Rule Cite(s)	30 Tex. Admin. Code § 334.7(d)(3)	
Violation Description	Failed to provide an amended UST registration to the agency for any change or additional information regarding the UST within 30 days from the date of the occurrence of the change or addition. Specifically, the registration was not amended to indicate the Respondent's correct contact information.	
	Base Penalty	\$10,000
>> Environmental, Property an		
Release	H arm Major Moderate Minor	
OR Actual		
Potentia	Percent 0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	X Percent 10%	
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment \$9,000	
		\$1,000
		ψ1,000
Violation Events		
Number of Vic	plation Events 1 38 Number of violation days	
mark.only one with an x	daily weekly trionthly quarterly. Semiannual single event	\$1,000
One single e	rent is recommended based on documentation of the violation during the July 17, 2009 investigation.	A PAGE AND
Good Faith Efforts to Comply	10.0% Reduction	\$100
	Before NOV NOV to EDPRP/Seltlement Offer Extraordinary	
	Ordinary x	
•	N/A (mark with x)	
	Notes The Respondent came into compliance on September 1, 2009, after the NOE dated August 14, 2009.	
	Violation Subtotal [\$900
Economic Benefit (EB) for this	violation Statutory Limit Test	
	EB Amount \$1 Violation Final Penalty Total	\$900
	This violation Final Assessed Penalty (adjusted for limits)	\$900
	ting arrangit mat wascasen Leutik (an)toten in milita)	ψουσ

		conomic	Benefit W	orks/	sheet	Property of the second	
Respondent	and the continue of the contin	RPRISES INCORI	Comment on a spirite a Mathematic And American State Affe	ALL LINE TERM A.M.	2012 - You M. M. M. C	hata er jijirindaver risk o tiker, ers. (filo)	
Case ID No.	2						
Reg. Ent. Reference No.	RN100646678						
	Petroleum Store	age Tank					Years of
Violation No.	•					Percent Interest	Depreciation
Violation No.			## 1278421212 NO. (PROSECT	STATE OF THE		5.0	102222222222222222222
		P. P. C.	Final Date	0.50	Interest Saved	Onetime Costs	EB Amount
	item Cost	Date Required	rinai Date	Yrs	Interest Saveo	Oneume costs	CB Alliquit
Item Description	No commas or \$						
							hárd a sanga a
Delayed Costs							
Equipment				0,00	\$0	- 80	\$0
Buildings		7		0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	adales nya salah	\$0
Record Keeping System				0.00	\$0	ar Harrina Santa	\$0
Training/Sampling				0.00	\$0	estra anta arras	\$0
Remediation/Disposal				0,00	\$0	ALL TUNGS FEEL S	\$0
Permit Costs	1						
				0.00	\$0	ini sala n/ada as	\$0
Other (as needed)	\$100	17-Jul-2009	1-Sep-2009	0.13	\$1	rus ya sa	\$1
Notes for DELAYED costs	Estimated cos	it to amend the US investig	T registration to in ation date and the	0.13 Iclude the Ifinal dat	\$1 e correct owner inf te is the date of co	ormation. The date mpliance.	\$1 required is the
Notes for DELAYED costs Avoided Costs	Estimated cos	it to amend the US investig	T registration to in ation date and the	0.13 Iclude the final dat	\$1 e correct owner inf te is the date of co	ormation. The date mpliance.	\$1 required is the
Notes for DELAYED costs Avoided Costs Disposal	Estimated cos	it to amend the US investig	T registration to in ation date and the	0.13 clude the final dat entering	\$1 e correct owner infite is the date of collistem (except for \$0	ormation. The date mpliance,	s1 required is the
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Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos	it to amend the US investig	T registration to in ation date and the	o.13 clude the final date of t	\$1 e correct owner inference to the date of continuous time (except for \$0 \$0 \$0 \$0	ormation. The date mpliance. one-time avoided c \$0 \$0 \$0	s1 required is the osts) s0 s0 s0
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Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	it to amend the US investig	T registration to in ation date and the	0.13 clude the final date of t	\$1 e correct owner infe is the date of co item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ormation. The date mpliance. one-time avoided compliance some some some some some some some som	\$1 required is the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	it to amend the US investig	T registration to in ation date and the	0.13 clude the final date of t	\$1 e correct owner infe is the date of co item (except for so \$0 \$0 \$0 \$0 \$0	ormation. The date mpliance. one-time avoided compliance so	\$1 required is the osts)
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	it to amend the US investig	T registration to in ation date and the	0.13 clude the final date of t	\$1 e correct owner infe is the date of co item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ormation. The date mpliance. one-time avoided compliance some some some some some some some som	\$1 required is the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	it to amend the US investig	T registration to in ation date and the	0.13 clude the final date of t	\$1 e correct owner infe is the date of co item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ormation. The date mpliance. one-time avoided compliance some some some some some some some som	\$1 required is the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	it to amend the US investig	T registration to in ation date and the	0.13 clude the final date of t	\$1 e correct owner infe is the date of co item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ormation. The date mpliance. one-time avoided compliance some some some some some some some som	\$1 required is the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	it to amend the US investig	T registration to in ation date and the ed costs before e	0.13 clude the final date of t	\$1 e correct owner infe is the date of co item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	ormation. The date mpliance. one-time avoided compliance some some some some some some some som	\$1 required is the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date 24-Aug-2009 Docket No. 2009-1357-PST-E	E PCW.
No. 2012 N. P. C. S. N. P. C. S.	licy Revision 2 (September 2002,
Case ID No. 38267 Reg. Ent. Reference No. RN100646678	PGW Revision October 30, 2000
Media [Statute] Petroleum Storage Tank	
Enf. Coordinator Judy Kluge	
Violation Number 2 ,	
Rule Cite(s) 30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)	
Failed to ensure that the UST is monitored in a manner which will detect a release at frequency of at least once every month (not to exceed 35 days between each monitoring Specifically, the ATG was not being out into test mode monthly.	
Base Pen	alty \$10,000
>> Environmental, Property and Human Health Matrix	
Harm	
Release Major Moderate Minor	
OR Actual Potential X Percent 25%	
FOIGHIAD A SECOND FOICE 2570	
>>Programmatic Matrix	
Falsification Major Moderate Minor	•
Percent 0%	
	<u>-</u> -
Matrix Human health or the environment will or could be exposed to pollutants which would exceed levels that	are
Notes protective of human health or environmental receptors as a result of the violation.	
	<u></u>
Adjustment \$7,	500
	\$2,500
	Ψ2,000
Violation Events	Communication Control of Control
Number of No. 1-12-12 Property and the second secon	
Number of Violation Events 1 31 Number of violation days	
daily weekly mark only one with an x daily weekly monthly quarterly x violation Base Pena semiannual annual single event	slty \$2,500
	-
One quarterly event is recommended based on documentation of the violation during the July 17, 200 investigation to the August 17, 2009 compliance date.	9
Good Faith Efforts to Comply 10.0% Reduction	\$250
Before NOV NOV to EDPRP/Settlement Offer	
Extraordinary	
Ordinary X	
N/A (mark with x) The Respondent came into compliance on August 17, 2009, after the NOE dated August 14, 2009.	
Violation Subto	tal \$2,250
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$1 Violation Final Penalty To	tal \$2,250
This violation Final Assessed Penalty (adjusted for limi	ts) \$2,250

	i i i i i i i i i i i i i i i i i i i	conomic	Benefit W	orks/	heet		# 1
Respondent	ANCIRA ENTE	RPRISES INCOR	PORATED dba An	icira Win	ton Chevrolet	* * * * * * * * * *	T 1863
Case ID No.						•	
Reg. Ent. Reference No.							
	Petroleum Stor	ana Tank				202223.432.432.43.33.33.33.33	Years of
Violation No.	<u>.</u>	ago runit				Percent Interest	Depreciation
AIDIAHOH NO	s z Santantiko (gutane.			: tarras crass ; il	enstalender in der EUT		an was transfer out on a speciment of the
			ranga da Paga Alama			5.0	15
	item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs	ged.Werdi						
Equipment	1			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	1			0.00	\$0	\$0	\$0_
Land	11 11 11 11			0.00	\$0	i na .	\$0
Record Keeping System				0.00	\$0	i∄ y n/a resign	\$0
Training/Sampling				0.00	\$0	alast intains	\$0
Remediation/Disposal	3 - 3			0.00	\$0		\$0
Permit Costs		47 1 1 0 0 0 0	17 f. 0200	0.00	\$0	a Attinia	\$0
Other (as needed)	\$250	17-Jul-2009	17-Aug-2009	80.0	\$1	e e il/au e e	\$1
Other (as needed) Notes for DELAYED costs	Estimated cos	t to provide a meth	od of release dete and the final date	0.08 ection for e is the d	\$1 the UST. The da ate of compliance	te required is the inv	\$1 restigation date
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated cos	t to provide a meth	od of release dete and the final date	0.08 ection for e is the d entering	\$1 the UST. The da ate of compliance	te required is the inv	\$1 vestigation date
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated cos	t to provide a meth	od of release dete and the final date	0.08 ection for e is the d intering	\$1 the UST. The da ate of compliance item (except for	te required is the inv	\$1 vestigation date osts) ===================================
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cos	t to provide a meth	od of release dete and the final date	o.08 ection: for e is the d entering: 0.00	\$1 the UST. The datate of compliance item (except for \$0 \$0	te required is the incone-time avoided cone-time	\$1 vestigation date osts) = \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos	t to provide a meth	od of release dete and the final date	0.08 ection for e is the d entering 0.00 0.00 0.00	\$1 the UST. The da ate of compliance item (except for \$0 \$0	te required is the inv	\$1 vestigation date so \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personal Inspection/Reporting/Sampling Supplies/equipment	Estimated cos	t to provide a meth	od of release dete and the final date	o.08 ection: for e is the d entering: 0.00	\$1 the UST. The datate of compliance item (except for \$0 \$0	te required is the invented is	\$1 vestigation date osts) = \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos	t to provide a meth	od of release dete and the final date	0.08 ection: for e is the d o.00 0.00 0.00 0.00	\$1 the UST. The da ate of compliance item (except for \$0 \$0 \$0 \$0	te required is the invented in the invented is the invented in	vestigation date sosts) sosts \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	t to provide a meth	od of release dete and the final date	0.08 ection for e is the d o.00 0.00 0.00 0.00 0.00	\$1 the UST. The da ate of compliance term (except for \$0 \$0 \$0 \$0 \$0	te required is the involved cone-time avoided costo so	vestigation date vestigation date \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	t to provide a meth	od of release dete and the final date	0.08 ection: for ets the distriction: 0.00 0.00 0.00 0.00 0.00 0.00	the UST. The da ate of compliance item (except for \$0 \$0 \$0 \$0	te required is the involved of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	vestigation date sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	t to provide a meth	od of release dete and the final date	0.08 ection: for ets the distriction: 0.00 0.00 0.00 0.00 0.00 0.00	the UST. The da ate of compliance item (except for \$0 \$0 \$0 \$0	te required is the involved of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	vestigation date sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
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Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cos	t to provide a meth	od of release dete and the final date	0.08 ection: for ets the distriction: 0.00 0.00 0.00 0.00 0.00 0.00	the UST. The da ate of compliance item (except for \$0 \$0 \$0 \$0	te required is the involved of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	vestigation date sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
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Screening Date		PCW.
From the state of		evision 2 (September 2002)
Case ID No.		Revision October 30, 2008
Reg. Ent. Reference No.		
Enf. Coordinator	Petroleum Storage Tank	
Violation Number		
Rule Cite(s)	30 Tex. Admin, Code § 334,8(c)(5)(C)	
	on ter valuati code 3 constolototo	-
Violation Description	Falled to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST according to the UST registration and self-certification form. Specifically, the fill port was not labeled.	
	Base Penalty	\$10,000
>> Environmental, Property an	o Human death Watrix Harm	
Release	Major Moderate Minor	
OR Actual		
Potential	Percent 0%	
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	Percent 10%	
Matrix	100% of the rule requirement was not met.	
Notes		
	* 15 12 14 CO 0001	
	Adjustment \$9,000	
To the state of th		\$1,000
Violation Events		
Violation exems		
Number of Vid	olation Events 38 Number of violation days	
a	daily	
	weekly.	
mark only one	monthly.	
with an x	quarterly Violation Base Penalty	\$1,000
	semiannual annual annual annual annual	
	single event x	
One single e	event is recommended based on documentation of the violation during the July 17, 2009	
	investigation.	
Good Faith Efforts to Comply	10.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$100
	Extraordinary	
de caracterista de la caracteris	Ordinary X	
	N/A (mark with x)	
The state of the s	Notes The Respondent came into compliance on August 28, 2009,	a real real real real real real real rea
d and	after the NOE dated August 14, 2009.	1
	-	
	Violation Subtotal	\$900
Economic Benefit (EB) for this	violation Statutory Limit Test	
337		\$900
Estimatet	······································	
	This violation Final Assessed Penalty (adjusted for limits)	\$900

Constitution and the second se		conomic l	3enefit W	orks	heet		n tağını gil
Respondent	i gi i ki i i kara kara ka kara kara ka kara kar	RPRISES INCORF	(韓・韓・孝・) (4.10年) (4.10年) (4.10年) (4.10年)	- Service Service Co.	Transfer of the state of the st	TOTAL MEDICAL MEDICAL CONTRACTOR	describes seem in passives the
Case ID No.	â						
Rea. Ent. Reference No.	iv.						
	Petroleum Stor	aga Tank				Entra Variation and Committee of the	Years of
		age rank				Percent Interest	Depreciation
Violation No.	(3 var dan engelekters	TOTAL PROPERTY AND	TO SECURE SERVICE SERVICES	198225812585			n en lega a grande de la companya d
				727.722.000		5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	ing party through the co-	The state of the s				
Delayed Costs		ing kan barang bilang				A STATE OF THE STA	artic Mic access
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	sia mina di	\$0
Record Keeping System				0,00	\$0	Assumption of the second	\$0:
Training/Sampling				0.00	\$0	∌ a Na. E	\$0
Remediation/Disposal				0.00	\$0	to communication and the second	\$0
Permit Costs				0.00	\$0	are all in/a	\$0
Other (as needed)	\$100	17-Jül-2009	28-Aug-2009	0.12	\$1	======================================	\$1
	The estimated	Loost includes the a	mount required to	o perman	rently affix a meta	l label to the UST fill	port. The date
Notes for DELAYED costs Avoided Costs		required is the i	nvestigation date	and the f	final date is the da	l label to the UST fill ate of compliance.	osts)
and the second s		required is the i	nvestigation date	and the f	inal date is the da item (except for \$0	ate of compliance. one-time avoided c	osts) \$0
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		required is the i	nvestigation date	entering 0.00 0.00 0.00 0.00 0.00 0.00	item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	te of compliance. so	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date 24-Aug-2009	Docket No. 2009-1357-PST-E	PCW
	PRISES INCORPORATED dba Ancira Winton Che Policy F	evision 2 (September 2002)
Case ID No. 38267	PCV	/ Revision October 30, 2008
Reg. Ent. Reference No. RN100646678		
Media [Statute] Petroleum Stora	ge Tank	
Enf. Coordinator Judy Kluge		
Violation Number 4		7
Rule Cite(s)	30 Tex. Admin. Code § 334.48(g)	
Failed to maint	ain records relating to the operation and maintenance of the UST system.	
Violation Description Specifically, a	record of the 60 day inspections of the spill containment devices was not	
	being maintained.	
	Base Penaity	\$10,000
		V10,000
>> Environmental, Property and Human Hea		
Release Major	Harm Moderate Minor	
Potential	Percent 0%	
>>Programmatic Matrix Falsification Major	Moderate Minor	
Falsification Major	Moderate Minor Percent 10%	
		_
Exercise and the second of the		
Matrix 100	% of the rule requirement was not being met.	,
Notes		
	# # # # # # # # # #	1
	Adjustment \$9,000	
		\$1,000
		1
Violation Events		
Number of Violation Events	1 38. Number of violation days	
lace.	Land transfer from the contract of the contrac	
daily		
weekly		
mark only one with an x	Violation Base Penalty	\$1,000
with an x semiannual:	Yiolation base i Gharty	41,000
annual		
single event	X	
		1
One single event is recomme	ended based on documentation of the violation during the July 17, 2009	
	Investigation.	
Good Faith Efforts to Comply.	10.0% Reduction Peters NOV to EDPRP/Settlement Offer	, \$100
Extraordinary	Before NOV NOV to EDPRP/Settlement Offer	
Ordinary	X	
N/A	(mark with x)	
Notes	he Respondent came into compliance on September 1, 2009, after the NOE dated August 14, 2009.	
	and the first accessing at 171 2000.	
	Violation Subtotal	\$900
	Alouging Suprotai	, gauo
Economic Benefit (EB) for this violation	Statutory Limit Test	
Estimated EB Amount	\$1 Violation Final Penalty Total	\$900
Estinated ED Amount	YOUR TOTAL T	
	This violation Final Assessed Penalty (adjusted for limits)	\$900

		conomic l	Benefit W	/orks	heet		
Respondent	Constitution of the Section (Section 2018)	RPRISES INCORF	that come to decide the second of which a	· 36 - 36 - 1 - 1 - 1 - 1 - 1	The Company of the Co	Part Property Commencer Co	
Case ID No.			0.011.11				
Reg. Ent. Reference No.							
Media Petroleum Storage Tank							Years of
Violation No. 4						Percent Interest	Depreciation
Violatorino						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
		Date Required	- Fillal Date)[1 9	milerest Daveu	Offethine Gosta	LO Allivont
Item Description	No commas or \$	narody zadzitek		VERNETHER ST			
		es es recursións de la company (1985)		_E_1_1	uma magayang labayang K	Commence of the commence of th	+0 -0 1,004 -0 -0 -0 -0 -0 -0 -0 -0 -0 -0 -0 -0 -0
Delayed Costs		V I	The state of the s	7 000	T	A A 1	fo.
Equipment			· · · · · · · · · · · · · · · · · · ·	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Buildings Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land			And the state of t	0.00	\$0	•#### cn/a	\$0
Record Keeping System	\$100	17-Jul-2009	1-Sep-2009	0.13	\$1	e e e e e nya Care	\$1
Training/Sampling				0.00	\$0	Esistein/attend	\$0
Remediation/Disposal				0.00	\$0	- iva	\$0
Permit Costs				0.00	\$0	es a nivat 😂 🗆	\$0
Other (as needed)		1.		0.00	\$0	== nya===	\$0
Notes for DELAYED costs Avoided Costs		required is the i	nvestigation date	and the i	final date is the da	one-time avoided c	ostš)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0.	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equipment Financial Assurance [2]	1			0.00	\$0	\$0	\$0 \$0
ONE-TIME avoided costs [3]				0.00	\$0.	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Other (se needed)				0.00			
	II:						
Notes for AVOIDED custs							

Compliance History Report

ANCIRA ENTERPRISES INCORPORATED Classification: AVERAGE Rating: 2.00 Customer/Respondent/Owner-Operator: CN601380991 Regulated Entity: RN100646678 ANCIRA WINTON CHEVROLET Classification: AVERAGE Site Rating: 3.01 BY DEFAULT AIR NEW SOURCE PERMITS PERMIT 27223 ID Number(s): AIR NEW SOURCE PERMITS **PERMIT** 39425 AIR NEW SOURCE PERMITS ACCOUNT NUMBER BG0782J 29774 PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 75920 PETROLEUM STORAGE TANK REGISTRATION REGISTRATION Location: 6111 BANDERA RD, SAN ANTONIO, TX, 78238 REGION 13 - SAN ANTONIO TCEQ Region: Date Compliance History Prepared: August 24, 2009 Agency Decision Requiring Compliance History: Enforcement Compliance Period: August 24, 2004 to August 24, 2009 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Judy Kluge Phone: 817-588-5825 Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership/operator of the site during the compliance period? No 3. If Yes, who is the current owner/operator? 4. if Yes, who was/were the prior owner(s)/operator(s)? N/A N/A 5. When did the change(s) in owner or operator occur? 6. Rating Date: 9/1/2008 Repeat Violator: NO Components (Multimedia) for the Site: Final Enforcement Orders, court judgments, and consent decrees of the state of Texas and the federal government. A. N/A Any criminal convictions of the state of Texas and the federal government. В. C. Chronic excessive emissions events. N/A D. The approval dates of investigations. (CCEDS Inv. Track. No.) 1 08/19/2009 (762847)E. Written notices of violations (NOV), (CCEDS Inv. Track, No.) N/A F. Environmental audits. N/A Type of environmental management systems (EMSs). G. N/A

Η.

N/A

Voluntary on-site compliance assessment dates.

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
ANCIRA ENTERPRISES	§	
INCORPORATED DBA ANCIRA	§	
WINTON CHEVROLET	§	
RN100646678	§.	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2009-1357-PST-E

I. JURISDICTION AND STIPULATIONS

At its _______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ANCIRA ENTERPRISES INCORPORATED dba Ancira Winton Chevrolet ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a vehicle maintenance and repair service center at 6111 Bandera Road in San Antonio, Bexar County, Texas (the "Facility").
- 2. The Respondent's one underground storage tank system ("UST") is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about August 19, 2009.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Four Thousand Nine Hundred Fifty Dollars (\$4,950) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Three Thousand Nine Hundred Sixty Dollars (\$3,960) of the administrative penalty and Nine Hundred Ninety Dollars (\$990) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. Submitted an amended UST registration to the TCEQ indicating the correct contact information on September 1, 2009;
 - b. Submitted documentation verifying that as of August 17, 2009, the automatic tank gauge ("ATG") was performing the required monthly testing;
 - c. Properly marked the UST with identification number matching the number listed on the UST registration and self-certification form on August 28, 2009; and
 - d. Began maintaining all inspection records for spill containment devices on September 1, 2009.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

- 1. Failed to provide an amended UST registration to the agency for any change or additional information regarding the UST within 30 days from the date of the occurrence of the change or addition, in violation of 30 Tex. ADMIN. CODE § 334.7(d)(3), as documented during an investigation conducted on July 17, 2009. Specifically, the registration was not amended to indicate the Respondent's correct contact information.
- 2. Failed to ensure that the UST is monitored in a manner which will detect a release at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1), as documented during an investigation conducted on July 17, 2009. Specifically, the ATG was not being put into test mode monthly.
- 3. Failed to ensure that a legible tag, label, or marking with the tank number is permanently applied upon or affixed to either the top of the fill tube or to a nonremovable point in the immediate area of the fill tube for each regulated UST according to the UST registration and self-certification form, in violation of 30 Tex. ADMIN. CODE § 334.8(c)(5)(C), as documented during an investigation conducted on July 17, 2009. Specifically, the fill port was not labeled.
- 4. Failed to maintain records relating to the operation and maintenance of the UST system, in violation of 30 Tex. ADMIN. CODE § 334.48(g), as documented during an investigation conducted on July 17, 2009. Specifically, a record of the 60 day inspections of the spill containment devices was not being maintained.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: ANCIRA ENTERPRISES INCORPORATED dba Ancira Winton Chevrolet, Docket No. 2009-1357-PST-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

ANCIRA ENTERPRISES INCORPORATED dba Ancira Winton Chevrolet DOCKET NO. 2009-1357-PST-E Page 4

- 3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
- 5. Under 30 Tex. ADMIN. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

ANCIRA ENTERPRISES INCORPORATED dba Ancira Winton Chevrolet DOCKET NO. 2009-1357-PST-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
Xolu Szolien	12-18/2009
For the Executive Director	Date

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

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

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

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

Signature

Name (Printed or typed)

Authorized Representative of

ANCIRA ENTERPRISES INCORPORATED dba Ancira Winton Chevrolet

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

Date Date Marager

	•		