Executive Summary – Enforcement Matter – Case No. 56211
Susser Petroleum Company LLC dba Snax Max 1
RN102964707
Docket No. 2018-0747-PST-E

Order Type:
1660 Agreed Order
Findings Order Justification:
N/A
Media:
PST
Small Business:
No
Location(s) Where Violation(s) Occurred:
Snax Max 1, 13901 Camino Real, Niederwald, Hays County
Type of Operation:
Underground storage tank ("UST") system and a convenience store with retail sales of gasoline
Other Significant Matters:
Additional Pending Enforcement Actions: No
Past-Due Penalties: No
Other: N/A
Interested Third-Parties: None
Texas Register Publication Date: November 30, 2018
Comments Received: No

Penalty Information

Total Penalty Assessed: $61,916
Amount Deferred for Expedited Settlement: $12,383
Total Paid to General Revenue: $49,533
Total Due to General Revenue: $0
Payment Plan: N/A
Compliance History Classifications:
Person/CN - Satisfactory
Site/RN - High
Major Source: Yes
Statutory Limit Adjustment: N/A
Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: February 8, 2018
Date(s) of NOE(s): April 9, 2018

Violation Information

1. Failed to comply with annual Stage I vapor recovery testing requirements. Specifically, the annual testing of the Stage I equipment was not conducted [30 TEX. ADMIN. CODE § 115.225 and TEX. HEALTH & SAFETY CODE § 382.085(b)].

2. Failed to ensure that the corrosion protection system is designed, installed, and maintained in a manner that will ensure that the corrosion protection is continuously provided to all metal components of the UST system. Specifically, metallic components inside the submersible turbine pump ("STP") sumps and under-dispenser containment sumps lacked adequate corrosion protection due to the presence of liquid and rust in the sumps [30 TEX. ADMIN. CODE § 334.49(a)(2) and TEX. WATER CODE § 26.3475(d)].

3. Failed to conduct the inventory volume measurement for regulated substance inputs, withdrawals, and recording the amount still remaining in the tank each operating day [30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1)].

4. Failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping tightness tests [30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a)].

5. Failed to investigate a suspected release of regulated substance within 30 days of discovery. Specifically, inventory control records for the unleaded UST for February and March 2017 indicated a suspected release that was not investigated [30 TEX. ADMIN. CODE § 334.74].

6. Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, inventory control records for the unleaded UST for February and March 2017 indicated a suspected release that was not reported [30 TEX. ADMIN. CODE § 334.72].

7. Failed to assure that all UST recordkeeping requirements are met. Specifically, the acceptable financial assurance record was not available at the time of the investigation [30 TEX. ADMIN. CODE § 334.10(b)(2)].

8. Failed to maintain required training certification documentation on-site and make it available upon request by agency personnel. Specifically, no operator training records were available for review [30 TEX. ADMIN. CODE § 334.606].

9. Failed to ensure that the UST system is operated, maintained, and managed in a manner that will prevent releases of regulated substances. Specifically, during the investigation, the automatic tank gauge ("ATG") alarm was ON, and the electronic line

leak detector in the super STP sump was dangling [30 TEX. ADMIN. CODE § 334.48(a) and (b)].

10. Failed to equip each tank with overfill prevention equipment. Specifically, overfill prevention equipment was not installed on the UST system [30 TEX. ADMIN. CODE § 334.51(b)(2)(C) and TEX. WATER CODE § 26.3475(c)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

a. Conducted the required annual testing of the Stage I vapor recovery equipment with passing results on May 17, 2018;

b. Conducted the annual line leak detector and piping tightness tests with passing results on February 9, 2018;

c. Began conducting inventory volume measurement for regulated substance inputs, withdrawals, and recording the amount still remaining in the tank each operating day on June 20, 2018;

d. Began maintaining UST records on May 15, 2018;

e. Submitted documentation showing that all records of UST operator training were being maintained on March 1, 2018;

f. Reconfigured the ATG and properly installed the line leak detector in the super STP sump on April 12, 2018; and

g. Installed overfill prevention equipment on the USTs on April 12, 2018.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Repair and test the corrosion protection system including but not limited to the metallic components in the STPs and under-dispenser containment sumps;

ii. Conduct a suspected release investigation and take appropriate corrective measures; and

iii. Establish and implement a process for reporting suspected releases.

b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Alain Elegbe, Enforcement Division, Enforcement Team 6, MC 219, (512) 239-6924; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548
TCEQ SEP Coordinator: N/A
Respondent: Arnold Dodderer, General Counsel, Susser Petroleum Company LLC, 800 East Sonterra Boulevard, San Antonio, Texas 78258-3940
Joseph Kim, President, Susser Petroleum Company LLC, 800 East Sonterra Boulevard, San Antonio, Texas 78258-3940
Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 4 (April 2014) — *PCW Revision March 26, 2014*

DATES

Assigned	16-Apr-2018				
PCW	8-Jun-2018	**Screening**	25-Apr-2018	**EPA Due**	

RESPONDENT/FACILITY INFORMATION

Respondent	Susser Petroleum Company LLC dba Snax Max 1		
Reg. Ent. Ref. No.	RN102964707		
Facility/Site Region	11-Austin	**Major/Minor Source**	Major

CASE INFORMATION

Enf./Case ID No.	56211	**No. of Violations**	9
Docket No.	2018-0747-PST-E	**Order Type**	1660
Media Program(s)	Petroleum Storage Tank	**Government/Non-Profit**	No
Multi-Media		**Enf. Coordinator**	Rahim Momin
		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*** **$64,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **0.0%** Adjustment — ***Subtotals 2, 3, & 7*** **$0**

Notes: No adjustment for Compliance history.

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*** **-$2,837**

Economic Benefit **0.0%** Enhancement* — ***Subtotal 6*** **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts	$1,389
Estimated Cost of Compliance	$12,931

SUM OF SUBTOTALS 1-7 — ***Final Subtotal*** **$61,163**

OTHER FACTORS AS JUSTICE MAY REQUIRE **1.2%** — ***Adjustment*** **$753**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation Nos. 1, 3, and 5.

Final Penalty Amount **$61,916**

STATUTORY LIMIT ADJUSTMENT — ***Final Assessed Penalty*** **$61,916**

DEFERRAL **20.0%** Reduction — ***Adjustment*** **-$12,383**

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$49,533**

Screening Date 25-Apr-2018 **Docket No.** 2018-0747-PST-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Respondent Susser Petroleum Company LLC dba Snax Max 1
Case ID No. 56211
Reg. Ent. Reference No. RN102964707
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Rahim Momin

Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	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 (*number of judgments or consent decrees meeting criteria*)	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 (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	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 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

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) 0%

>> 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

No adjustment for Compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 0%

Screening Date 25-Apr-2018 **Docket No.** 2018-0747-PST-E **PCW**

Respondent Susser Petroleum Company LLC dba Snax Max 1 *Policy Revision 4 (April 2014)*

Case ID No. 56211 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN102964707

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rahim Momin

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 115.225 and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with annual Stage I vapor recovery testing requirements. Specifically, the annual testing of the Stage I equipment was not conducted.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		X	

OR

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 significant amounts of pollutants that would not 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

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction $375

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes: The Respondent came into compliance on May 17, 2018, after the Notice of Enforcement ("NOE") date of April 9, 2018.

Violation Subtotal $3,375

Economic Benefit (EB) for this violation

Estimated EB Amount $532

Statutory Limit Test

Violation Final Penalty Total $3,417

This violation Final Assessed Penalty (adjusted for limits) $3,417

Economic Benefit Worksheet

Respondent Susser Petroleum Company LLC dba Snax Max 1
Case ID No. 56211
Reg. Ent. Reference No. RN102964707
Media Petroleum Storage Tank
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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)	$500	8-Feb-2018	17-May-2018	0.27	$7	n/a	$7
Notes for DELAYED costs	Estimated delayed cost to conduct the annual testing of the Stage I equipment. The Date Required is the investigation date and the Final Date is the compliance date.						
Avoided Costs	ANNUALIZE 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				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)	$500	8-Feb-2017	8-Feb-2018	1.00	$25	$500	$525
Notes for AVOIDED costs	Estimated avoided cost to conduct the annual testing of the Stage I equipment. The Date Required is one year prior to the investigation date and the Final Date is the investigation date.						

Approx. Cost of Compliance $1,000

TOTAL $532

Screening Date 25-Apr-2018 **Docket No.** 2018-0747-PST-E **PCW**

Respondent Susser Petroleum Company LLC dba Snax Max 1 *Policy Revision 4 (April 2014)*

Case ID No. 56211 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN102964707

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rahim Momin

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 334.49(a)(2) and Tex. Water Code § 26.3475(d)

Violation Description Failed to ensure that the corrosion protection system is designed, installed, and maintained in a manner that will ensure that the corrosion protection is continuously provided to all metal components of the underground storage tank ("UST") system. Specifically, metallic components inside the submersible turbine pump ("STP") sumps and under-dispenser containment sumps lacked adequate corrosion protection due to the presence of liquid and rust in the sumps.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	X		

OR

Percent 30.0%

>>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 $17,500

$7,500

Violation Events

Number of Violation Events 1 | 76 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $7,500

One quarterly event is recommended from the February 8, 2018 investigation date to the April 25, 2018 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	

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

Violation Subtotal $7,500

Economic Benefit (EB) for this violation

Estimated EB Amount $162

Statutory Limit Test

Violation Final Penalty Total $7,592

This violation Final Assessed Penalty (adjusted for limits) $7,592

Economic Benefit Worksheet

Respondent Susser Petroleum Company LLC dba Snax Max 1
Case ID No. 56211
Reg. Ent. Reference No. RN102964707
Media Petroleum Storage Tank
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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)	$3,500	8-Feb-2018	11-Jan-2019	0.92	$162	n/a	$162
Notes for DELAYED costs	Estimated delayed cost to repair and test the corrosion protection system including but not limited to the metallic components in the STPs and under-dispenser containment sumps at the Station. The Date Required is the investigation date and the Final Date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE 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				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $3,500

TOTAL $162

Screening Date 25-Apr-2018 **Docket No.** 2018-0747-PST-E **PCW**

Respondent Susser Petroleum Company LLC dba Snax Max 1 *Policy Revision 4 (April 2014)*

Case ID No. 56211 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN102964707

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rahim Momin

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 334.50(d)(1)(B)(iii)(I) and (b)(2) and Tex. Water Code § 26.3475(a) and (c)(1)

Violation Description Failed to conduct the inventory volume measurement for regulated substance inputs, withdrawals, and recording the amount still remaining in the tank each operating day. Also, failed to provide release detection for the pressurized piping associated with the UST system. Specifically, the Respondent did not conduct the annual line leak detector and piping tightness tests.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	X		

Percent 30.0%

>>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 $17,500

$7,500

Violation Events

Number of Violation Events: 1 — 76 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $7,500

One quarterly event is recommended from the February 8, 2018 investigation date to the April 25, 2018 screening date.

Good Faith Efforts to Comply

10.0% Reduction $750

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes: The Respondent came into compliance on June 20, 2018, after the NOE date of April 9, 2018.

Violation Subtotal $6,750

Economic Benefit (EB) for this violation

Estimated EB Amount $133

Statutory Limit Test

Violation Final Penalty Total $6,833

This violation Final Assessed Penalty (adjusted for limits) $6,833

Economic Benefit Worksheet

Respondent Susser Petroleum Company LLC dba Snax Max 1
Case ID No. 56211
Reg. Ent. Reference No. RN102964707
Media Petroleum Storage Tank
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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	$118	8-Feb-2018	9-Feb-2018	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)	$500	8-Feb-2018	20-Jun-2018	0.36	$9	n/a	$9

Notes for DELAYED costs: Estimated delayed cost ($118) to conduct the annual line leak detector and piping tightness tests and estimated delayed cost ($500) to conduct the inventory volume measurement for regulated substance inputs, withdrawals, and amount still remaining in the tank. The Dates Required are the investigation date and the Final Dates are the compliance dates.

Avoided Costs	ANNUALIZE 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				0.00	$0	$0	$0
ONE-TIME avoided costs	$118	8-Feb-2017	8-Feb-2018	1.00	$6	$118	$124
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs: Estimated avoided cost to conduct the annual line leak detector and piping tightness tests. The Date Required is one year prior to the investigation date and the Final Date is the investigation date.

Approx. Cost of Compliance $736

TOTAL $133

Screening Date 25-Apr-2018 **Docket No.** 2018-0747-PST-E **PCW**

Respondent Susser Petroleum Company LLC dba Snax Max 1 *Policy Revision 4 (April 2014)*

Case ID No. 56211 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN102964707

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rahim Momin

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 334.74

Violation Description Failed to investigate a suspected release of regulated substance within 30 days of discovery. Specifically, inventory control records for the unleaded UST for February and March 2017 indicated a suspected release that was not investigated.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	X		

OR

Percent 30.0%

>>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 $17,500

$7,500

Violation Events

Number of Violation Events 4

360 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $30,000

Four quarterly events are recommended from the April 30, 2017 release investigation due date to the April 25, 2018 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	

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

Violation Subtotal $30,000

Economic Benefit (EB) for this violation

Estimated EB Amount $425

Statutory Limit Test

Violation Final Penalty Total $30,369

This violation Final Assessed Penalty (adjusted for limits) $30,369

Economic Benefit Worksheet

Respondent Susser Petroleum Company LLC dba Snax Max 1
Case ID No. 56211
Reg. Ent. Reference No. RN102964707
Media Petroleum Storage Tank
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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)	$5,000	30-Apr-2017	11-Jan-2019	1.70	$425	n/a	$425

Notes for DELAYED costs Estimated delayed cost to conduct an investigation of the suspected release and implement appropriate corrective measures. The Date Required is the date the release investigation was due and the Final Date is the estimated date of compliance.

Avoided Costs	ANNUALIZE 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				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $5,000

TOTAL $425

Screening Date 25-Apr-2018 **Docket No.** 2018-0747-PST-E **PCW**

Respondent Susser Petroleum Company LLC dba Snax Max 1 *Policy Revision 4 (April 2014)*

Case ID No. 56211 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN102964707

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rahim Momin

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 334.72

Violation Description Failed to report a suspected release to the TCEQ within 24 hours of discovery. Specifically, inventory control records for the unleaded UST for February and March 2017 indicated a suspected release that was not reported.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

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

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events 1

389 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $3,750

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

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

Violation Subtotal $3,750

Economic Benefit (EB) for this violation

Estimated EB Amount $109

Statutory Limit Test

Violation Final Penalty Total $3,796

This violation Final Assessed Penalty (adjusted for limits) $3,796

Economic Benefit Worksheet

Respondent Susser Petroleum Company LLC dba Snax Max 1
Case ID No. 56211
Reg. Ent. Reference No. RN102964707
Media Petroleum Storage Tank
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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)	$100	8-Feb-2018	11-Jan-2019	0.92	$5	n/a	$5
Notes for DELAYED costs	Estimated delayed cost to establish and implement a process for reporting suspected releases. The Date Required is the investigation date and the Final Date is the estimated date of compliance.						
Avoided Costs	ANNUALIZE 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				0.00	$0	$0	$0
ONE-TIME avoided costs	$100	1-Apr-2017	8-Feb-2018	0.86	$4	$100	$104
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	Estimated avoided cost to report a suspected release. The Date Required is the date the suspected release should have been reported, and the Final Date is the investigation date.						

Approx. Cost of Compliance $200

TOTAL $109

Screening Date 25-Apr-2018 **Docket No.** 2018-0747-PST-E **PCW**

Respondent Susser Petroleum Company LLC dba Snax Max 1 *Policy Revision 4 (April 2014)*

Case ID No. 56211 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN102964707

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rahim Momin

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 334.10(b)(2)

Violation Description Failed to assure that all UST recordkeeping requirements are met. Specifically, the acceptable financial assurance record was not available at the time of the investigation.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes: Less than 30% of the rule requirement was not met.

Adjustment $24,750

$250

Violation Events

Number of Violation Events 1 | 76 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $250

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction $25

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes: The Respondent came into compliance on May 15, 2018, after the NOE date of April 9, 2018.

Violation Subtotal $225

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $228

This violation Final Assessed Penalty (adjusted for limits) $228

Economic Benefit Worksheet

Respondent Susser Petroleum Company LLC dba Snax Max 1
Case ID No. 56211
Reg. Ent. Reference No. RN102964707
Media Petroleum Storage Tank
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System	$45	8-Feb-2018	15-May-2018	0.26	$1	n/a	$1
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	Estimated delayed cost to maintain the UST record. The Date Required is the investigation date and the Final Date is the compliance date.						
Avoided Costs	ANNUALIZE 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				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance $45

TOTAL $1

Screening Date 25-Apr-2018 **Docket No.** 2018-0747-PST-E **PCW**

Respondent Susser Petroleum Company LLC dba Snax Max 1 *Policy Revision 4 (April 2014)*

Case ID No. 56211 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN102964707

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rahim Momin

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 334.606

Violation Description Failed to maintain required training certification documentation on-site and make it available upon request by agency personnel. Specifically, no operator training records were available for review.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 15.0%

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

Adjustment $21,250

$3,750

Violation Events

Number of Violation Events: 1

21 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $3,750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction $937

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		

Notes: The Respondent came into compliance on March 1, 2018, before the NOE date of April 9, 2018.

Violation Subtotal $2,813

Economic Benefit (EB) for this violation

Estimated EB Amount $0

Statutory Limit Test

Violation Final Penalty Total $2,848

This violation Final Assessed Penalty (adjusted for limits) $2,848

Economic Benefit Worksheet

Respondent Susser Petroleum Company LLC dba Snax Max 1
Case ID No. 56211
Reg. Ent. Reference No. RN102964707
Media Petroleum Storage Tank
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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	$100	8-Feb-2018	1-Mar-2018	0.06	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs Estimated delayed cost to maintain operator training certification records at the Station. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs	ANNUALIZE 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				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $100

TOTAL $0

Screening Date 25-Apr-2018 **Docket No.** 2018-0747-PST-E **PCW**
Respondent Susser Petroleum Company LLC dba Snax Max 1 *Policy Revision 4 (April 2014)*
Case ID No. 56211 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN102964707
Media [Statute] Petroleum Storage Tank
Enf. Coordinator Rahim Momin

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 334.48(a) and (b)

Violation Description Failed to ensure that the UST system is operated, maintained, and managed in a manner that will prevent releases of regulated substances. Specifically, during the investigation, the automatic tank gauge ("ATG") alarm was ON, and the electronic line leak detector in the super STP sump was dangling.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		X	

OR

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 significant amounts of pollutants that would not 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 | 63 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty $3,750

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction $375

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes: The Respondent came into compliance on April 12, 2018, after the NOE date of April 9, 2018.

Violation Subtotal $3,375

Economic Benefit (EB) for this violation

Estimated EB Amount $9

Statutory Limit Test

Violation Final Penalty Total $3,417

This violation Final Assessed Penalty (adjusted for limits) $3,417

Economic Benefit Worksheet

Respondent Susser Petroleum Company LLC dba Snax Max 1
Case ID No. 56211
Reg. Ent. Reference No. RN102964707
Media Petroleum Storage Tank
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment	$500	8-Feb-2018	12-Apr-2018	0.17	$0	$6	$6
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)	$350	8-Feb-2018	12-Apr-2018	0.17	$3	n/a	$3

Notes for DELAYED costs Estimated delayed cost to investigate the cause of the ATG alarm and take appropriate corrective measures ($500), and properly install the leak detector equipment in the super STP ($350). The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs	ANNUALIZE 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				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs

Approx. Cost of Compliance $850

TOTAL $9

Screening Date 25-Apr-2018 **Docket No.** 2018-0747-PST-E **PCW**

Respondent Susser Petroleum Company LLC dba Snax Max 1 *Policy Revision 4 (April 2014)*

Case ID No. 56211 *PCW Revision March 26, 2014*

Reg. Ent. Reference No. RN102964707

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Rahim Momin

Violation Number 9

Rule Cite(s) 30 Tex. Admin. Code § 334.51(b)(2)(C) and Tex. Water Code § 26.3475(c)(2)

Violation Description Failed to equip each tank with overfill prevention equipment. Specifically, overfill prevention equipment was not installed on the UST system.

Base Penalty $25,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		X	

OR

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 significant amounts of pollutants that would not 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 | 63 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty $3,750

One quarterly event is recommended from the February 8, 2018 investigation date to the April 12, 2018 compliance date.

Good Faith Efforts to Comply

10.0% Reduction $375

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

Notes: The Respondent came into compliance on April 12, 2018, after the NOE date of April 9, 2018.

Violation Subtotal $3,375

Economic Benefit (EB) for this violation

Estimated EB Amount $18

Statutory Limit Test

Violation Final Penalty Total $3,417

This violation Final Assessed Penalty (adjusted for limits) $3,417

Economic Benefit Worksheet

Respondent Susser Petroleum Company LLC dba Snax Max 1
Case ID No. 56211
Reg. Ent. Reference No. RN102964707
Media Petroleum Storage Tank
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Delayed Costs							
Equipment	$1,500	8-Feb-2018	12-Apr-2018	0.17	$1	$17	$18
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/Construction				0.00	$0	$0	$0
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0

Notes for DELAYED costs: Estimated delayed cost to install overfill prevention equipment on the two USTs at the Station. The Date Required is the investigation date and the Final Date is the compliance date.

Avoided Costs	ANNUALIZE 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				0.00	$0	$0	$0
ONE-TIME avoided costs				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs:

Approx. Cost of Compliance $1,500

TOTAL $18

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.

TCEQ Compliance History Report

Compliance History Report for CN603242629, RN102964707, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, or Owner/Operator:	CN603242629, Susser Petroleum Company LLC	**Classification:** SATISFACTORY	**Rating:** 0.27
Regulated Entity:	RN102964707, Snax Max 1	**Classification:** HIGH	**Rating:** 0.00
Complexity Points:	2	**Repeat Violator:** NO	
CH Group:	14 - Other		
Location:	13901 Camino Real, Niederwald, Texas 78640-0200, Hays County		
TCEQ Region:	REGION 11 - AUSTIN		

ID Number(s):
PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 67852

Compliance History Period: September 01, 2012 to August 31, 2017 **Rating Year:** 2017 **Rating Date:** 09/01/2017

Date Compliance History Report Prepared: July 20, 2018

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 20, 2013 to July 20, 2018

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

Name: Rahim Momin **Phone:** (512) 239-2544

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) Who is the current owner/operator? Susser Petroleum Company LLC OWNER since 2/17/2016
A & S Retail Inc OPERATOR since 2/17/2016
4) Who was/were the prior owner(s)/operator(s)? Stripes LLC, OWNER OPERATOR, 1/29/2014 to 2/16/2016
Sac-N-Pac Stores, Inc., OWNER OPERATOR, 8/31/1987 to 1/28/2014

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 April 24, 2015 (1245735)

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING SUSSER PETROLEUM COMPANY LLC DBA SNAX MAX 1 RN102964707	**§ § § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2018-0747-PST-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Susser Petroleum Company LLC dba Snax Max 1 (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns, as defined in 30 TEX. ADMIN. CODE § 334.2(73), an underground storage tank ("UST") system and a convenience store with retail sales of gasoline located at 13901 Camino Real in Niederwald, Hays County, Texas (the "Station"). The UST system at the Station is not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contains or contained a regulated petroleum substance as defined in the rules of the TCEQ. The Station consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).

2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the 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. HEALTH & SAFETY CODE ch. 382, TEX. WATER CODE ch. 26, and the rules of the TCEQ.

3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

4. An administrative penalty in the amount of $61,916 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid $49,533 of the penalty and $12,383 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms

or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). 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 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 Order.

7. This Order represents the complete and fully-integrated agreement of the parties. 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.

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 Executive Director recognizes that the Respondent implemented the following corrective measures at the Station:

   a. Conducted the required annual testing of the Stage I vapor recovery equipment with passing results on May 17, 2018;

   b. Conducted the annual line leak detector and piping tightness tests with passing results on February 9, 2018;

   c. Began conducting inventory volume measurement for regulated substance inputs, withdrawals, and recording the amount still remaining in the tank each operating day on June 20, 2018;

   d. Began maintaining UST records on May 15, 2018;

   e. Submitted documentation showing that all records of UST operator training were being maintained on March 1, 2018;

   f. Reconfigured the automatic tank gauge ("ATG") and properly installed the line leak detector in the super submersible turbine pump ("STP") sump on April 12, 2018; and

   g. Installed overfill prevention equipment on the USTs on April 12, 2018.

II. ALLEGATIONS

During an investigation conducted on February 8, 2018, an investigator documented that the Respondent:

1. Failed to comply with annual Stage I vapor recovery testing requirements, in violation of 30 TEX. ADMIN. CODE § 115.225 and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, the annual testing of the Stage I equipment was not conducted.

2. Failed to ensure that the corrosion protection system is designed, installed, and maintained in a manner that will ensure that the corrosion protection is continuously provided to all metal components of the UST system, in violation of 30 TEX. ADMIN. CODE § 334.49(a)(2) and TEX. WATER CODE § 26.3475(d). Specifically, metallic components inside the STP sumps and under-dispenser containment sumps lacked adequate corrosion protection due to the presence of liquid and rust in the sumps.

3. Failed to conduct the inventory volume measurement for regulated substance inputs, withdrawals, and recording the amount still remaining in the tank each operating day, in violation of 30 TEX. ADMIN. CODE § 334.50(d)(1)(B)(iii)(I) and TEX. WATER CODE § 26.3475(c)(1).

4. Failed to provide release detection for the pressurized piping associated with the UST system, in violation of 30 TEX. ADMIN. CODE § 334.50(b)(2) and TEX. WATER CODE § 26.3475(a). Specifically, the Respondent did not conduct the annual line leak detector and piping tightness tests.

5. Failed to investigate a suspected release of regulated substance within 30 days of discovery, in violation of 30 TEX. ADMIN. CODE § 334.74. Specifically, inventory control records for the unleaded UST for February and March 2017 indicated a suspected release that was not investigated.

6. Failed to report a suspected release to the TCEQ within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 334.72. Specifically, inventory control records for the unleaded UST for February and March 2017 indicated a suspected release that was not reported.

7. Failed to assure that all UST recordkeeping requirements are met, in violation of 30 TEX. ADMIN. CODE § 334.10(b)(2). Specifically, the acceptable financial assurance record was not available at the time of the investigation.

8. Failed to maintain required training certification documentation on-site and make it available upon request by agency personnel, in violation of 30 TEX. ADMIN. CODE § 334.606. Specifically, no operator training records were available for review.

9. Failed to ensure that the UST system is operated, maintained, and managed in a manner that will prevent releases of regulated substances, in violation of 30 TEX. ADMIN. CODE § 334.48(a) and (b). Specifically, during the investigation, the ATG alarm was ON, and the electronic line leak detector in the super STP sump was dangling.

10. Failed to equip each tank with overfill prevention equipment, in violation of 30 TEX. ADMIN. CODE § 334.51(b)(2)(C) and TEX. WATER CODE § 26.3475(c)(2). Specifically, overfill prevention equipment was not installed on the UST system.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph 4. The payment of this penalty and the 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 action 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: Susser Petroleum Company LLC dba Snax Max 1, Docket No. 2018-0747-PST-E" to:

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

2. The Respondent shall undertake the following technical requirements:

   a. Within 30 days after the effective date of this Order:

      i. Repair and test the corrosion protection system including but not limited to the metallic components in the STPs and under-dispenser containment sumps, in accordance with 30 TEX. ADMIN. CODE § 334.49;

      ii. Conduct a suspected release investigation and take appropriate corrective measures, in accordance with 30 TEX. ADMIN. CODE § 334.74; and

      iii. Establish and implement a process for reporting suspected releases, in accordance with 30 TEX. ADMIN. CODE § 334.72.

   b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Waste Section Manager
Austin Regional Office
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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 the Respondent. The 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. If the 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, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the 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.

7. This 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 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.

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. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission — Date

For the Executive Director — Date 9/30/19

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, 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 — Date 9/5/2019

Arnold Dodderer — General Counsel

Name (Printed or typed) — Title
Authorized Representative of
Susser Petroleum Company LLC dba Snax Max 1

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.