# **TCEQ Interoffice Memorandum**

To: Mary Smith, General Counsel

Dinniah Tadema, Assistant General Counsel

**Thru:** JSR Jess Robinson, Senior Attorney Litigation Division

**From:**  $\mathcal{C} \mathcal{S}$  Cynthia Sirois, Staff Attorney

Litigation Division

January 18, 2023 Date:

**Subject: Backup Revision** 

January 25, 2023 Commission Agenda

Item No. 22 - Big Diamond, LLC Docket No. 2018-1698-PST-E

### Enclosed please find the following:

### Attachment A to Proposed Agreed Order: Circle K Stores Inc.'s Signatory Authority for Big Diamond, LLC

### Counsel for Respondent:

John Pearce, Director Fennemore Craig, P.C. 2394 East Camelback Road, Suite 600 Phoenix, Texas 85016- 3429

### **Respondent Contact:**

Circle K Stores, Inc. P.O. Box 52085 Phoenix, Arizona 85072-2085

An original copy is enclosed. Please do not hesitate to call me at (512) 239-3392 if you have any questions regarding this matter.

Sushil Modak, Enforcement Division cc: Cameron Lopez, San Antonio Regional Office Gill Valls, Office of the General Counsel Michael Parrish, Enforcement Division Leslie Gann, Enforcement Division Stuart Beckley, Enforcement Division John Pearce, Counsel for Respondent

## Attachment A

Circle K Stores Inc.'s Signatory Authority for Big Diamond, LLC



August 5, 2022

Re: Signature Authority – Texas Entities

To whom it may concern:

I am the Director of Maintenance and Environmental - North America for Circle K Stores Inc. ("Circle K"). As such, I have responsibility for, among other things, environmental and regulatory compliance in the State of Texas.

I can confirm that Denise Anderson (Sr. Environmental Manager - North America), and I both have authority to execute documents in Texas that bind both Circle K and Circle K's subsidiaries (which include, among others, Big Diamond, Skipper Beverage, and other related CST-related entities), on regulatory and environmental matters, including compliance, in Texas.

Please let me know if you have any questions, thank you.

Sincerely,

Michael McKoy

Director of Maintenance and Environmental - North America

Circle K Stores Inc.

Email: mmckoy@circlek.com

Mobile: 704-221-0329

# EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 57026 Big Diamond, LLC dba Valero Corner Store 0406 and dba Valero Corner Store 1062 RN102373081 & RN106027600 Docket No. 2018-1698-PST-E

Order Type:

Agreed Order

Media:

PST

**Small Business:** 

N/A

**Locations Where Violations Occurred:** 

3225 Commercial Avenue, San Antonio, Bexar County (RN102373081) 11003 Culebra Road, San Antonio, Bexar County (RN106027600)

Type of Operation:

underground storage tank systems and convenience stores with retail sales of gasoline

Other Significant Matters:

Additional Pending Enforcement Actions: Yes; 2018-1762-PST-E; 2019-0852-PST-E;

2019-1315-PST-E; 2020-0767-PST-E, and

2020-0932-PST-E

Past-Due Penalties: None
Past-Due Fees: None
Other: None
Interested Third-Parties: None

**Texas Register Publication Date:** December 9, 2022

Comments Received: None

**Penalty Information** 

**Total Penalty Assessed:** \$17,051 **Total Paid to General Revenue:** \$17,051

**Total Due to General Revenue:** \$0

**Compliance History Classifications:** (RN102373081):

Person/CN - High Site/RN - High

Compliance History Classifications: (RN106027600):

Person/CN - High Site/RN - High

**Major Source:** RN102373081 PCW 1 of 2: Yes

RN106027600 PCW 2 of 2: Yes

Statutory Limit Adjustment: None

**Applicable Penalty Policy:** April 2014 (PCW 1); April 2014 (PCW 2)

### EXECUTIVE SUMMARY - ENFORCEMENT MATTER - CASE No. 57026 Big Diamond, LLC dba Valero Corner Store 0406 and dba Valero Corner Store 1062 RN102373081 & RN106027600

Docket No. 2018-1698-PST-E

### **Investigation Information**

**Complaint Date:** N/A

Dates of Investigation: RN102373081: October 17, 2018

RN106027600: October 18, 2018

Date of NOV: N/A

Dates of NOEs: RN102373081: November 28, 2018

RN106027600: November 30, 2018

### Violation Information

### RN102373081:

- 1. Failed to notify the agency of any change or additional information regarding the underground storage tank ("UST") system within 30 days from the date of the occurrence of the change or addition [30 Tex. ADMIN. CODE § 334.7(d)(1)(H) and (d)(3)].
- 2. Failed to design, install, and operate all components of a UST system in a manner that will prevent releases of regulated substances due to structural failure for as long as the UST system is used to store regulated substances [Tex. Water Code § 26.3475(d) and 30 Tex. Admin. Code § 334.42(a)].
- 3. Failed to inspect all sumps, manways, overspill containers, or catchment basins associated with a UST system at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid-tight [Tex. WATER CODE § 26.3475(c)(2) and 30 Tex. ADMIN. CODE § 334.42(i)].
- 4. Failed to equip each tank with a valve or other device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity [Tex. Water Code § 26.3475(c)(2) and 30 Tex. Admin. Code § 334.51(b)(2)(C)].
- 5. Failed to assure that all UST recordkeeping requirements are met [30 Tex. ADMIN. CODE § 334.10(b)(2)].

### RN106027600:

- 6. Failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition [30 Tex. ADMIN. CODE § 334.7(d)(1)(H) and (d)(3)].
- 7. Failed to assure that all UST recordkeeping requirements are met [30 Tex. ADMIN. CODE § 334.10(b)(2)].

### Corrective Actions/Technical Requirements

### **Corrective Actions Completed:**

- 1. At Facility No. 1 (RN102373081):
  - Replaced corroded metal components in the submersible turbine pump ("STP") for the UST a. system's unleaded fuel UST, and installed and tested a corrosion protection system for them, with passing results, by December 6, 2018 (Violation No. 2);
  - Removed the liquid from the STP sump for the super fuel UST and disposed of it at an b. authorized facility on December 6, 2018 (Violation No. 3);
  - Installed overfill prevention equipment on all USTs at the facility on February 27, 2019 c. (Violation No. 4); and
  - d. Began maintaining piping release detection records on-site on March 18, 2021 (Violation No. 5).

### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE No. 57026 Big Diamond, LLC dba Valero Corner Store 0406 and dba Valero Corner Store 1062 RN102373081 & RN106027600 Docket No. 2018-1698-PST-E

2. At Facility No. 2 (RN106027600), began maintaining piping release detection and overfill prevention records on-site on March 18, 2021 (Violation No. 7).

### **Technical Requirements:**

- 1. Within 30 days:
  - a. Submit an updated UST registration and self-certification form to reflect the current release detection method(s) for the USTs at each of the Facilities (Violation Nos. 1. and 6).
  - b. Begin conducting bimonthly inspections of all sumps, manways, overspill containers, and catchment basins at Facility No. 1 (RN102373081) (Violation No. 3).
- 2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. and 1.b.

### Litigation Information

Date Petition Filed: N/A
Date Green Card Signed: N/A

Settlement Date: November 3, 2022

### **Contact Information**

**TCEQ Attorneys:** Cynthia Sirois, Litigation Division, (512) 239-3400

Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Sushil Modak, Enforcement Division, (512) 239-2142

TCEQ Regional Contact: Cameron Lopez, San Antonio Regional Office, (210) 490-3096

Respondent Contact: Circle K Stores, Inc., P.O. Box 52085, Phoenix, Arizona 85072-2085

Respondent's Attorney: John M. Pearce, Director, Fennemore Craig, P.C., 2394 East Camelback Road,

Suite 600, Phoenix, Arizona 85016-3429



#### Penalty Calculation Worksheet (PCW) Policy Revision 4 (April 2014) PCW Revision March 26, 2014 Assigned 3-Dec-2018 PCW 26-Mar-2021 Screening 6-Dec-2018 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent Big Diamond, LLC dba Valero Corner Store 0406 (Facility No. 1) Reg. Ent. Ref. No. RN102373081 Major/Minor Source Major Facility/Site Region 13-San Antonio **CASE INFORMATION** Enf./Case ID No. <u>57026</u> No. of Violations 5 Docket No. 2018-1698-PST-E Media Program(s) Petroleum Storage Tank Order Type 1660 Government/Non-Profit No Multi-Media **Enf. Coordinator** Berenice Munoz 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 \$15,250 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** Subtotals 2, 3, & 7 -\$1,525 -10.0% Adjustment Notes Reduction for High Performer classification. Culpability Subtotal 4 \$0 No **0.0%** Enhancement The Respondent does not meet the culpability criteria. Notes **Good Faith Effort to Comply Total Adjustments** Subtotal 5 -\$375 Subtotal 6 **Economic Benefit** \$0 0.0% Enhancement\* \$177 Total EB Amounts \*Capped at the Total EB \$ Amount Estimated Cost of Compliance \$2,945 **SUM OF SUBTOTALS 1-7** Final Subtotal \$13,350 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.8% Adjustment \$101 Reduces or enhances the Final Subtotal by the indicated percentage.

Recommended enhancement to capture the avoided cost of compliance

associated with Violation No. 3.

Deferral not offered for non-expedited settlement.

Final Penalty Amount

Final Assessed Penalty

Reduction

Adjustment

0.0%

\$13,451

\$13,451

\$13,451

\$0

Notes

Notes

**PAYABLE PENALTY** 

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicated percentage.

Screening Date 6-Dec-2018

**Docket No.** 2018-1698-PST-E

**PCW** 

**Respondent** Big Diamond, LLC dba Valero Corner Store 0406 (Facility No. 1)

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

**Case ID No.** 57026

Reg. Ent. Reference No. RN102373081

**Media [Statute]** Petroleum Storage Tank

		Enf. Coo	rdinator B	Berenice Munoz					
				Compliance History Worksheet					
>>	Со	mpliance Histo Component	ory <i>Sit</i> e Enh Number of.	nancement (Subtotal 2)	Number	Adjust.			
		NOVs	Written notic	ces of violation ("NOVs") with same or similar violations as those in enforcement action (number of NOVs meeting criteria)		0%			
			Other writter	n NOVs	0	0%			
			Any agreed orders meeti	final enforcement orders containing a denial of liability ( <i>number of ing criteria</i> )	0	0%			
		Orders	without a c	ated final enforcement orders, agreed final enforcement orders denial of liability, or default orders of this state or the federal or any final prohibitory emergency orders issued by the commission		0%			
	Judgments		of liability of	udicated final court judgments or consent decrees containing a denial of this state or the federal government (number of judgments or trees meeting criteria)	0	0%			
		and Consent Decrees	final court ju	ated final court judgments and default judgments, or non-adjudicated adgments or consent decrees without a denial of liability, of this state al government		0%			
		Convictions	Any crimina counts)	0	0%				
		Emissions	Chronic exce	essive emissions events (number of events)	0	0%			
	Texas Environmenta			ying the executive director of an intended audit conducted under the onmental, Health, and Safety Audit Privilege Act, 74th Legislature, er of audits for which notices were submitted)	0	0%			
		Addits		of violations under the Texas Environmental, Health, and Safety Audit , 74th Legislature, 1995 ( <i>number of audits for which violations were</i>	0	0%			
			Environment	al management systems in place for one year or more	No	0%			
		Other		n-site compliance assessments conducted by the executive director cial assistance program	No	0%			
		0 (1.10)	Participation	in a voluntary pollution reduction program	No	0%			
			, , .	ance with, or offer of a product that meets future state or federal environmental requirements	No	0%			
				Adjustment Per	rcentage (Sub	total 2)	0%		
>>	Re	peat Violator	(Subtotal 3)						
		No		Adjustment Per	rcentage (Sub	total 3)	0%		
>>	Co	mpliance Hist	ory Person (	Classification (Subtotal 7)					
		High Perf		Adjustment Per	rcentage (Sub	total 7)	-10%		
>>	Co	mpliance Hist	ory Summar	у					
	Compliance History Notes Reduction for High Performer classification.								
				Total Compliance History Adjustment Percentage (	Subtotals 2,	3, & 7)	-10%		
>>	Fina	l Compliance	History Adju		di		1000		
				Final Adjustment Percent	age *capped a	at 100%	-10%		

Reg.	Case ID No. Ent. Reference No.	Big Diamond, LLC dba Vale 57026 RN102373081 Petroleum Storage Tank Berenice Munoz  1  30 Tex. A  Failed to notify the agence underground storage talloccurrence of the char	Docket No. 2018-1698-PST-E ero Corner Store 0406 (Facility No. 1)  dmin. Code § 334.7(d)(1)(H) and (d)(3)  ey of any change or additional information regark ("UST") system within 30 days from the data age or addition. Specifically, the registration was ent release detection method for the USTs at the	e of the as not
			Base	e Penalty \$25,000
>> Fnv	ironmental. Prope	rty and Human Healt	h Matrix	
		Harm		
	Release	Major Moderate	Minor	
OR	Actual			
	Potential		Percent 0.0%	
>>Pro	grammatic Matrix			
	Falsification	Major Moderate		
		Х	Percent 15.0%	
	Matrix Notes	100% of the r	ule requirement was not met.	
			Adjustment	\$21,250
			Aujustilient	\$21,230
				\$3,750
Violation	on Events			
	Number of	Violation Events 1	50 Number of violation	days
		daily weekly monthly quarterly semiannual annual single event X	Violation Base	e Penalty \$3,750
		One single	e event is recommended.	
Good F	aith Efforts to Com	ply 0.09	%	Reduction \$0
Joou I	and Enoits to com	Before NOE/NO		TCGGCCIOII 40
		Extraordinary		
		Ordinary		
		N/A X		
			n.	
		Notes The Respor	ndent does not meet the good faith criteria for this violation.	
			Violation	<b>Subtotal</b> \$3,750
Econon	nic Benefit (EB) for	this violation	Statutory Limit	Test
		<u> </u>		
	Estimat	ed EB Amount	\$15 Violation Final Pena	alty Total \$3,401
		This vi	olation Final Assessed Penalty (adjusted fo	or limits) \$3,401

		conomic	Danafit	14/	rkchoot					
Economic Benefit Worksheet Respondent Big Diamond, LLC dba Valero Corner Store 0406 (Facility No. 1)										
		LLC dba Valero Co	orner Store 0406	5 (Facil	ity No. 1)					
Case ID No.	57026									
Reg. Ent. Reference No.	RN102373081									
	Petroleum Sto						Years of			
Violation No.		rage rank				<b>Percent Interest</b>	Depreciation			
Violation No.	1									
						5.0				
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount			
Item Description										
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										
Remediation/ Disposal				0.00	\$0	n/a	\$0			
Permit Costs				0.00	\$0	n/a n/a	\$0 \$0			
	\$100	17-Oct-2018	18-Oct-2021							
Permit Costs Other (as needed)	Estimated of	delayed cost to su	bmit an updated	0.00 3.01 d UST r	\$0 \$15 egistration and sel	n/a n/a f-certification form	\$0 \$15 to reflect the			
Permit Costs	Estimated of	delayed cost to su se detection meth	bmit an updated od for the USTs	0.00 3.01 d UST r at the	\$0 \$15 egistration and sel Facility. The Date	n/a n/a f-certification form Required is the inv	\$0 \$15 to reflect the			
Permit Costs Other (as needed)	Estimated of	delayed cost to su se detection meth	bmit an updated od for the USTs	0.00 3.01 d UST r at the	\$0 \$15 egistration and sel	n/a n/a f-certification form Required is the inv	\$0 \$15 to reflect the			
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated of current release	delayed cost to su se detection meth and t	bmit an updated lod for the USTs he Final Date is	0.00 3.01 d UST r at the the est	\$0 \$15 egistration and sel Facility. The Date imated date of cor	n/a n/a f-certification form Required is the inv npliance.	\$0 \$15 to reflect the estigation date			
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	Estimated of current release	delayed cost to su se detection meth and t	bmit an updated lod for the USTs he Final Date is	0.00 3.01 d UST r at the the est	\$0 \$15 egistration and sel Facility. The Date imated date of cor item (except for	n/a n/a n/a  of-certification form Required is the inv npliance.  r one-time avoide	\$0 \$15 to reflect the estigation date			
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal	Estimated of current release	delayed cost to su se detection meth and t	bmit an updated lod for the USTs he Final Date is	0.00 3.01 UST rat the the est tering 0.00	\$0 \$15 egistration and sel Facility. The Date imated date of cor item (except for \$0	n/a n/a n/a  f-certification form Required is the inv npliance.  r one-time avoide \$0	\$0 \$15 to reflect the estigation date d costs)			
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated of current release	delayed cost to su se detection meth and t	bmit an updated lod for the USTs he Final Date is	0.00 3.01 UST rat the the est tering 0.00 0.00	\$0 \$15 egistration and sel Facility. The Date imated date of cor item (except for \$0 \$0	n/a n/a n/a  If-certification form Required is the inv mpliance.  r one-time avoide \$0 \$0	\$0 \$15 to reflect the estigation date d costs) \$0 \$0			
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated of current release	delayed cost to su se detection meth and t	bmit an updated lod for the USTs he Final Date is	0.00 3.01 UST rat the the est tering 0.00	\$0 \$15 egistration and sel Facility. The Date imated date of cor item (except for \$0 \$0 \$0	n/a n/a n/a  If-certification form Required is the inv mpliance.  r one-time avoide \$0 \$0 \$0 \$0	\$0 \$15 to reflect the estigation date d costs) \$0 \$0			
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated of current release	delayed cost to su se detection meth and t	bmit an updated lod for the USTs he Final Date is	0.00 3.01 UST rat the the est tering 0.00 0.00 0.00	\$0 \$15 egistration and sel Facility. The Date imated date of cor item (except for \$0 \$0	n/a n/a n/a  If-certification form Required is the inv mpliance.  r one-time avoide \$0 \$0	\$0 \$15 to reflect the estigation date d costs) \$0 \$0			
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Estimated of current release	delayed cost to su se detection meth and t	bmit an updated lod for the USTs he Final Date is	0.00 3.01 UST r at the the est tering 0.00 0.00 0.00	\$0 \$15 egistration and sel Facility. The Date imated date of cor item (except for \$0 \$0 \$0 \$0	n/a n/a n/a  of-certification form Required is the invention of the invent	\$0 \$15 to reflect the estigation date d costs) \$0 \$0 \$0			
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	Estimated of current release	delayed cost to su se detection meth and t	bmit an updated lod for the USTs he Final Date is	0.00 3.01 UST r at the the est tering 0.00 0.00 0.00 0.00	\$0 \$15 egistration and sel Facility. The Date imated date of cor item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a  If-certification form Required is the invention of the invent	\$0 \$15 to reflect the estigation date d costs) \$0 \$0 \$0 \$0 \$0			
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated of current release	delayed cost to su se detection meth and t	bmit an updated lod for the USTs he Final Date is	0.00 3.01 UST r at the the est tering 0.00 0.00 0.00 0.00 0.00	\$0 \$15 egistration and sel Facility. The Date imated date of cor item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a  If-certification form Required is the inv npliance.  r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$15 to reflect the estigation date d costs) \$0 \$0 \$0 \$0 \$0			
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	Estimated of current release	delayed cost to su se detection meth and t	bmit an updated lod for the USTs he Final Date is	0.00 3.01 UST r at the the est tering 0.00 0.00 0.00 0.00 0.00	\$0 \$15 egistration and sel Facility. The Date imated date of cor item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a  If-certification form Required is the inv npliance.  r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$15 to reflect the estigation date d costs) \$0 \$0 \$0 \$0 \$0			
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs Other (as needed)	Estimated of current release	delayed cost to su se detection meth and t	bmit an updated lod for the USTs he Final Date is	0.00 3.01 UST r at the the est tering 0.00 0.00 0.00 0.00 0.00	\$0 \$15 egistration and sel Facility. The Date imated date of cor item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a  If-certification form Required is the inv npliance.  r one-time avoide \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$15 to reflect the estigation date d costs) \$0 \$0 \$0 \$0 \$0			

	Screening Date	6-Dec-2018	ı	Docket No.	2018-1698-PST-E		PCW
	Respondent	Big Diamond, LL	.C dba Valero Corner St	ore 0406 (Faci	ility No. 1)	Policy	Revision 4 (April 2014)
	Case ID No.	57026				PCW R	evision March 26, 2014
Reg.	<b>Ent. Reference No.</b>	RN102373081					
	Media [Statute]	Petroleum Storag	ge Tank				
	Enf. Coordinator	Berenice Munoz					
	Violation Number	2					
	Rule Cite(s)	30 Tev /	Admin. Code § 334.42(	a) and Tey Wa	ater Code & 26 3475	(d)	
		30 TCX. 7	Turriiri. Code 3 554.42(	a) and rex. we	ater code § 20.54750	(u)	
		Failed to design	n, install, and operate a	all components	of a UST system in a	manner	
			ent releases of regulate				
	<b>Violation Description</b>	long as the US	T system is used to sto	re regulated su	ubstances. Specifical	ly, metal	
		components o	of the submersible turbi	ne pump ("STF	P") for the unleaded f	uel UST	
			were	e corroded.			
					Bas	e Penalty	\$25,000
>> En	vironmental, Prope	rty and Huma					
	Dalassa	Maiau	Harm Madagata Missag				
OR	<b>Release</b> Actual		Moderate Minor				
OK	Potential		X		Percent 15.0%		
	Potential		Λ		15.0%		
>> <b>Dro</b>	grammatic Matrix						
,,,,,	Falsification	Major	Moderate Minor				
					Percent 0.0%		
		<u>  </u>					
	Human health	or the environme	ent will or could be exp	osed to signific	cant amounts of pollu	tants that	
	Matrix would not exc		re protective of human				
	Notes		of the violat		•		
				Adj	justment	\$21,250	
							10.550
							\$3,750
Violati	on Events						
Violati	OII EVEIRS						
	Number of '	Violation Events	1	50	Number of violation	davs	
					1	, .	
		daily					
		weekly					
		monthly					
		quarterly	X		Violation Bas	e Penalty	\$3,750
		semiannual					
		annual					
		single event					
	One quar	terly event is reco	ommended from the Oo	ctober 17, 201	8 investigation date t	o the	
		0	December 6, 2018 date	of compliance			
Good F	aith Efforts to Com	ply	10.0%			Reduction	\$375
				o EDPRP/Settleme			
		Extraordinary					
		Ordinary		Х			
		N/A			4		
		Т	The Respondent came b	oack into comp	liance on December		
		Notes	6, 2018, after	the November	r 28, 2018		
			Notice of E	nforcement ("	NOE").		
					Violation	Subtotal	\$3,375
Econo	mic Renofit (ED) for	thic violation	n		Statuton/ Limit	Tect	
Econol	mic Benefit (EB) for	uns violation	11		Statutory Limit	. rest	
	Estimat	ed EB Amount	\$1	15	Violation Final Pen	alty Total	\$3,023
		_	·	_			
			This violation Fin	al Assessed F	Penalty (adjusted f	or limits)	\$3,023

	E	conomic	Benefit	Wo	rksheet			
Respondent	Big Diamond,	LLC dba Valero Co	rner Store 040	6 (Facili	ity No. 1)			
Case ID No.				`	,			
Reg. Ent. Reference No.								
							Years of	
	Petroleum Sto	rage rank				<b>Percent Interest</b>		
Violation No.	2						Depreciation	
						5.0		
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount	
Item Description								
Item Description								
Delayed Costs								
Equipment	\$1,500	17-Oct-2018	6-Dec-2018	0.14	\$1	\$14	\$15	
Buildings	<del>+-,000</del>			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	components	of the STP for the	unleaded UST Date is t	. The D he date	Pate Required is th of compliance.	tem for the UST sys e investigation date	and the Final	
Avoided Costs	ANNU	ALIZE avoided co	osts before er	tering		one-time avoide	d 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		\$15	

		ening Date				<b>Vo.</b> 2018-1698-PST-E		PCW
		•		.LC dba Valero (	Corner Store 0406 (	Facility No. 1)	Policy	Revision 4 (April 2014)
	С	ase ID No.	57026				PCW R	evision March 26, 2014
Reg.	Ent. Ref	erence No.	RN102373081					
	Media	[Statute]	Petroleum Stor	age Tank				
	Enf. C	oordinator	Berenice Muno	Z				
	Viola	tion Number	3					
		Rule Cite(s)	30 Tex.	Admin, Code 8	334.42(i) and Tex.	Water Code § 26.3475(	-)(2)	
			50 . 6/11		55 11 12(1) and 10x1		-/(-/	
	Violation	n Description	associated with bottoms, and a	a UST system any penetration of the STP sump	at least once every points are maintair	containers, or catchmer 60 days to assure that ned liquid-tight. Specific UST were observed subr es of liquid.	their sides, ally, metal	
						Pa	se Penalty	\$25,000
						Das	se Penaity	\$25,000
>> En	vironmer	tal. Proper	ty and Hum	an Health N	1atrix			
		, <b>,</b>	,	Harm				
		Release	Major	Moderate	Minor			
OR		Actual					_	
		Potential		X		Percent 15.0%		
>>Pro	grammat	ic Matrix						
		Falsification	Major	Moderate	Minor		•	
						Percent 0.0%	]	
	T-							
	Marketin	Human health	or the environr	nent will or cou	ld be exposed to sig	nificant amounts of poll	utants that	
	Matrix	would not exc	eed levels that	are protective o	f human health or e	environmental receptors	as a result	
	Notes			of t	he violation.			
	1							
						Adjustment	\$21,250	
								\$3,750
\/:-I-+		_						
violati	on Event	5						
		Number of \	/iolation Events	1	50	Number of violation	dave	
		Number of V	riolation Events	1		Number of violation	uays	
			daily					
			weekly					
			monthly					
			quarterly	X		Violation Bas	e Penalty	\$3,750
			semiannual	^		Violation bas	se remarcy	ψ3,730
			annual					
			single event					
				1.16		2010:		
		One quar	terly event is re		•	2018 investigation date	to the	
				December 6,	2018 screening date	te.		
	<del>-</del>							
Good I	aith Effo	rts to Com	ply	0.0%			Reduction	\$0
				Before NOE/NOV	IOE/NOV to EDPRP/Sett	lement Offer		
			Extraordinary					
			Ordinary					
			N/A	X			_	
				The Despende	nt door not most th	a good faith aritaria for		
			Notes	rne kesponde		ne good faith criteria for		
					this violation			
							•	
						Violatio	n Subtotal	\$3,750
=		CL (ED) C				Obstant 1:		
Econo	mic Bene	rit (EB) for	this violation	on		Statutory Limi	τlest	
		Fetimet	ed EB Amount		\$117	Violation Final Per	alty Total	\$3,401
		Latiniate	La ED AIIIOUIIL		Ψ±±/	Fiolation Fillar Per	iaity i Otal	φυ,πυτ
				This viola	tion Final Assess	ed Penalty (adjusted	for limits)	\$3,401
							-	

	E	conomic	Benefit	Wo	rksheet				
Respondent Case ID No. Reg. Ent. Reference No.	57026	LLC dba Valero Co	orner Store 040	6 (Facili	ity No. 1)				
	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation		
						5.0	15		
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount		
Item Description		•							
20011 2 00011 4 1011									
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	\$100	17-Oct-2018	6-Dec-2018	0.14	\$1	n/a	\$1		
Permit Costs				0.00	\$0	n/a	\$0		
Other (as needed)	\$100	17-Oct-2018	18-Oct-2021	3.01	\$15	n/a	\$15		
Notes for DELAYED costs	an authorize and catchme	d facility, and to cent basins at the F	conduct bimonth acility. The Da	ily inspe tes Req	ections of all sump uired are the inves	super fuel UST and s, manways, oversp stigation date and th pliance, respectively	oill containers, ne Final Dates		
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	r one-time avoide	d costs)		
Disposal				0.00	\$0	\$0	\$0		
Personnel				0.00	\$0	\$0	\$0		
nspection/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	18-Aug-2018	17-Oct-2018	0.16	\$1	\$100	\$101		
Other (as needed)				0.00	\$0	\$0	\$0		
Notes for AVOIDED costs		stimated avoided cost to conduct bimonthly inspections of all sumps, manways, overspill containers, and atchment basins at the Facility. The Date Required is 60 days before the investigation date and the Final Date is the investigation date.							
Approx. Cost of Compliance		\$300			TOTAL		\$117		

	Screening Date		I C dha Valoro Corn		2018-1698-PST-E		PCW
	Kespondei Case ID N		LC dba Valero Corn	er Store 0406 (Fa	cility No. 1)		Revision 4 (April 2014) evision March 26, 2014
Reg.	Ent. Reference N					7 CW K	evision march 20, 2014
_	Media [Statute						
	Enf. Coordinate		Z 1				
	Violation Numb						
	Rule Cite(	30 Tex. Adn	nin. Code § 334.51(	(b)(2)(C) and $Tex$ .	Water Code § 26.3475	(c)(2)	
					e designed to automatic		
	Violation Description		her than 95% capa		when the liquid level in t no overfill prevention ed ne Facility.		
					Base	Penalty	\$25,000
>> En	vironmental, Prop	erty and Hum		rix			
	Relea	e Major	<b>Harm</b> Moderate M	inor			
OR	Acti		Moderate M	inoi			
	Potent	al	Х		Percent 15.0%		
>>Pro	grammatic Matrix Falsificatio		Moderate M	inor			
	Taisineatio	Hajor	Productate Pr		Percent 0.0%		
		'					
					ficant amounts of pollut		
	Notes would not e	ceed levels that a		man health or env violation.	rironmental receptors as	a result	
				Δι	djustment	\$21,250	
				7.	ujuotinent	Ψ21/230	
							\$3,750
Violati	on Events						
					<b>■</b>		
	Number o	f Violation Events	1	50	Number of violation d	ays	
		daily					
		weekly					
		monthly				_	
		quarterly	X		Violation Base	Penalty	\$3,750
		semiannual annual					
		single event					
	One gu	arterly event is re	commended from t	he October 17, 20	18 investigation date to	the	
		,		18 screening date.	_		
<b>Good F</b>	aith Efforts to Co		0.0%			eduction	\$0
		Extraordinary		NOV to EDPRP/Settlem	nent Offer		
		Ordinary					
		N/A	X				
					and forther other to for		
		Notes	rne kespondent d	this violation.	good faith criteria for		
					Violation S	Subtotal	\$3,750
_							T-7. 00
Econo	mic Benefit (EB) f	or this violation	on		Statutory Limit	Test	
	Estim	ated EB Amount		\$25	<b>Violation Final Pena</b>	ity Total	\$3,401
			This violation	n Final Assessed	Penalty (adjusted fo	r limite\	\$3,401
			i ilis violatioi	a. A33C33EU	. Charty (aujusted 10		\$3, <del>4</del> 01

Economic Benefit Worksheet											
Respondent	Big Diamond,	LLC dba Valero Co	rner Store 040	6 (Facili	ity No. 1)						
Case ID No.	57026										
Reg. Ent. Reference No.											
	Petroleum Sto	rago Tank					Years of				
		rage rank				<b>Percent Interest</b>	Depreciation				
Violation No.											
						5.0	15				
	Item Cost	Date Required	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount				
Item Description											
Item Description											
5.1.16.1											
Delayed Costs	11.000	U .= 0 . 00.10 U			1	I 10.					
Equipment	\$1,000	17-Oct-2018	27-Feb-2019	0.36	\$1	\$24	\$25				
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	tank). T	he Date Required	is the investiga	tion da	te and the Final D	STs at the Facility (sate is the date of co	mpliance.				
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	one-time avoide	d 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		\$1,000			TOTAL		\$25				

	Screening Date	6-Dec-2018 <b>Docket No.</b> 2018-1698-PST-E	PCW
	Respondent	D: D: 1110 H 1/1 O O: 0406 (5 H: N 4)	Revision 4 (April 2014)
	Case ID No.		Revision March 26, 2014
Reg.	Ent. Reference No.		
		Petroleum Storage Tank	
	Enf. Coordinator		
	Violation Number	5	1
	Rule Cite(s)	30 Tex. Admin. Code § 334.10(b)(2)	
	Violation Description	Failed to assure that all UST recordkeeping requirement are met. Specifically,	
	Violation Description	piping release detection records were not available for review.	
		Base Penalty	\$25,000
F	-!	to and House a Haalib Make's	
>> En\	/ironmentai, Prope	ty and Human Health Matrix Harm	
	Release	Major Moderate Minor	
OR	Actua		
	Potentia	Percent 0.0%	
> > D			
>>Pro	grammatic Matrix Falsification	Major Moderate Minor	
	raisineation	X Percent 1.0%	
	Matrix Notes	Less than 30% of the rule requirement was not met.	
	Notes		
		A.U	'
		Adjustment \$24,750	
			\$250
\/:-I-+:	<b>-</b>		
violatio	on Events		
	Number of	/iolation Events 1 50 Number of violation days	
		daily	
		weekly	
		monthly	+250
		quarterly Violation Base Penalty	\$250
		semiannual annual	
		single event X	
			_
		One single event is recommended.	
			l
Good F	aith Efforts to Com		\$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	\$250
Econor	nic Benefit (EB) for	this violation Statutory Limit Test	
			#227
	Estimat	ed EB Amount \$5 Violation Final Penalty Total	\$227
		This violation Final Assessed Penalty (adjusted for limits)	\$227

	E	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	57026	LLC dba Valero Co	orner Store 040	6 (Facili	ity No. 1)		
	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description		•					
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	17-Oct-2018	18-Mar-2021	2.42	\$5	n/a	\$5
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	Estimated o	•			etection records o Date is the date o	n-site. The Date Re f compliance.	quired is the
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	r one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/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		\$5

\$3,600

\$3,600

\$3,600

\$0

								PCW 2
		Da	enalty Cald	rulatio	n Works	haat (DC	`\\\\	
	Policy Revision 4 (A		straity Care	Julatio	II WUIKS	11666 (16	•	on March 26, 2014
TCEQ	reney revision r (r	p 201 //					7 011 1101101	on
DATES	S Assigned				,		,	
	PCW	26-Mar-2021	Screening 7-	Dec-2018	EPA Due			
RESPO	ONDENT/FACILI	TY INFORMAT	ION					
	•		LC dba Valero Cor	ner Store 1	062 (Facility No	o. 2)		
	g. Ent. Ref. No.						T	
Facil	ity/Site Region	13-San Antonio			Major/I	Minor Source	Major	
CASE 1	INFORMATION							
	nf./Case ID No.	57026			No.	of Violations	2	
		2018-1698-PST				Order Type	1660	
Ме	dia Program(s)		age Tank			t/Non-Profit		
	Multi-Media				Enf.		Berenice Munoz Enforcement Team	. 6
Δd	min. Penalty \$	l imit Minimum	\$0 <b>Ma</b>	ximum	\$25,000	EC S Tealli	Emorcement ream	0
	<b>у</b> т		T T T T T T T T T T T T T T T T T T T		<del>+</del> 10/000			
			Penalty	Calcula	tion Secti	on		
TOTA	I BACE DEN/	NITY (Sum o	f violation bas			011	Subtotal 1	\$4,000
IOIA	L DASL PLINA	ALIT (Sull O	i violation bas	se penan	ies <i>j</i>		Subtotal 1	\$ <del>-</del> 7,000
<b>ADJU</b>	STMENTS (+	/-) TO SUBT	OTAL 1					
	Subtotals 2-7 are of Compliance Hi	, , ,	ng the Total Base Penal	, ,	, ,		tals 2, 3, & 7	-\$400
	Compliance in	Story		-10.0%	Adjustment	Subto	lais 2, 3, & 7	-5400
	Notes	ı	Reduction for High	Performer	classification.			
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
								•
	Notes	The R	espondent does no	ot meet the	culpability crit	eria.		
	Good Faith Eff	ort to Comply	Total Adjustmen	ts			Subtotal 5	\$0
								•
	Economic Ben	ofit		0.00/-	Enhancement*		Subtotal 6	\$0
	Economic Ben	Total EB Amounts	\$26		Ennancement™ d at the Total EB \$	Amount	Subtotal 6	φt
	Estimated	d Cost of Compliance	\$190					
CIIM	OF SUBTOTA	I C 1_7				-	inal Subtatal	¢3 600
3014	OF SUBIUIA	L3 1-/				F	inal Subtotal	\$3,600
OTHE	R FACTORS	AS JUSTICE I	MAY REQUIRE		0.0%		Adjustment	\$0
Reduces	or enhances the Fina	Subtotal by the ind	icated percentage.		0.0 70			
							1	

Final Penalty Amount

Final Assessed Penalty

Reduction

Adjustment

0.0%

Deferral not offered for non-expedited settlement.

Notes

Notes

**PAYABLE PENALTY** 

**DEFERRAL** 

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicated percentage.

Screening Date 7-Dec-2018

**Docket No.** 2018-1698-PST-E

**PCW** 

**Respondent** Big Diamond, LLC dba Valero Corner Store 1062 (Facility No. 2)

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

**Case ID No.** 57026

Reg. Ent. Reference No. RN106027600

**Media [Statute]** Petroleum Storage Tank

		_	rdinator Berenice Munoz					
			Compliance History Worksheet					
>>	Со		ory Site Enhancement (Subtotal 2)	Normalian	Adimat			
		NOVs	<b>Number of</b> Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	Number 0	Adjust.			
			Other written NOVs	0	0%			
			Any agreed final enforcement orders containing a denial of liability ( <i>number corders meeting criteria</i> )	0	0%			
		Orders	Any adjudicated final enforcement orders, agreed final enforcement order without a denial of liability, or default orders of this state or the feder government, or any final prohibitory emergency orders issued by the commission	al 0	0%			
	Judgments		Any non-adjudicated final court judgments or consent decrees containing a deni- of liability of this state or the federal government ( <i>number of judgments of</i> consent decrees meeting criteria)		0%			
		and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicate final court judgments or consent decrees without a denial of liability, of this stat or the federal government	e 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%			
	Texas I		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%			
		Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Aud Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations wer</i> disclosed)		0%			
			Environmental management systems in place for one year or more	No	0%			
		Other	Voluntary on-site compliance assessments conducted by the executive direct under a special assistance program	No No	0%			
		2 3.1.5.	Participation in a voluntary pollution reduction program	No	0%			
			Early compliance with, or offer of a product that meets future state or feder government environmental requirements	No No	0%			
			Adjustment P	ercentage (Sub	ototal 2)	0%		
>>	Re	peat Violator	Subtotal 3)					
		No	Adjustment P	ercentage (Sub	ototal 3)	0%		
>>	Compliance History Person Classification (Subtotal 7)							
		High Perf	<u> </u>	ercentage (Sub	ototal 7)	-10%		
>>	Co	mpliance Hist	ory Summary					
		Compliance History Notes	Reduction for High Performer classification.					
			Total Compliance History Adjustment Percentage	(Subtotals 2,	3, & 7)	-10%		
>>	Fina	l Compliance	History Adjustment	tago *	-+ 1000/ F	100/		
			Final Adjustment Percer	raye ^capped	at 100%	-10%		

	Screening Date	7-Dec-2018	<b>Docket No.</b> 2018-1698-PST-E	PCW
	Respondent	Big Diamond, LLC dba Valer	o Corner Store 1062 (Facility No. 2)	Policy Revision 4 (April 2014)
	Case ID No.			PCW Revision March 26, 2014
Reg.	Ent. Reference No.			
		Petroleum Storage Tank		
	Enf. Coordinator			
	Violation Number	1		
	Rule Cite(s)	30 Tex. Ad	min. Code § 334.7(d)(1)(H) and (d)(3)	
			of any change or additional information regardi	
	<b>Violation Description</b>		k ("UST") system within 30 days from the date of	
		<u> </u>	ge or addition. Specifically, the registration was nt release detection method for the USTs at the	
		apaded to reflect the curre	the relicase detection method for the 0313 dt the	racincy.
			Base I	Penalty \$25,000
>> Env	ironmontal Drono	rty and Uuman Uaalth	Matrix	
>> ENV	ironmentai, Prope	rty and Human Health Harm	і матгіх	
	Release		Minor	
OR	Actual			
	Potential		Percent 0.0%	
_				
>>Prog	grammatic Matrix	Major Madagata	Minor	
	Falsification	Major Moderate	Minor Percent 15.0%	
		A	1 0 00 13.0 70	
	Matrix	100% of the ru	le requirement was not met.	
	Notes		·	
			Adjustment	\$21,250
				\$3,750
				707:00
Violatio	on Events			
	Number of	Violation Events 1	Number of violation da	2016
	Number of	Violation Events 1	50 Number of violation da	lys
		daily	7	
		weekly	1	
		monthly		
		quarterly	Violation Base	Penalty \$3,750
		semiannual		
		annual	_	
		single event X		
		One single	event is recommended.	
Good F	aith Efforts to Com	ply 0.0%	D <sub>e</sub>	eduction \$0
		Before NOE/NOV		,addion
		Extraordinary		
		Ordinary		
		N/A X		
		The Respond	dent does not meet the good faith criteria for	
		Notes	this violation.	
			Violation S	Subtotal \$3,750
Fconon	nic Benefit (EB) for	this violation	Statutory Limit 1	
LCOHOII				
	Estimat	ed EB Amount	\$15 Violation Final Penalt	ty Total \$3,375
		This vio	lation Final Assessed Penalty (adjusted for	· limits) \$3,375
			the state of the s	, ,,,,,

	F	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	Big Diamond, 57026	LLC dba Valero Co		_			
	Petroleum Sto					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description							
200							
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	18-Oct-2018	18-Oct-2021	3.00	\$15	n/a	\$15
	Estimated (	delayed cost to su	hmit an undate	l UST r	egistration and sel	f-certification form	to reflect the
Notes for DELAYED costs						Required is the inv	
Notes for DELATED Costs	current reicu				imated date of cor	•	estigation date
		una c	ne i mai bate is	the est	imated date of cor	приапссі	
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	r one-time avoide	d 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		\$15

	Scree	ning Date	7-Dec-2018	<b>Docket No.</b> 2018-1698-PST-E	PCW
	Re	spondent	Big Diamond, L	LC dba Valero Corner Store 1062 (Facility No. 2)	Policy Revision 4 (April 2014)
	Ca	se ID No.	57026		PCW Revision March 26, 2014
Reg.	Ent. Refe	rence No.	RN106027600		
	Media	[Statute]	Petroleum Stor	age Tank	
	Enf. Co	ordinator	Berenice Muno	Z	
	Violati	ion Number	2		
	F	Rule Cite(s)		30 Tex. Admin. Code § 334.10(b)(2)	
				30 Text / tallilli code 3 33 1110(3)(2)	
			Failed to ass	sure that all UST recordkeeping requirements are met. Specifical	ly,
	Violation	Description	piping relea	ase detection and overfill prevention records were not available fo	or en
				review.	
		'			
				Base Per	nalty \$25,000
>> En:	vironmont	al Brance	ty and Hum	an Health Matrix	
// LIIV	VIIOIIIIEII	.ai, Piopei	ty and mun	Harm	
		Release	Major	Moderate Minor	
OR		Actual			
		Potential		Percent 0.0%	
D		- 84 - 8			
>>Pro	grammati	C Matrix Falsification	Major	Moderate Minor	
	_	raisilication	Major	Moderate Minor  X  Percent 1.0%	
	<u> </u>			A Percent 1.0%	
	Matrix		l ess ti	nan 30% of the rule requirement was not met.	
	Notes		2000 (1	ian 50 % of the fale requirement was not met.	
	<u> </u>				
				Adjustment \$24	1,750
					\$250
					\$230
Violati	on Events				
		Number of \	iolation Events	1 50 Number of violation days	
		Number of \		1 50 Number of violation days	
		Number of \	daily	1 50 Number of violation days	
		Number of \	daily weekly	1 50 Number of violation days	
		Number of \	daily weekly monthly		nalty ¢250
		Number of \	daily weekly monthly quarterly	1 50 Number of violation days  Violation Base Per	nalty \$250
		Number of \	daily weekly monthly quarterly semiannual		nalty \$250
		Number of \	daily weekly monthly quarterly semiannual annual		nalty \$250
		Number of \	daily weekly monthly quarterly semiannual		nalty \$250
	Г	Number of \	daily weekly monthly quarterly semiannual annual		nalty \$250
		Number of \	daily weekly monthly quarterly semiannual annual		nalty \$250
		Number of \	daily weekly monthly quarterly semiannual annual	Violation Base Per	<b>nalty</b> \$250
Good F	aith Effor		daily weekly monthly quarterly semiannual annual single event	Violation Base Per  X  One single event is recommended.	
Good F	aith Effor	Number of \	daily weekly monthly quarterly semiannual annual single event	Violation Base Per  X  One single event is recommended.  Reduce	
Good F	aith Effor		daily weekly monthly quarterly semiannual annual single event	Violation Base Per  X  One single event is recommended.  Reduce the state of the st	
Good F	aith Effor		daily weekly monthly quarterly semiannual annual single event	One single event is recommended.  One single event is recommended.  Reduces the state of the sta	
Good F	aith Effor		daily weekly monthly quarterly semiannual annual single event	Violation Base Per  X  One single event is recommended.  0.0%  Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Good F	aith Effor		daily weekly monthly quarterly semiannual annual single event	One single event is recommended.  One Single event is recommended.  Reduce the single event is recommended.  X  NOE/NOV to EDPRP/Settlement Offer  X	
Good F	aith Effor		daily weekly monthly quarterly semiannual annual single event	One single event is recommended.  One single event is recommended.  Reduce the second of the second	
Good F	aith Effor		daily weekly monthly quarterly semiannual annual single event	One single event is recommended.  One Single event is recommended.  Reduce the single event is recommended.  X  NOE/NOV to EDPRP/Settlement Offer  X	
Good F	aith Effor		daily weekly monthly quarterly semiannual annual single event	One single event is recommended.  One single event is recommended.  Reduce the single event is recommended.  Reduce the single event is recommended.  Reduce the single event is recommended.	ction \$0
Good F	aith Effor		daily weekly monthly quarterly semiannual annual single event	One single event is recommended.  One single event is recommended.  Reduce the second of the second	ction \$0
		ts to Com	daily weekly monthly quarterly semiannual annual single event   Ply  Extraordinary Ordinary N/A Notes	One single event is recommended.  One single event is recommended.  Reduce the single event is recommended.  Reduce the single event is recommended.  The Respondent does not meet the good faith criteria for this violation.  Violation Substitution.	ction \$0
		ts to Com	daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A Notes	One single event is recommended.  One single event is recommended.  Reduce the second	ction \$0  total \$250
		ts to Com	daily weekly monthly quarterly semiannual annual single event   Ply  Extraordinary Ordinary N/A Notes	One single event is recommended.  One single event is recommended.  Reduce the second	ction \$0  total \$250
		ts to Com	daily weekly monthly quarterly semiannual annual single event  Extraordinary Ordinary N/A Notes	One single event is recommended.  One single event is recommended.  Reduce the second	\$250   \$total   \$225

	E	conomic	Benefit	Woi	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	57026	LLC dba Valero Co	orner Store 106	2 (Facili	ity No. 2)		
	Petroleum Sto	rage Tank				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	<b>Interest Saved</b>	Costs Saved	EB Amount
Item Description		·					
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	\$90	18-Oct-2018	18-Mar-2021	2.42	\$11	n/a	\$11
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs	each). T	he Date Required	I is the investiga	ition da	te and the Final D	Il prevention records ate is the date of co	mpliance.
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
spection/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		\$90			TOTAL		\$11

The TCEQ is committed to accessibility.

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



# **CEQ** Compliance History Report

Compliance History Report for CN604312421, RN102373081, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, CN604312421, Big Diamond, LLC Classification: HIGH Rating: 0.00

or Owner/Operator:

Regulated Entity: RN102373081, Valero Corner Store 0406 Classification: HIGH Rating: 0.00

0406

Complexity Points: 2 Repeat Violator: NO

CH Group: 14 - Other

**Location:** 3225 Commercial Avenue, San Antonio, Bexar County, Texas 78221-2550

TCEQ Region: REGION 13 - SAN ANTONIO

**ID Number(s):** 

PETROLEUM STORAGE TANK REGISTRATION

**REGISTRATION 32894** 

Compliance History Period: September 01, 2013 to August 31, 2018 Rating Year: 2018 Rating Date: 09/01/2018

**Date Compliance History Report Prepared:** December 06, 2018 **Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 06, 2013 to December 06, 2018

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

Name: Berenice Munoz Phone: (915) 834-4976

### Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

### 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:

Ν/Δ

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

Item 1 August 05, 2016 (1349697)

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):  $N/\Delta$ 

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

### **Component Appendices**

Appendix A

All NOVs Issued During Component Period 12/6/2013 and 12/6/2018

y/A For Informational Purposes Only

Appendix B

All Investigations Conducted During Component Period December 06, 2013 and December 06, 2018

(1349697)

Item 1\* August 05, 2016\*\* For Informational Purposes Only

(1525480)

Item 2 November 28, 2018 For Informational Purposes Only

<sup>\*</sup> No violations documented during this investigation

<sup>\*\*</sup>Investigation applicable for the Compliance History Rating period between 09/01/2013 and 08/31/2018.

The TCEQ is committed to accessibility.

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



# **CEQ** Compliance History Report

Compliance History Report for CN604312421, RN106027600, Rating Year 2018 which includes Compliance History (CH) components from September 1, 2013, through August 31, 2018.

Customer, Respondent, CN604312421, Big Diamond, LLC Classification: HIGH Rating: 0.00

or Owner/Operator:

Regulated Entity: RN106027600, Valero Corner Store 1062 Classification: HIGH Rating: 0.00

1062

Complexity Points: 3 Repeat Violator: NO

CH Group: 14 - Other

**Location:** 11003 Culebra Road, San Antonio, Bexar County, Texas 78253-4876

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):

PETROLEUM STORAGE TANK REGISTRATION

**REGISTRATION 83828** 

Compliance History Period: September 01, 2013 to August 31, 2018 Rating Year: 2018 Rating Date: 09/01/2018

**Date Compliance History Report Prepared:** December 10, 2018 **Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 10, 2013 to December 10, 2018

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

Name: Berenice Munoz Phone: (915) 834-4976

### Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

### 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 August 16, 2016 (1355701)

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):  $_{\mbox{\scriptsize N/A}}$ 

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

### **Component Appendices**

#### Appendix A

All NOVs Issued During Component Period 12/10/2013 and 12/10/2018

N/A For Informational Purposes Only

### Appendix B

All Investigations Conducted During Component Period December 10, 2013 and December 10, 2018

(1355701)

Item 1\* August 16, 2016\*\* For Informational Purposes Only

(1524897)

Item 2 November 30, 2018 For Informational Purposes Only

<sup>\*</sup> No violations documented during this investigation

<sup>\*\*</sup>Investigation applicable for the Compliance History Rating period between 09/01/2013 and 08/31/2018.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
BIG DIAMOND, LLC	§	TEXAS COMMISSION ON
DBA VALERO CORNER STORE 0406 AND	§	
DBA VALERO CORNER STORE 1062;	§	
RN102373081 & RN106027600	§	ENVIRONMENTAL OUALITY

# AGREED ORDER DOCKET NO. 2018-1698-PST-E I. JURISDICTION AND STIPULATIONS

- 1. Respondent owned and operated, as defined in 30 Tex. Admin. Code § 334.2(78) and (75), underground storage tank ("UST") systems and convenience stores with retail sales of gasoline (collectively referred to as the "Facilities") located as follows:
  - a. Valero Corner Store 0406, at 3225 Commercial Avenue in San Antonio, Bexar County, Texas (Facility ID No. 32894) ("Facility No. 1"); and
  - b. Valero Corner Store 1062, at 11003 Culebra Road in San Antonio, Bexar County, Texas (Facility ID No. 83828) ("Facility No. 2").

The UST systems at the Facilities are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission and contain or contained a regulated petroleum substance as defined in the rules of the TCEO.

- 2. The Executive Director and Respondent agree that TCEQ has jurisdiction to enter this Order pursuant to Tex. Water Code §§ 7.002, 7.051, and 7.073, and that Respondent is subject to TCEQ's jurisdiction. TCEQ has jurisdiction in this matter pursuant to Tex. Water Code § 5.013 because it alleges violations of Tex. Water Code ch. 26 and TCEQ rules.
- 3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 4. An administrative penalty in the amount of seventeen thousand fifty-one dollars (\$17,051.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Respondent paid seventeen thousand fifty-one dollars (\$17,051.00) of the penalty.
- 5. The Executive Director and Respondent agree on a settlement of the matters addressed in this Order, subject to final approval in accordance with 30 Tex. Admin. Code § 70.10(a). 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 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 Respondent implemented the following corrective measures:
  - a. At Facility No. 1:
    - i. Replaced corroded metal components in the submersible turbine pump ("STP") for the UST system's unleaded fuel UST, and installed and tested a corrosion protection system for them, with passing results, by December 6, 2018 (Allegation No. 1.b.);
    - ii. Removed the liquid from the STP sump for the super fuel UST and disposed of it at an authorized facility on December 6, 2018 (Allegation No. 1.c.);
    - iii. Installed overfill prevention equipment on all USTs at the facility on February 27, 2019 (Allegation No. 1.d.); and
    - iv. Began maintaining piping release detection records on-site on March 18, 2021 (Allegation No. 1.e.).
  - b. At Facility No. 2, began maintaining piping release detection and overfill prevention records on-site on March 18, 2021 (Allegation No. 2.b.).
- 10. The Executive Director recognizes that Respondent is a subsidiary of Circle K Stores, Inc. (Attachment "A") and that Circle K Stores, Inc. has the authority to execute documents that bind both Circle K Stores, Inc. and Circle K Stores, Inc.'s subsidiaries on regulatory and environmental matters in Texas, including compliance with statutes and rules within TCEQ's jurisdiction.
- 11. The Executive Director recognizes that Circle K Stores, Inc. owns and operates the Facilities as of August 16, 2021.

### II. ALLEGATIONS

- 1. During an investigation conducted at Facility No. 1 on October 17, 2018, an investigator documented that Respondent:
  - a. Failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition, in violation of 30 Tex. Admin. Code § 334.7(d)(1)(H) and (d)(3). Specifically, the registration was not updated to reflect the current release detection method for the USTs at the Facility;
  - b. Failed to design, install, and operate all components of a UST system in a manner that will prevent releases of regulated substances due to structural failure for as long as the UST system is used to store regulated substances, in violation of Tex. Water Code § 26.3475(d) and 30 Tex. Admin. Code § 334.42(a). Specifically, metal components of the STP for the unleaded fuel UST were corroded;

- c. Failed to inspect all sumps, manways, overspill containers, or catchment basins associated with a UST system at least once every 60 days to assure that their sides, bottoms, and any penetration points are maintained liquid-tight, in violation of Tex. Water Code § 26.3475(c)(2) and 30 Tex. Admin. Code § 334.42(i). Specifically, metal components of the STP sump for the super fuel UST were observed submerged in approximately eight inches of liquid;
- d. Failed to equip each tank with a valve or other device designed to automatically shut off the flow of regulated substances into the tank when the liquid level in the tank reaches no higher than 95% capacity, in violation of Tex. Water Code § 26.3475(c)(2) and 30 Tex. Admin. Code § 334.51(b)(2)(C). Specifically, no overfill prevention equipment was installed on the USTs at the Facility; and
- e. Failed to assure that all UST recordkeeping requirements are met, in violation of 30 Tex. Admin. Code § 334.10(b)(2). Specifically, piping release detection records were not available to review.
- 2. During an investigation conducted at Facility No. 2 on October 18, 2018, an investigator documented that Respondent:
  - a. Failed to notify the agency of any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition, in violation of 30 Tex. Admin. Code § 334.7(d)(1)(H) and (d)(3). Specifically, the registration was not updated to reflect the current release detection method for the USTs at the Facility; and
  - b. Failed to assure that all UST recordkeeping requirements are met, in violation of 30 Tex. Admin. Code § 334.10(b)(2). Specifically, piping release detection and overfill prevention records were not available for review.

### III. DENIALS

Respondent generally denies each allegation in Section II.

### IV. ORDERING PROVISIONS

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

- 1. Respondent is assessed an administrative penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here.
- 2. Respondent shall ensure and be responsible for the following technical requirements being performed:
  - a. Within 30 days after the effective date of this Order:
    - i. Submit an updated UST registration and self-certification form to reflect the current release detection method(s) for the USTs at each of the Facilities, in accordance with 30 Tex. ADMIN. CODE § 334.7 (Allegations Nos. 1.a. and 2.a.); and
    - ii. Begin conducting bimonthly inspections of all sumps, manways, overspill containers, and catchment basins at Facility No. 1, in accordance with 30 Tex. Admin. Code § 334.42.
  - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a.i. and 2.a.ii.

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

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

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

with a copy to:

Waste Section Manager San Antonio Regional Office Texas Commission on Environmental Quality 14250 Judson Road San Antonio, Texas 78233-4480

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facilities' operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
- 6. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 7. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within TCEQ's jurisdiction or of a rule adopted or an order or permit issued by the TCEQ under such a statute.

Big Diamond, LLC dba Valero Corner Store 0406 and dba Valero Corner Store 1062 Docket No. 2018-1698-PST-E Page 5

- 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

Fo	r the Commission	Date
ŧ	Trint. Chanallox	12/19/22
Fo	r the Executive Director	Date
the acl	e attached Order, and I do agree to the term	the attached Order. I am authorized to agree to s and conditions specified therein. I further nent for the penalty amount, is materially relying
	lso understand that failure to comply with t llure to timely pay the penalty amount may	he Ordering Provisions in this Order and/or result in:
•	A negative impact on compliance history;	
•	Greater scrutiny of any permit applications	s;
•	Referral of this case to the Attorney Gener additional penalties, and/or attorney fees,	
•	Increased penalties in any future enforcem	nent actions;
•	Automatic referral to the Attorney General	's office of any future enforcement actions; and
•	TCEQ seeking other relief as authorized by	law.
	addition, I understand that any falsification iminal prosecution.	of any compliance documents may result in
	Kristen A Sherman	11/3/2022
Cii P.C	gnature – Authorized Representative rcle K Stores, Inc. D. Box 52085 oenix, Arizona 85072-2085	Date
	If mailing address has changed, please che	ck this box and provide the new address below: