

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 8, 2022

To: Persons on the Attached Mailing List (by email only)

Re: Executive Director's Request for Remand regarding a Default Order concerning Stan Stanford dba USA Trucks; TCEQ Docket No. 2019-1235-PST-E.

The above-referenced matter is currently scheduled to be considered by the Texas Commission on Environmental Quality at its December 14, 2022, public meeting. However, on December 8, 2022, the Executive Director submitted a request to remand this matter because the Respondent, Stan Stanford, passed away on August 1, 2022. Pursuant to 30 TAC §10.4, this matter is hereby remanded to the Executive Director.

If you have any questions about this matter, please contact Elaine M. Lucas, Assistant General Counsel, at Elaine.Lucas@TCEQ.Texas.gov.

Respectfully,

A handwritten signature in cursive script that reads "Mary Smith".

Mary Smith
General Counsel

Mailing List

Mailing List
Stan Stanford dba USA Trucks
TCEQ Docket No. 2019-1235-PST-E

John Chiolo
Independent Administrator of
The Estate of Stanley Stanford
4920 South 289 Loop, Suite 202
Lubbock, Texas 79414-4724
806/786-3739
jchiolo@sagepointadvisor.com

Melissa Cordell
Michael Parrish
Leslie Gann
Stuart Beckley
Sushil Modak
TCEQ Enforcement Division MC 219
P.O. Box 13087
Austin, Texas 78711-3087
512/239-2545 FAX 512/239-2550
Melissa.cordell@tceq.texas.gov
Michael.parrish@tceq.texas.gov
Leslie.gann@tceq.texas.gov
Stuart.beckley@tceq.texas.gov
sushil.modak@tceq.texas.gov

Jay Keith
TCEQ Lubbock Regional Office MC R-2
5012 50th St, Ste 100
Lubbock, Texas 79414-3426
Map to Office Exit the TCEQ
806/796-7092 FAX 806/796-7107
jay.keith@tceq.texas.gov

Gitanjali Yadav
Katherine Mckenzie
TCEQ Litigation Division MC 175
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0600 FAX 512/239-3434
Gitanjali.Yadav@tceq.texas.gov
Katherine.mckenzie@tceq.texas.gov

Eli Martinez
TCEQ Office of Public Interest Counsel MC 103
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6363 FAX 512/239-6377
Garrett.arthur@tceq.texas.gov

Docket Clerk
TCEQ Office of Chief Clerk MC 105
P.O. Box 13087
Austin, Texas 78711-3087
512/239-3300 FAX 512/239-3311
<https://www14.tceq.texas.gov/epic/efiling/>

Ryan Vise
TCEQ External Relations Division MC 118
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0010 FAX 512/239-5000
pep@tceq.texas.gov

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel
Dinniah Tadema, Assistant General Counsel

Thru: Anna Treadwell, Senior Attorney
AWT Litigation Division

From: Benjamin Warms, Staff Attorney
BW Litigation Division

Date: December 8, 2022

**Subject: Request for Remand
December 14, 2022 Commission Agenda**
Item No. 44 - Stan Stanford
Docket No. 2019-1235-PST-E

The Executive Director respectfully requests that the above-referenced item be remanded to the Executive Director. On Monday, December 5, 2022, Benjamin Warms received a communication from John Chiolo, the independent administrator of the Estate of Stanley Stanford. Mr. Chiolo provided documents showing that Mr. Stanford passed away on August 1, 2022. The Executive Director respectfully requests that the above-referenced item be remanded to the Executive Director so that the appropriate course of action can be established in light of the new information.

Respondent Contact:

John Chiolo, independent administrator of the Estate of Stanley Stanford
4920 South 289 Loop, Suite 202
Lubbock, TX 79414-4724

Phone: 806-786-3739

Email: jchiolo@sagepointadvisor.com

The administrator of the Respondent's estate has been notified of this Request for Remand. Please do not hesitate to call me at (512) 644-3743 if you have any questions regarding this matter.

cc: Sushil Modak, Enforcement
Jay Keith, Lubbock Regional Office
Eli Martinez, Public Interest Counsel
Michael Parrish, Enforcement
Leslie Gann, Enforcement
Stuart Beckley, Enforcement
Dinniah Tadema, Office of the General Counsel
Gill Valls, Office of the General Counsel
John Chiolo, Administrator of the Estate of Stanley Stanford

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58227
Stan Stanford dba USA Trucks
RN102235587
Docket No. 2019-1235-PST-E

Order Type:
Default Order

Media:
PST

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
8801 County Road 2500, Lubbock, Lubbock County

Type of Operation:
underground storage tank ("UST") system

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

Texas Register Publication Date: October 21, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed: \$2,500

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$2,500

Compliance History Classifications:
Person/CN - High
Site/RN - High

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: July 25, 2019

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

Date(s) of NOE(s): August 22, 2019

Stan Stanford dba USA Trucks

RN102235587

Docket No. 2019-1235-PST-E

Violation Information

1. Failed to provide an amended registration for any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition or within 30 days from the date on which the owner or operator first became aware of the change or addition [30 TEX. ADMIN. CODE § 334.7(d)(1)(A) and (d)(3)].
2. Failed to designate, train, and certify one named individual for each class of operator - Class A, Class B, and Class C - for the Facility [30 TEX. ADMIN. CODE § 334.602(a)].

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

1. Submitted an amended registration on August 21, 2019.
2. Submitted operator training certification for the Class A/B operator for the Facility on July 29, 2019.
3. Sold the facility on August 31, 2020.

Technical Requirements:

No longer owns the property

Litigation Information**Date Petition(s) Filed:**

December 23, 2020; February 9, 2021

Date Green Card(s) Signed:

Unclaimed; February 12, 2021

Date Answer(s) Filed:

N/A

Contact Information

TCEQ Attorneys: Benjamin Warms, 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: Jay Keith, Lubbock Regional Office, (806) 796-7092

Respondent Contact: Stan Stanford, Owner, 8214 Bangor Avenue, Lubbock, Texas 79424

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	26-Aug-2019	Screening	30-Aug-2019	EPA Due	
	PCW	15-Jan-2020				

RESPONDENT/FACILITY INFORMATION

Respondent	Stan Stanford dba USA Trucks				
Reg. Ent. Ref. No.	RN102235587				
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	58227	No. of Violations	2
Docket No.	2019-1235-PST-E	Order Type	1660
Media Program(s)	Petroleum Storage Tank	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	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$250
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Notes	Reduction for High Performer classification.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$0	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$130	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,250
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OTHER FACTORS AS JUSTICE MAY REQUIRE	11.1%	Adjustment	\$250
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	Enhancement to offset the reduction for Compliance History.
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Final Penalty Amount	\$2,500
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,500
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$2,500
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Screening Date 30-Aug-2019

Docket No. 2019-1235-PST-E

PCW

Respondent Stan Stanford dba USA Trucks

Case ID No. 58227

Policy Revision 4 (April 2014)

Reg. Ent. Reference No. RN102235587

PCW Revision March 26, 2014

Media Petroleum Storage Tank

Enf. Coordinator Berenice Munoz

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 (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 30-Aug-2019
Respondent Stan Stanford dba USA Trucks
Case ID No. 58227
Reg. Ent. Reference No. RN102235587
Media Petroleum Storage Tank
Enf. Coordinator Berenice Munoz

Docket No. 2019-1235-PST-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	
<input type="text"/>	<input type="text" value="100% of the rule requirement was not met."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="X"/>

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Stan Stanford dba USA Trucks
Case ID No. 58227
Reg. Ent. Reference No. RN102235587
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
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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)	\$40	25-Jul-2019	21-Aug-2019	0.07	\$0	n/a	\$0

Notes for DELAYED costs

Estimated delayed cost to prepare and submit an amended registration. The Date Required is the investigation date and the Final Date is the 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

\$40

TOTAL

\$0

Screening Date 30-Aug-2019
Respondent Stan Stanford dba USA Trucks
Case ID No. 58227
Reg. Ent. Reference No. RN102235587
Media Petroleum Storage Tank
Enf. Coordinator Berenice Munoz

Docket No. 2019-1235-PST-E

PCW

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

Violation Number

Rule Cite(s)

Violation Description
 Failed to designate, train, and certify one named individual for each class of operator - Class A, Class B, and Class C - for the Facility. Specifically, the Facility did not have a certified A/B operator.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes
 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

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="X"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the July 25, 2019 investigation date to the July 29, 2019 date of compliance.

Good Faith Efforts to Comply

Reduction

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

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="X"/>	<input type="text"/>

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

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Stan Stanford dba USA Trucks
Case ID No. 58227
Reg. Ent. Reference No. RN102235587
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	\$90	25-Jul-2019	29-Jul-2019	0.01	\$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 designate, train, and certify a Class A/B operator for the Facility. The Date Required is the investigation date and the Final Date is the 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 \$90

TOTAL \$0

The TCEQ is committed to accessibility.

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



Compliance History Report

Compliance History Report for CN605691724, RN102235587, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN605691724, Stanford, Stan **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN102235587, USA Trucks **Classification:** HIGH **Rating:** 0.00

Complexity Points: 2 **Repeat Violator:** NO

CH Group: 09 - Construction

Location: 8801 County Road 2500, Lubbock, Lubbock County, Texas 79404-8176

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: September 17, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 17, 2016 to September 17, 2021

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.):
N/A

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

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

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 9/17/2016 and 9/17/2021

N/A

For Informational Purposes Only

Appendix B

All Investigations Conducted During Component Period September 17, 2016 and September 17, 2021

(1583049)

Item 1

August 22, 2019**

For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
STAN STANFORD DBA
USA TRUCKS;
RN102235587**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2019-1235-PST-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty. The respondent made the subject of this Order is Stan Stanford¹ dba USA Trucks ("Respondent"). The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owned and operated, as defined in 30 TEX. ADMIN. CODE § 334.2(78) and (75), an underground storage tank ("UST") system located at 8801 County Road 2500 in Lubbock, Lubbock County, Texas (Facility ID No. 18579) (the "Facility").² The USTs at the Facility are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission, and contain or contained a regulated petroleum substance as defined in the rules of the TCEQ.
2. During an investigation conducted on July 25, 2019, an investigator documented that Respondent:
 - a. Failed to provide an amended registration for any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition or within 30 days from the date on which the owner or operator first became aware of the change or addition. Specifically, the registration was not updated to reflect the current owner of the Facility; and
 - b. Failed to designate, train, and certify one named individual for each class of operator - Class A, Class B, and Class C - for the Facility. Specifically, the Facility did not have a certified A/B operator.
3. The Executive Director recognizes that Respondent implemented the following corrective measures at the Facility:
 - a. Submitted an amended registration on August 21, 2019;
 - b. Submitted operator training certification for the Class A/B operator for the Facility on July 29, 2019; and
 - c. Sold the facility on August 31, 2020.

¹ Stan Stanford is also known as Stanley Stanford.

² County Road 2500 is also known as Martin Luther King Blvd. The Executive Director's Preliminary Report and Petition states the location of the facility as 8801 South Martin Luther King Blvd., this Order uses 8801 County Road 2500, which matches the address used by the Lubbock County Appraisal District. Both addresses refer to the same location where the Facility is located.

4. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Stan Stanford dba USA Trucks” (the “EDPRP”) in the TCEQ Chief Clerk’s office on December 23, 2020.
5. The EDPRP was mailed to Respondent’s last known address on December 23, 2020, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as “unclaimed.”
6. The Executive Director re-filed the EDPRP in the TCEQ Chief Clerk’s office on February 9, 2021.
7. By letter dated February 9, 2021, sent to Respondent’s last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to USPS.com “Track & Confirm” delivery confirmation records, Respondent received notice of the EDPRP on February 12, 2021.
8. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to provide an amended registration for any change or additional information regarding the UST system within 30 days from the date of the occurrence of the change or addition or within 30 days from the date on which the owner or operator first became aware of the change or addition, in violation of 30 TEX. ADMIN. CODE § 334.7(d)(1)(A) and (d)(3).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to designate, train, and certify one named individual for each class of operator - Class A, Class B, and Class C - for the Facility, in violation of 30 TEX. ADMIN. CODE § 334.602(a).
4. As evidenced by Findings of Fact Nos. 4 through 7, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
5. As evidenced by Finding of Fact No. 8, Respondent failed to file a timely answer as required by TEX. WATER CODE § 7.056 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 7.057 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
6. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ’s jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of two thousand five hundred dollars (\$2,500.00) is justified by the facts recited in this Order and considered in light of the factors set forth in TEX. WATER CODE § 7.053.
8. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of two thousand five hundred dollars (\$2,500.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: Stan Stanford dba USA Trucks; Docket No. 2019-1235-PST-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility 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.
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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF BENJAMIN WARMS

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against Stan Stanford dba USA Trucks' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on December 23, 2020.

The EDPRP was mailed to Respondent's last known address on December 23, 2020, via certified mail, return receipt requested, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed."

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the EDPRP was re-filed in the TCEQ Chief Clerk's office on February 9, 2021.

The EDPRP was mailed to Respondent's last known address on February 9, 2021, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to USPS.com "Track & Confirm" delivery confirmation records, Respondent received notice of the EDPRP on February 12, 2021.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

"My name is Benjamin N. Warms, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,
State of Texas,
on the 6th day of June, 2022

A handwritten signature in blue ink, appearing to read "Benjamin N. Warms".

Declarant