### Order Type:

Agreed Order

Media: PST

Small Business: No

### Location(s) Where Violation(s) Occurred:

Facility 1: 6107 West Parmer Lane, Austin, Travis County (RN101992360); and Facility 2: 3817 Williams Drive, Georgetown, Williamson County (RN105829030)

### **Type of Operation:**

two underground storage tank ("UST") systems and two convenience stores with retail sales of gasoline

### **Other Significant Matters:**

Additional Pending Enfo Past-Due Penalties: Past-Due Fees: Other: Interested Third-Parties	orcement Actions:	Yes, 2019-0852-PST-E; 2020-0767-PST-E; and 2020-0932-PST-E None None None None None
Texas Register Publication	on Date: J	uly 21, 2023
<b>Comments Received:</b>		None
	<u>Pena</u>	lty Information
Total Penalty Assessed:		\$29,625
Total Paid to General Re	venue:	\$29,625
Total Due to General Rev	venue:	\$0
<b>Compliance History Clas</b> Person/CN – Satisfactor Site/RN – High		92360):
<b>Compliance History Clas</b> Person/CN - Satisfactor Site/RN - High		329030):
Major Source:	RN101992360 RN105829030	PCW 1 of 2: Yes PCW 2 of 2: Yes
Statutory Limit Adjustm	ent:	None
Applicable Penalty Polic	y:	April 2014
	Investig	ation Information
Complaint Date(s):	N/A	
Date(s) of Investigation:	July 22, 2	2019
Date(s) of NOV(s):	N/A	
Date(s) of NOE(s):		2360: September 16, 2019 9030: September 20, 2019

### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58423 Page 2 of 3 CIRCLE K STORES INC. dba Circle K Store 2704686 and dba Circle K Store 2704676 RN101992360 & RN105829030 Docket No. 2019-1448-PST-E

### Violation Information

### Facility 1: RN101992360

- 1. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days [TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(A)].
- 2. Failed to assure that all installed spill and overfill prevention devices are maintained in good operating condition [Tex. WATER CODE § 26.3475(c)(2) and Tex. ADMIN. CODE § 334.51(a)(6)].
- 3. Failed to maintain all components of a UST system electrically isolated from the corrosive elements of the surrounding soil, backfill, groundwater or other water, and from other metallic components [TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(b)(2)].
- 4. Failed to provide written notice of any change or additional information to the agency regarding the USTs within 30 days from the date of the occurrence of the change or addition [30 Tex. ADMIN. CODE § 334.7(d)(1)(F) and (d)(3)].

### Facility 2: RN105829030

5. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for USTs installed on or after January 1, 2009 [Tex. WATER CODE § 26.3475(c)(1) and 30 Tex. ADMIN. CODE § 334.50(b)(1)(B)].

### Corrective Actions/Technical Requirements

### Corrective Action(s) Completed: Facility 1: RN101992360

- 1. Implemented a release detection method for the USTs which will detect a release at a frequency of at least once every 30 days as of April 4, 2020.
- 2. Replaced the spill bucket for the super unleaded UST on September 19, 2019.
- 3. Removed water from the sumps for the regular unleaded, premium, and diesel fuel submersible turbine pumps, and the sump under the dispenser for the diesel fuel tank on July 22, 2019.

### **Technical Requirements:**

- 1. Within 30 days:
  - a. Begin conducting interstitial monitoring at Facility No. 2 in a manner that will detect a release at a frequency of at least once every 30 days;
  - b. Begin conducting bimonthly inspections of all sumps, manways, overspill containers, and catchment basins at Facility No.1; and
  - c. Submit an updated UST registration and self-certification form to reflect the current corrosion protection methods for the USTs at Facility No. 1.
- 2. Within 45 days submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.c.

### Litigation Information

Date Petition(s) Filed:	May 12, 2023
Date(s) of Service:	May 17, 2023
Settlement Date:	June 13, 2023
	~ ~ ~ ~ ~

### **Contact Information**

**TCEQ Attorneys:**Cynthia Sirois, Litigation Division, (512) 239-3400Sheldon Wayne, Public Interest Counsel, (512) 239-6363

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

**TCEQ Enforcement Coordinator:** Ken Moller, Enforcement Division, (512) 239-6111

### EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58423 Page 3 of 3 CIRCLE K STORES INC. dba Circle K Store 2704686 and dba Circle K Store 2704676 RN101992360 & RN105829030 Docket No. 2019-1448-PST-E

TCEQ Regional Contact: Elijah Gandee, Austin Regional Office, (512) 339-2929
Respondent Contact: CIRCLE K STORES INC, P.O. Box 52085, Phoenix, Arizona 85072-2085
Respondent's Attorney: John M. Pearce, Fennemore Craig PC, 2394 East Camelback Road, Suite 600, Phoenix, Arizona 85016

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### PCW 1 of 2

	Policy Revision 4 (Ap		nalty C	alculatior	n Worksh	eet (PC		Revision March 26, 2014
TCEQ DATES	Assigned PCW	23-Sep-2019 14-Jan-2022	Screening	2-Oct-2019	EPA Due			
Reg	Respondent J. Ent. Ref. No.			Circle K Store 27				
	ty/Site Region	11-Austin			Major/M	inor Source	Major	
Med		2019-1448-PST- Petroleum Storag		Maximum	Government	Coordinator	1660 No	eam 6
				ty Calculat		n		
		LTY (Sum of		base penalt	ies)		Subtotal 1	\$22,500
ADJU		/-) TO SUBT( tained by multiplying story		Penalty (Subtotal 1) <b>0.0%</b>	by the indicated pe Adjustment	5	tals 2, 3, & 7	\$0
	Notes		No adjustme	ent for complian	ce history.			
	Culpability Notes	No The Be	cnondont doc	0.0%	Enhancement	ria	Subtotal 4	\$0
			•			10.		
	Good Faith Effe	ort to Comply T	otal Adjustn	nents			Subtotal 5	-\$375
	Economic Bene Estimated	<b>efit</b> Total EB Amounts Cost of Compliance	\$85 \$2,640		Enhancement*   at the Total EB \$ A	mount	Subtotal 6	\$0
SUM C	OF SUBTOTA	LS 1-7				F	inal Subtotal	\$22,125
		Subtotal by the indic			0.0%		Adjustment	\$0
	Notes							
CTATI			17				alty Amount	\$22,125
DEFER		ADJUSTMEN	*1	ſ	0.0%	Reduction	ssed Penalty Adjustment	\$22,125
		nalty by the indicated		ed for non-expec			. ajustment	· · · · ·
PAYA		(						\$22,125

				PCW	1 of 2
	Screen	<b>Docket No.</b> 2019-1448-PST-E		F	PCW
Reg	Cas . Ent. Refere Media [	pondent       CIRCLE K STORES INC. dba Circle K Store 2704686 ("Facility 1")         e ID No.       58423         ence No.       RN101992360         Statute]       Petroleum Storage Tank         rdinator       Ken Moller		icy Revision 4 (Ap / Revision March .	
		Compliance History Worksheet			
>> Con	npliance Histo Component	ry <i>Site</i> Enhancement (Subtotal 2) 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%	
		Any agreed final enforcement orders containing a denial of liability ( <i>number of</i> orders meeting criteria)	0	0%	
	Orders	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	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%	
	Decrees	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 (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%	
	Addits	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%	
		Environmental management systems in place for one year or more	No	0%	
	Other	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 Per	centage (Sub	ototal 2)	0%
>> Rep	peat Violator (	Subtotal 3)			
	No	Adjustment Per	centage (Sub	ototal 3)	0%
>> Con	mpliance Histo	ry Person Classification (Subtotal 7)			
	Satisfactory I	Performer Adjustment Per	centage (Sub	ototal 7)	0%
>> Con	npliance Histo	ry Summary			
	Compliance History Notes	No adjustment for compliance history.			
>> Final	l Compliance F	Total Compliance History Adjustment Percentage (S History Adjustment	Subtotals 2,	3, & 7)	0%
, , ina	. sompnance i	Final Adjustment Percenta	age *capped	at 100%	0%

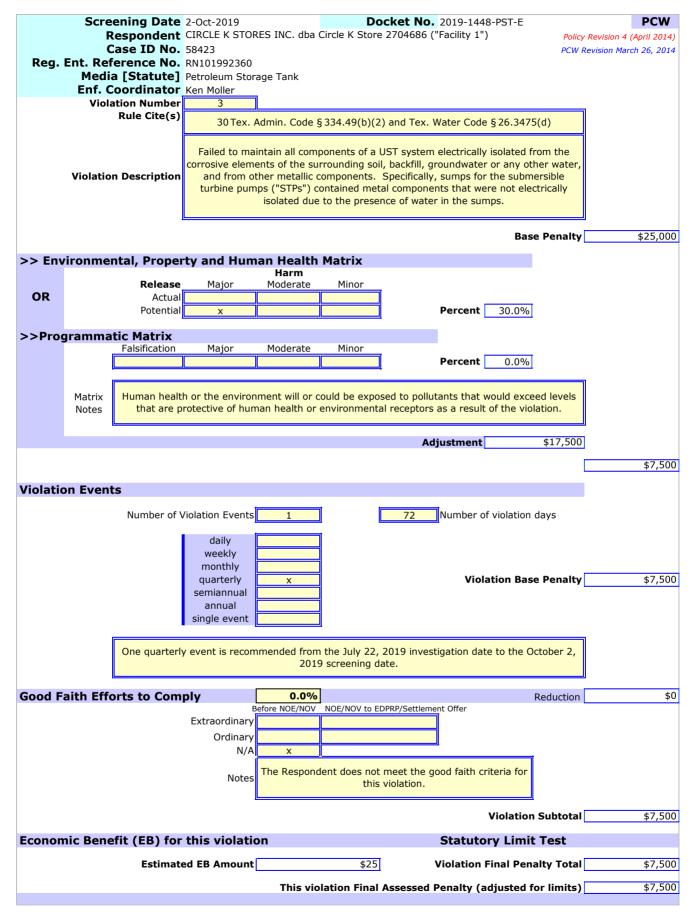
### **PCW 1 of 2**

		ening Date				ket No. 2019-1448-PST-E		PCW
				NC. dba C	ircle K Store	2704686 ("Facility 1")	Policy	Revision 4 (April 2014)
		ase ID No.					PCW R	evision March 26, 2014
Reg.			RN101992360					
			Petroleum Storage T	Fank				
		Coordinator ation Number						
	VIUI							
		Rule Cite(s)	30 Tex. Admin. C	ode § 334	.50(b)(1)(A)	and Tex. Water Code §26.347	5(c)(1)	
			Eailed to monitor t	ho undora	round storage	e tanks ("USTs") in a manner v	which will	
	Violatio	n Description				of at least once every 30 days.		
					. ,			
						Pag	e Penalty	\$25,000
						Base	Penalty	\$25,000
>> Env	vironme	ntal, Propei	rty and Human I		Matrix			
		Deless		larm	Minor			
OR		Release Actual	Major Mo	derate	Minor			
ÖŇ		Potential	x			Percent 30.0%		
			<u></u>	I				
>>Pro	gramma	tic Matrix						
		Falsification	Major Mo	derate	Minor			
						Percent 0.0%		
	Matrix					d to pollutants that would exce		
	Notes	that are pr	otective of human he	ealth or ei	nvironmental	receptors as a result of the vio	lation.	
						Adjustment	\$17,500	
								\$7,500
							l	\$7,500
Violati	on Event	ts						
		Number of \	/iolation Events	1	L	72 Number of violation	days	
			daily	i				
			weekly					
			monthly					
			quarterly	х		Violation Base	e Penalty	\$7,500
			semiannual					
			annual					
			single event					
		One quarterly	event is recommend		he July 22, 2 screening dat	019 investigation date to the C	ctober 2,	
				2019	screening dat	e		
Cood				0.00/				\$0
Good F		orts to Com		0.0% NOE/NOV	NOE/NOV to EDI	PRP/Settlement Offer	Reduction	<del>پ</del> 0
			Extraordinary					
			Ordinary					
			N/A	х				
					nt doog nat	post the good faith with the		
			Notes The	kesponde		neet the good faith criteria for iolation.		
						Violation	Subtotal	\$7,500
						VIOIdtion	Subtold	۵ <i>۷,3</i> 00
Econor	nic Bene	efit (EB) for	this violation			Statutory Limit	Test	
		Estimate	ed EB Amount		\$53	Violation Final Pena	alty Total	\$7,500
			Т	nis viola	tion Final As	sessed Penalty (adjusted for	or limits)	\$7,500

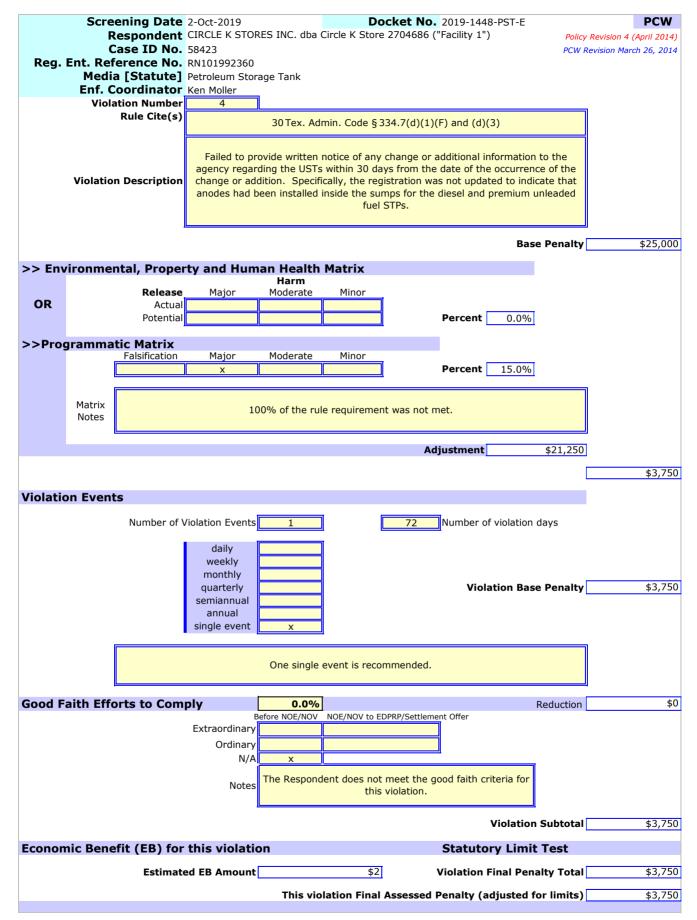
	E	conomic	Benefit	Wo	rksheet		
Perpendent		RES INC. dba Circ		-			
•			le K Store 270	+000 (	raciiity I)		
Case ID No.							
Reg. Ent. Reference No.							
	Petroleum Sto	rage Tank				Percent Interest	Years of
Violation No.	1					r creent interest	Depreciation
						5.0	1!
	Item Cost	Date Required	Final Date	Vrc	Interest Saved	Onetime Costs	EB Amount
These Decemination		Bute Required	That Date		Interest Savea	onetime costs	ED Amount
Item Description							
Delayed Costs	r						
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					40		
				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500 Estimated de	22-Jul-2019	4-Apr-2020	0.70	\$53	n/a	\$53
Notes for DELAYED costs	Estimated de	ayed cost to moni	tor the USTs fo the Final Date	0.70 or release is the	\$53 ses. The Date Req date of complianc	n/a uired is the investig e.	\$53 ation date, and
Notes for DELAYED costs	Estimated de	ayed cost to moni	tor the USTs fo the Final Date	0.70 r release is the	\$53 ses. The Date Req date of complianc ng item (except	n/a uired is the investig e. <b>for one-time avoi</b> d	\$53 ation date, and ded costs)
Notes for DELAYED costs Avoided Costs Disposal	Estimated de	ayed cost to moni	tor the USTs fo the Final Date	0.70 or release is the enterin 0.00	\$53 ses. The Date Req date of complianc ng item (except \$0	n/a uired is the investig e. f <b>or one-time avoi</b> d \$0	\$53 ation date, and ded costs) \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated de	ayed cost to moni	tor the USTs fo the Final Date	0.70 r release is the enterin 0.00 0.00	\$53 ses. The Date Req date of complianc ng item (except \$0 \$0	n/a uired is the investig e. <b>for one-time avoic</b> \$0 \$0	\$53 ation date, and ded costs) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling	Estimated de	ayed cost to moni	tor the USTs fo the Final Date	0.70 r release is the <b>enterin</b> 0.00 0.00	\$53 ses. The Date Req date of complianc ng item (except \$0 \$0 \$0	n/a uired is the investig e. <b>for one-time avoid</b> \$0 \$0 \$0	\$53 ation date, and ded costs) \$0 \$0 \$0
Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Estimated de	ayed cost to moni	tor the USTs fo the Final Date	0.70 r release e is the 0.00 0.00 0.00 0.00	\$53 ses. The Date Req date of complianc ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a uired is the investig e. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$53 ation date, and ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Estimated de	ayed cost to moni	tor the USTs fo the Final Date	0.70 r release is the 0.00 0.00 0.00 0.00 0.00	\$53 ses. The Date Req date of complianc <b>ng item (except</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a uired is the investig e. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$53 ation date, and ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated de	ayed cost to moni	tor the USTs fo the Final Date	r release is the enterin 0.00 0.00 0.00 0.00 0.00 0.00	\$53 ses. The Date Req date of complianc <b>ng item (except</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a uired is the investig e. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$53 ation date, and <b>ded costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Estimated de	ayed cost to moni	tor the USTs fo the Final Date	0.70 r release is the 0.00 0.00 0.00 0.00 0.00	\$53 ses. The Date Req date of complianc <b>ng item (except</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a uired is the investig e. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$53 ation date, and ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated de	ayed cost to moni	tor the USTs fo the Final Date	r release is the enterin 0.00 0.00 0.00 0.00 0.00 0.00	\$53 ses. The Date Req date of complianc <b>ng item (except</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a uired is the investig e. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$53 ation date, and \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

		ening Date				cket No. 2019-1448-PST-	E	PCW
	F	Respondent	CIRCLE K STO	RES INC. dba	Circle K Store	2704686 ("Facility 1")	Policy	Revision 4 (April 2014)
	(	Case ID No.	58423				PCW F	Revision March 26, 2014
Reg.	Ent. Ref	ference No.	RN101992360					
			Petroleum Stor	rage Tank				
		Coordinator		-				
	Viol	ation Number						
		Rule Cite(s)	30 Tex. A	dmin. Code §3	34.51(a)(6) a	nd Tex. Water Code § 26.34	75(c)(2)	
					,oo 1(u)(o) u		, s(s)(=)	
			Failed to assur	re that all insta	lled spill and o	overfill prevention devices ar	e maintained	
	Violatio	n Description				the spill bucket for the sup		
					UST was	cracked.		
			<u> </u>					4
						E	Base Penalty	\$25,000
							_	
>> Env	vironme	ntal, Prope	rty and Hum	Harm	Matrix			
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential		х		Percent 15.0	)%	
			1				<u>·</u>	
>>Prog	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
						Percent 0.0	)%	
								1
	Matrix					sed to significant amounts o		
	Notes	which would n	ot exceed level			an health or environmental r	eceptors as a	
				resul	t of the violati	on.		
							¢21.250	1
						Adjustment	\$21,250	
								\$3,750
								1 - 7
Violatio	on Even	ts						
Violatio	on Even							
Violatio	on Even		/iolation Events	1		59 Number of violat	ion days	
Violatio	on Even			1		59 Number of violat	ion days	
Violatio	on Even		daily	1		59 Number of violat	ion days	
Violatio	on Even		daily weekly			59 Number of violat	ion days	
Violatio	on Even		daily weekly monthly					¢3 750
Violatio	on Even		daily weekly monthly quarterly	1			ion days Base Penalty	\$3,750
Violatio	on Even		daily weekly monthly quarterly semiannual					\$3,750
Violatio	on Even		daily weekly monthly quarterly semiannual annual					\$3,750
Violatio	on Even		daily weekly monthly quarterly semiannual					\$3,750
Violatio	on Even	Number of N	daily weekly monthly quarterly semiannual annual single event	x		Violation I	Base Penalty	\$3,750
Violatio	on Even	Number of N	daily weekly monthly quarterly semiannual annual single event	x mended from		Violation I 019 investigation date to th	ase Penalty	\$3,750
Violatio	on Even	Number of N	daily weekly monthly quarterly semiannual annual single event	x 	the July 22, 2 9 compliance	Violation I 019 investigation date to th	ase Penalty	\$3,750
		Number of N	daily weekly monthly quarterly semiannual annual single event	x mended from 19, 201		Violation I 019 investigation date to th	Base Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is recom	x 	9 compliance	Violation I 019 investigation date to th date.	ase Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is recom	x x mended from 19, 201 0.0%	9 compliance	Violation I 019 investigation date to th	Base Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is recom	x mended from 19, 201 0.0% 3efore NOE/NOV	9 compliance	Violation I 019 investigation date to th date.	Base Penalty	\$3,750
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is recom y event is recom	x mended from 19, 201 0.0% 3efore NOE/NOV	9 compliance	Violation I 019 investigation date to th date.	Base Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is recom	x 1000000000000000000000000000000000000	9 compliance	Violation I 019 investigation date to th date. PRP/Settlement Offer	Base Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is recom y event is recom	x 1000000000000000000000000000000000000	9 compliance NOE/NOV to ED	Violation I 019 investigation date to th date. PRP/Settlement Offer compliance on September 1	Base Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is recom y event is recom	x x mended from 19, 201 0.0% Sefore NOE/NOV x The Respond 2019, a	9 compliance NOE/NOV to EDI lent achieved fter the Septe	Violation I 019 investigation date to th date. PRP/Settlement Offer compliance on September 1' mber 16, 2019 Notice of	Base Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is recon y event is recon Extraordinary Ordinary N/A	x x mended from 19, 201 0.0% Sefore NOE/NOV x The Respond 2019, a	9 compliance NOE/NOV to EDI lent achieved fter the Septe nent and prior	Violation I 019 investigation date to th date. PRP/Settlement Offer compliance on September 1	Base Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is recon y event is recon Extraordinary Ordinary N/A	x x mended from 19, 201 0.0% Sefore NOE/NOV x The Respond 2019, a	9 compliance NOE/NOV to EDI lent achieved fter the Septe nent and prior	Violation I 019 investigation date to th date. PRP/Settlement Offer Compliance on September 1 mber 16, 2019 Notice of to the December 6, 2019	Base Penalty	
		Number of N	daily weekly monthly quarterly semiannual annual single event y event is recon y event is recon Extraordinary Ordinary N/A	x x mended from 19, 201 0.0% Sefore NOE/NOV x The Respond 2019, a	9 compliance NOE/NOV to EDI lent achieved fter the Septe nent and prior	Violation I 019 investigation date to th date. PRP/Settlement Offer PRP/Settlement Offer Compliance on September 1 mber 16, 2019 Notice of to the December 6, 2019 nent offer.	Base Penalty	\$0
Good F	aith Eff	Number of N	daily weekly monthly quarterly semiannual single event single event y event is recom ply Extraordinary Ordinary N/A Notes	x x 19, 201 0.0% 3efore NOE/NOV X The Respond 2019, a Enforcer	9 compliance NOE/NOV to EDI lent achieved fter the Septe nent and prior	Violation I 019 investigation date to th date. PRP/Settlement Offer provide the date of th	Base Penalty e September Reduction	
Good F	aith Eff	Number of N	daily weekly monthly quarterly semiannual annual single event y event is recon y event is recon Extraordinary Ordinary N/A	x x 19, 201 0.0% 3efore NOE/NOV X The Respond 2019, a Enforcer	9 compliance NOE/NOV to EDI lent achieved fter the Septe nent and prior	Violation I 019 investigation date to th date. PRP/Settlement Offer PRP/Settlement Offer Compliance on September 1 mber 16, 2019 Notice of to the December 6, 2019 nent offer.	Base Penalty e September Reduction	\$0
Good F	aith Eff	Number of N One quarterly orts to Com	daily weekly monthly quarterly semiannual single event single event y event is recom ply Extraordinary Ordinary N/A Notes	x x 19, 201 0.0% 3efore NOE/NOV X The Respond 2019, a Enforcer	9 compliance NOE/NOV to EDI lent achieved fter the Septe nent and prior	Violation I 019 investigation date to th date. PRP/Settlement Offer provide the date of th	Base Penalty e September Reduction	\$0
Good F	aith Eff	Number of N One quarterly orts to Com	daily weekly monthly quarterly semiannual annual single event y event is recom ply Extraordinary Ordinary N/A Notes	x mended from 19, 201 0.0% 3efore NOE/NOV x The Respond 2019, a Enforcer	9 compliance NOE/NOV to ED lent achieved fter the Septe nent and prior settlen \$6]	Violation I 019 investigation date to th date. PRP/Settlement Offer compliance on September 1 mber 16, 2019 Notice of to the December 6, 2019 nent offer. Violat Statutory Lin	Base Penalty e September Reduction	\$0

	E	conomic	Benefit '	Wo	rksheet		
Respondent	CIRCLE K STO	RES INC. dba Circ	le K Store 2704	686 ("	'Facility 1")		
Case ID No.	58423						
Reg. Ent. Reference No.	RN101992360						
	Petroleum Sto						Years of
Violation No.		ruge runk				Percent Interest	Depreciation
violation No.	2					5.0	-
			Eluci Dete				15
		Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
Delayed Costs				_			
Equipment	\$500	22-Jul-2019	19-Sep-2019	0.16	\$0	\$5	\$6
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs		the investiga	tion date, and t	the Fin	al Date is the date	ed fuel UST. The Da of compliance.	•
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0 \$0	\$0
Supplies/Equipment				0.00	\$0	\$0 \$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$500			TOTAL		\$6



	Ec	conomic	Benefit	Wo	rksheet		
Case ID No.	58423	RES INC. dba Circ	cle K Store 2704	4686 ('	'Facility 1")		
Reg. Ent. Reference No. Media Violation No.	Petroleum Stor					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	Final Date	Yrs	Interest Saved	<b>Onetime Costs</b>	EB Amount
Item Description							
Delayed Costs		1		7		<b>I</b>	
Equipment		<u> </u>		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)		<u> </u>		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction Land				0.00	\$0	 	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$100	22-Jul-2019	22-Jul-2019	0.00	\$0	n/a	\$0
Permit Costs	<b>\$100</b>		22 34. 2013	0.00	\$0	n/a	\$0
Other (as needed)	\$500	22-Jul-2019	19-Jul-2020	0.99	\$25	n/a	\$25
Notes for DELAYED costs	fuel STPs, as the in Estimated o	well as the sump vestigation date, a delayed cost to te	under the disp and the Final Da st the corrosion	enser f ate is t protec	for the diesel fuel the date the correct	ar unleaded, premiu ank (\$100). The Da tive action was com e UST system (\$50 e date of complianc	ate Required is apleted.
Avoided Costs	ANNUAL	[ZE [1] avoided	costs before	enterii	ng item (except	for one-time avoi	ded costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed) Notes for AVOIDED costs		<u>II</u> II		0.00	\$0	\$0	\$0
Approx. Cost of Compliance		\$600			TOTAL		\$25



	E	conomic	Benefit	Wo	rksheet		
Respondent	CIRCLE K STO	RES INC. dba Circ	le K Store 2704	4686 ("	Facility 1")		
Case ID No.							
Reg. Ent. Reference No.							
	Petroleum Sto	rago Tank					Years of
Violation No.		Tage Talik				Percent Interest	Depreciation
violation No.	-					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		Dute Required	That Dute		211101 001 001 00		LD / mount
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				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$40	22-Jul-2019	19-Jul-2020	0.99	\$2	n/a	\$2
Notes for DELAYED costs		ne sumps for the o	diesel and the p	remiun	n unleaded fuel ST	ate that anodes had Ps. The Date Requir	
		investigation da	ite, and the Fin	al Date	is the estimated of	late of compliance.	
Avoided Costs	ANNUAL	[ZE [1] avoided	costs before	enterir	ng item (except	for one-time avoid	led costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$40			TOTAL		\$2

	Policy Revision 4 (Aj		nalty Calc	ulatior	n Worksh	eet (PC		Revision March 26, 2014
TCEQ	A a sign a d	22 Can 2010						
DATES	PCW	23-Sep-2019 8-Oct-2019	Screening 2-0	oct-2019	EPA Due		1	
		0 000 2019	bereening 2 c					
RESPO		TY INFORMATI						
Dec			S INC. dba Circle	K Store 27	04676 ("Facility	<sup>,</sup> 2")		
	g. Ent. Ref. No. tv/Site Region				Major/M	inor Source	Major	
Tuem	ty, one negion	11 Adoth			110,017,11	iner seurce		
CASE I	NFORMATION							
En	f./Case ID No.		_		No. o	f Violations		
Mad		2019-1448-PST-			Government	Order Type		
Med	Multi-Media	Petroleum Stora	је тапк			Coordinator		
	Fight Ficult				2		Enforcement T	eam 6
Adr	nin. Penalty \$ I	imit Minimum	\$0 Max	imum	\$25,000			
			•		tion Sectio	on		
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation base	e penalt	ies)		Subtotal 1	\$7,500
ADJU	STMENTS (+	/-) TO SUBTO	DTAL 1					
	Compliance Hi		the Total Base Penalty	9 (Subtotal 1) <b>0.0%</b>	Adjustment		tals 2, 3, & 7	\$0
	compliance m	Story		0.0 /0	Aujustinent	54500		40
	Notes		No adjustment for	or complian	ice history.			
							J	
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	spondent does not	t meet the	culpability crite	ria.		
							J	
	Good Faith Eff	ort to Comply T	otal Adjustments	S			Subtotal 5	\$0
		• •	-					
	Economic Ben	əfit		0.00%	Enhancement*		Subtotal 6	\$0
	Economic Ben	Total EB Amounts	\$75		f at the Total EB \$ A	mount	Sublolar	<del>پ</del> ۵
	Estimated	Cost of Compliance	\$1,500					
SUM (	OF SUBTOTA	IS 1-7				F	inal Subtotal	\$7,500
3011	JI JUDIUIA	L3 I-/				E.	illai Subtotai	φ7,500
OTHE	R FACTORS A	AS JUSTICE M	AY REQUIRE		0.0%		Adjustment	\$0
		Subtotal by the indic		_			· · · · <b>· ·</b> · · · · · · · · · · · · ·	
	Notes							
						Einal Per	alty Amount	\$7,500
						Fillal Pell	any Amount	\$7,500
STATI	JTORY LIMI		IT			Final Asse	ssed Penalty	\$7,500
							······	
DEFER	RRAL				0.0%	Reduction	Adjustment	\$0
Reduces t	he Final Assessed Pe	nalty by the indicated	l percentage.				1	
	Not	Defe	mal not offered for		dited optilars	_		
	Notes	Defe	rral not offered for	non-expe	uiteu settiemen			
							1	
PAYA	BLE PENALT	1						\$7,500
		-						÷-, <b>-••</b>

Reg.	Res Cas Ent. Refere Media [3	ing Date2-Oct-2019Docket No.2019-1448-PST-EpondentCIRCLE K STORES INC. dba Circle K Store 2704676 ("Facility 2")e ID No.58423ence No.RN105829030StatutePetroleum Storage Tank		icy Revision 4 ( V Revision Marc	
	Enf. Coo	rdinator Ken Moller			
> Com	npliance Histo	Compliance History Worksheet ry Site Enhancement (Subtotal 2)			
	Component		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%	
		Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%	
	Orders	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	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%	
	Decrees	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 (number of events)	0	0%	
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%	
[		Environmental management systems in place for one year or more	No	0%	
	Other	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 Per	centage (Sub	ototal 2)	0%
Rep	eat Violator (	Subtotal 3)			
[	No	Adjustment Per	centage (Sub	ototal 3)	0%
Con	npliance Histo	ry Person Classification (Subtotal 7)			
[	Satisfactory R	Performer Adjustment Per	centage (Sub	ototal 7)	0%
Con	npliance Histo	ry Summary			
	Compliance History Notes	No adjustment for compliance history.			
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7)	0%
Final	Compliance F	listory Adjustment Final Adjustment Percent:	ane *canned	at 100%	0%

Final Adjustment Percentage \*capped at 100% 0%

	Scre	ening Date	2-Oct-2019		Doc	<b>ket No.</b> 2019-1448-PST-E		PCW
	R	espondent	CIRCLE K STO	RES INC. dba C	ircle K Store	2704676 ("Facility 2")	Policy	Revision 4 (April 2014)
		ase ID No.					PCW R	evision March 26, 2014
Reg.			RN105829030					
			Petroleum Stor	rage Tank				
		oordinator		ন				
	Viola	ation Number	1					1
		Rule Cite(s)	30 Tex. Adm	nin. Code §334	.50(b)(1)(B)	and Tex. Water Code §26.347	5(c)(1)	
Violation Description		detect a relea monitoring for	se at a frequen USTs installed	cy of at leas on or after J	ge tanks ("USTs") in a manner u t once every 30 days by using i anuary 1, 2009, no later than S alled on July 1, 2011 and the Re	nterstitial September		
			1, 2018. Specifically, the USTs were installed on July 1, 2011 and the Respondent was not conducting interstitial monitoring.					
						Bas	e Penalty	\$25,000
>> Env	vironme	ntal, Prope	rty and Hum		Matrix			
		Release	Major	<b>Harm</b> Moderate	Minor			
OR		Actual		nouerate				
U.N.		Potential	x			Percent 30.0%		
			<u> </u>					
>>Pro	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	Matrix Notes					ed to pollutants that would exc receptors as a result of the vic		
						Adjustment	\$17,500	
							r	47 F00
								\$7,500
Violati	on Event	ts						
Totaci			/iolation Events	1	Ĩ	72 Number of violation	davs	
			daily weekly monthly quarterly semiannual annual		Ľ	Violation Bas		\$7,500
			single event					
		One quarterly	<sup>,</sup> event is recom		the July 22, 2 screening da	2019 investigation date to the C te.	October 2,	
Good F	aith Effo	orts to Com	ply	0.0%			Reduction	\$0
					NOE/NOV to E	PRP/Settlement Offer	Reduction	
			Extraordinary	,				
			Ordinary	,				
			N/A	x			l	
			Notes	The Responde		neet the good faith criteria for violation.	l	
						Violation	Subtotal	\$7,500
Econor	mic Bene	fit (EB) for	this violati	on		Statutory Limit	: Test	
		Estimate	ed EB Amount		\$75	Violation Final Pen	alty Total	\$7,500
				This viola	tion Final A	ssessed Penalty (adjusted f	or limits)	\$7,500

	E	conomic	Benefit	Wo	rksheet		
<b>Respondent</b> CIRCLE K STORES INC. dba Circle K Store 2704676 ("Facility 2")							
Case ID No. 58423							
Reg. Ent. Reference No.	RN105829030						
	Petroleum Sto						Years of
Violation No.		lage falls				<b>Percent Interest</b>	Depreciation
violation No.	1						
						5.0	1!
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	l						
-							
Delayed Costs							
Equipment	1			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
				0.00	40	Π/a	40
Permit Costs				0.00	\$0	n/a	\$0
Permit Costs Other (as needed)	\$1,500	22-Jul-2019	19-Jul-2020	0.00 0.99	\$0 \$75	n/a n/a	\$0 \$75
Other (as needed) Notes for DELAYED costs	Estimated del Date Re	ayed cost to imple quired is the inves	ement interstitia tigation date, a	0.00 0.99 al moni and the	\$0 \$75 toring release dete Final Date is the e	n/a n/a ection for all USTs a estimated date of co	\$0 \$75 t Facility 2. The mpliance.
Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated del Date Re	ayed cost to imple quired is the inves	ement interstitia tigation date, a	0.00 0.99 al moni and the	\$0 \$75 toring release dete Final Date is the e	n/a n/a ection for all USTs a estimated date of co for one-time avoid	\$0 \$75 t Facility 2. The mpliance. <b>ied costs)</b>
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated del Date Re	ayed cost to imple quired is the inves	ement interstitia tigation date, a	0.00 0.99 al moni and the enterin 0.00	\$0 \$75 toring release dete Final Date is the e ng item (except 1 \$0	n/a n/a ection for all USTs a estimated date of co for one-time avoid \$0	\$0 \$75 t Facility 2. The mpliance. ded costs) \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated del Date Re	ayed cost to imple quired is the inves	ement interstitia tigation date, a	0.00 0.99 al moni and the enterin 0.00 0.00	\$0 \$75 toring release dete Final Date is the e ng item (except 1 \$0 \$0	n/a n/a ection for all USTs a estimated date of co for one-time avoid \$0 \$0	\$0 <u>\$75</u> t Facility 2. The mpliance. <b>Ied costs)</b> <u>\$0</u> \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling	Estimated del Date Re	ayed cost to imple quired is the inves	ement interstitia tigation date, a	0.00 0.99 al moni and the enterin 0.00 0.00	\$0 \$75 toring release dete Final Date is the e ng item (except 1 \$0 \$0 \$0 \$0 \$0	n/a n/a ection for all USTs a estimated date of co for one-time avoid \$0 \$0 \$0 \$0	\$0 \$75 t Facility 2. The mpliance. <b>ded costs)</b> \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment	Estimated del Date Re	ayed cost to imple quired is the inves	ement interstitia tigation date, a	0.00 0.99 al moni and the <b>enteri</b> 0.00 0.00 0.00	\$0 \$75 toring release dete Final Date is the e ng item (except to \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a ection for all USTs at estimated date of co for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$75 t Facility 2. The mpliance. <b>Ied costs)</b> \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Estimated del Date Re	ayed cost to imple quired is the inves	ement interstitia tigation date, a	0.00 0.99 and moni and the enterin 0.00 0.00 0.00 0.00	\$0 \$75 toring release dete Final Date is the e <b>ng item (except</b> f \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a ection for all USTs a estimated date of co for one-time avoir \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$75 t Facility 2. The mpliance. <b>Ied costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated del Date Re	ayed cost to imple quired is the inves	ement interstitia tigation date, a	0.00 0.99 al moni and the enteria 0.00 0.00 0.00 0.00 0.00	\$0 \$75 toring release dete Final Date is the e ng item (except f \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a ection for all USTs a estimated date of co for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$75 t Facility 2. The mpliance. <b>Ied costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2]	Estimated del Date Re	ayed cost to imple quired is the inves	ement interstitia tigation date, a	0.00 0.99 and moni and the enterin 0.00 0.00 0.00 0.00	\$0 \$75 toring release dete Final Date is the e <b>ng item (except</b> f \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a ection for all USTs a estimated date of co for one-time avoir \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$75 t Facility 2. The mpliance. <b>Ied costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs <b>Avoided Costs</b> Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated del Date Re	ayed cost to imple quired is the inves	ement interstitia tigation date, a	0.00 0.99 al moni and the enteria 0.00 0.00 0.00 0.00 0.00	\$0 \$75 toring release dete Final Date is the e ng item (except f \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a ection for all USTs a estimated date of co for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$75 t Facility 2. The mpliance. <b>Ied costs)</b> \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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## TCEQ Compliance History Report

Compliance History Report for CN600134456, RN101992360, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator:	CN600134456, CIRCLE K STORES I	NC. Classification: SATISFAC	TORY Rating: 2.07
Regulated Entity:	RN101992360, Circle K Store 27046 ("Facility 1")	<b>Classification:</b> HIGH	<b>Rating:</b> 0.00
<b>Complexity Points:</b>	4	Repeat Violator: NO	
CH Group:	01 - Gas Stations with convenience	Stores and other Gas Stations	
Location:	6107 West Parmer Lane, Austin, Tra	avis County, Texas 78729-7577	
TCEQ Region:	REGION 11 - AUSTIN		
ID Number(s): PETROLEUM STORAGE TAN REGISTRATION 67707 EDWARDS AQUIFER PERMI EDWARDS AQUIFER PERMI	T 11-95012603	LEAKING PETROLEUM STORAGE T ID NUMBER 118859 EDWARDS AQUIFER PERMIT 11-950	
<b>Compliance History Peri</b>	od: September 01, 2014 to August	31, 2019 Rating Year: 2019	Rating Date: 09/01/2019
Date Compliance Histor	y Report Prepared: October 02	, 2019	
Agency Decision Requir	ing Compliance History: Enfo	rcement	
<b>Component Period Selec</b>	cted: October 02, 2014 to October	- 02, 2019	
TCEQ Staff Member to C	ontact for Additional Informa	tion Regarding This Complianc	e History.
Name: Ken Moller		<b>Phone:</b> (512) 239-	6111
Site and Owner/Oper	<u>ator History:</u>		
	nce and/or operation for the full five y change in ownership/operator of the		YES NO
<u>Components (Multime</u>	edia) for the Site Are Listed	l in Sections A - J	
A. Final Orders, court j N/A	udgments, and consent decre	es:	
B. Criminal convictions	:		
C. Chronic excessive er	missions events:		

N/A

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

Item 1 August 11, 2016 (1355128)

### 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):

- H. Voluntary on-site compliance assessment dates:  $_{\mbox{N/A}}$
- I. Participation in a voluntary pollution reduction program:  $N\!/\!A$
- J. Early compliance:

N/A

### Sites Outside of Texas:

N/A

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



# TCEQ Compliance History Report

Compliance History Report for CN600134456, RN105829030, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

	CN600134456, CIRCLE K STORES INC.	Classification: SATISFACTOR	RY Rating: 2.07					
or Owner/Operator: Regulated Entity:	RN105829030, Circle K Store 2704676 ("Facility 2")	Classification: HIGH	<b>Rating:</b> 0.00					
<b>Complexity Points:</b>	3	Repeat Violator: NO						
CH Group:	01 - Gas Stations with convenience Store	es and other Gas Stations						
Location:	3817 Williams Drive, Georgetown, Willian	iams Drive, Georgetown, Williamson County, Texas 78628-2416						
TCEQ Region:	REGION 11 - AUSTIN							
ID Number(s): EDWARDS AQUIFER PERMIT 11-09102901 EDWARDS AQUIFER PERMIT 11-10011901 EDWARDS AQUIFER PERMIT 11-10011901 EDWARDS AQUIFER PERMIT 11-10011901 REGISTRATION 84389								
Compliance History Peri	iod: September 01, 2014 to August 31, 2	019 Rating Year: 2019	Rating Date: 09/01/2019					
Date Compliance History Report Prepared: October 02, 2019								
Agency Decision Requiring Compliance History: Enforcement								
<b>Component Period Selec</b>	Component Period Selected: October 02, 2014 to October 02, 2019							
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.								
Name: Ken Moller         Phone:         (512) 239-6111								
Site and Owner/Oper	<u>ator History:</u>							
1) Has the site been in existence and/or operation for the full five year compliance period?YES2) Has there been a (known) change in ownership/operator of the site during the compliance period?NO								
<u>Components (Multimedia) for the Site Are Listed in Sections A - J</u>								
<b>A. Final Orders, court j</b> N/A	udgments, and consent decrees:							
<b>B. Criminal convictions</b> N/A	::							
C. Chronic excessive emissions events: N/A								
D. The approval dates of	of investigations (CCEDS Inv. Trac	k. No.):						

D. The approval dates of investigations (CCEDS Inv. Track. No.): Item 1 August 08, 2016 (1350196)

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

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

F. Environmental audits:

N/A

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

- H. Voluntary on-site compliance assessment dates:  $$N\!/\!A$$
- I. Participation in a voluntary pollution reduction program: \$N/A\$
- J. Early compliance:

N/A

Sites Outside of Texas:

N/A

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING CIRCLE K STORES INC. DBA CIRCLE K STORE 2704686 AND DBA CIRCLE K STORE 2704676; RN101992360 & RN105829030 **BEFORE THE** 

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

### AGREED ORDER

### DOCKET NO. 2019-1448-PST-E

### I. JURISDICTION AND STIPULATIONS

On\_\_\_\_\_\_\_, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CIRCLE K STORES INC. dba Circle K Store 2704686 and dba Circle K Store 2704676 ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and the Respondent, represented by John M. Pearce of the law firm Fennemore Craig, P.C., together stipulate that:

- 1. Respondent owns and operates, 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. Circle K Store 2704686, at 6107 West Parmer Lane in Austin, Travis County, Texas (Facility ID No. 67707) (herein "Facility No. 1"); and
  - b. Circle K Store 2704676, at 3817 Williams Drive in Georgetown, Williamson County, Texas (Facility ID No. 84389) (herein "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 TCEQ.

- 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 twenty-nine thousand six hundred twentyfive dollars (\$29,625.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Respondent paid twenty-nine thousand six hundred twenty-five dollars (\$29,625.00) 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 at Facility No. 1:
  - a. Implemented a release detection method for the USTs which will detect a release at a frequency of at least once every 30 days as of April 4, 2020 (Allegation No. 1.a);
  - b. Replaced the spill bucket for the super unleaded UST on September 19, 2019 (Allegation No. 1.b); and
  - c. Removed water from the sumps for the regular unleaded, premium, and diesel fuel submersible turbine pumps ("STPs"), as well as the sump under the dispenser for the diesel fuel tank on July 22, 2019 (Allegation No. 1.c.).

### **II. ALLEGATIONS**

- 1. During an investigation conducted at Facility No. 1 on July 22, 2019, an investigator documented that Respondent:
  - a. Failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days, in violation of Tex. WATER CODE § 26.3475(c)(1) and 30 Tex. ADMIN. CODE § 334.50(b)(1)(A);
  - b. Failed to assure that all installed spill and overfill prevention devices are maintained in good operating condition, in violation of TEX. WATER CODE § 26.3475(c)(2) and 30 TEX. ADMIN. CODE § 334.51(a)(6). Specifically, the spill bucket for the super unleaded UST was cracked;
  - c. Failed to maintain all components of a UST system electrically isolated from the corrosive elements of the surrounding soil, backfill, groundwater or any other water, and from other metallic components, in violation of TEX. WATER CODE § 26.3475(d) and 30 TEX. ADMIN. CODE § 334.49(b)(2). Specifically, sumps for the STPs contained metal components that were not electrically isolated due to the presence of water in the sumps; and
  - d. Failed to provide written notice of any change or additional information to the agency regarding the USTs 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)(F) and (d)(3). Specifically, the registration was not updated to indicate that anodes had been installed inside sumps for the diesel and premium unleaded fuel STPs.
- 2. During an investigation conducted at Facility No. 2 on July 22, 2019, an investigator documented that Respondent failed to monitor the USTs in a manner which will detect a release at a frequency of at least once every 30 days by using interstitial monitoring for USTs installed on or after January 1, 2009, by no later than September 1, 2018, in violation of TEX. WATER CODE § 26.3475(c)(1) and 30 TEX. ADMIN. CODE § 334.50(b)(1)(B).

Specifically, the USTs were installed on July 1, 2011, and Respondent was not conducting interstitial monitoring.

### **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 undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order:
    - i. Begin conducting interstitial monitoring to monitor the USTs at Facility No. 2 in a manner that will detect a release at a frequency of at least once every 30 days, in accordance with 30 TEX. ADMIN. CODE § 334.50 (Allegation No. 2);
    - 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 (Allegation Nos. 1.b. and 1.c.); and
    - iii. Submit an updated UST registration and self-certification form to reflect the current corrosion protection method(s) for the USTs at Facility No. 1, in accordance with 30 Tex. ADMIN. CODE § 334.7 (Allegation No. 1.d.).
  - b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a.i. through 2.a.iii. 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.
- 8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

### SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Frank. Chanallop

For the Executive Director

8/7/23 Date

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

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

- A negative impact on compliance history; ٠
- Greater scrutiny of any permit applications:
- Referral of this case to the Attorney General's office for contempt, injunctive relief, . additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions; •
- Automatic referral to the Attorney General's office of any future enforcement actions; and .
- TCEQ seeking other relief as authorized by law. ٠

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

Signature - Authorized Representative **CIRCLE K STORES Ind** P.O. Box 52085 Phoenix, Arizona 85072-2085

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